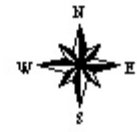
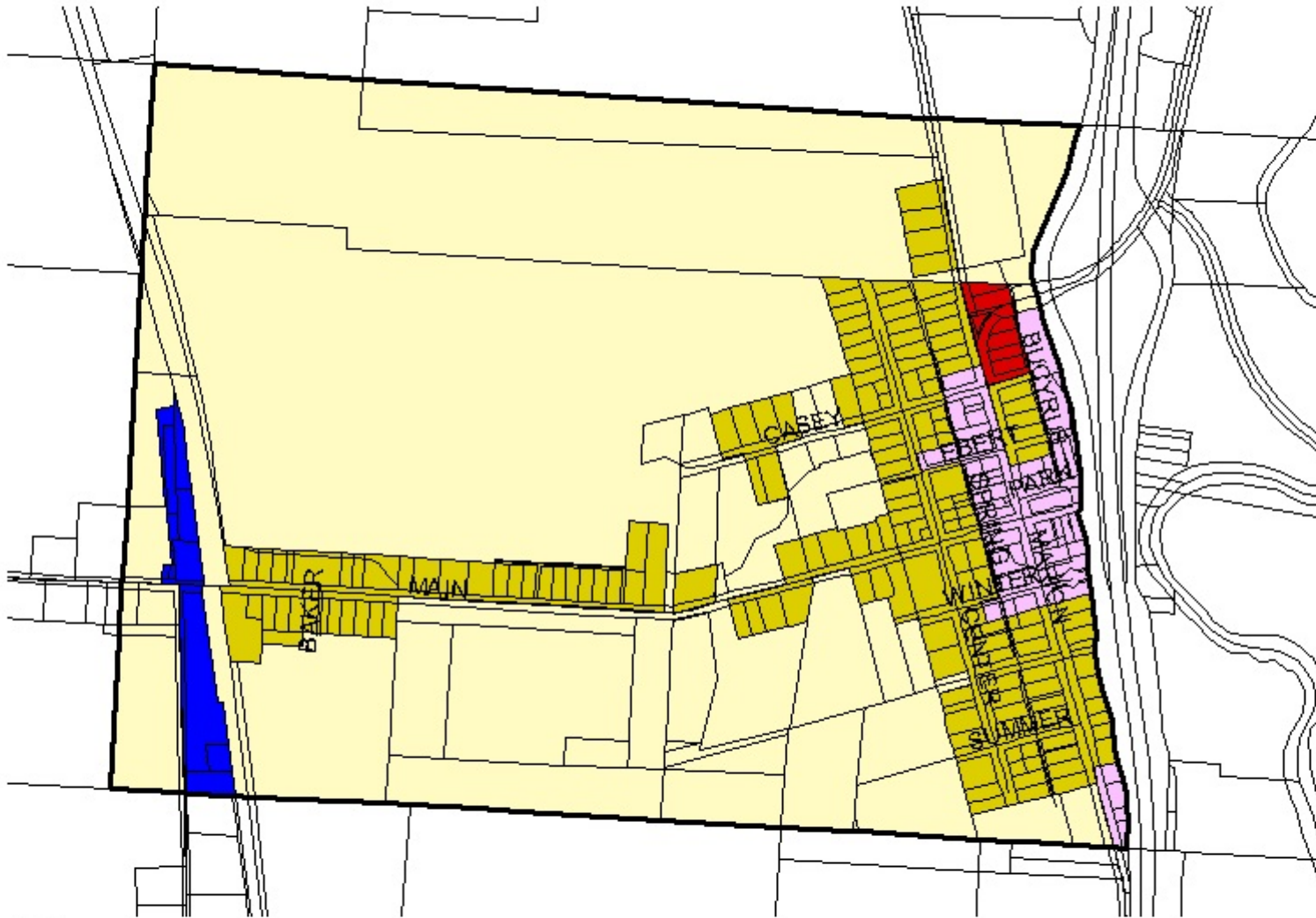











*Zoning Ordinance  
of the  
Village of Waldo,  
Ohio*

*Revised: May, 2014*

# Waldo Village Zoning Map



-  Road
-  Parcel
-  Municipal Boundary
- Waldo Village Zoning Districts**
-  R-1A - Low Density One- & Two-Family Residential Districts
-  R-1B - Medium Density One- & Two-Family Residential Districts
-  R-2 - General Residential District
-  C-1 - Neighborhood Mixed Use Commercial District
-  C-2 - General Commercial District
-  I-1 - Industrial District



Prepared By: MCRPC, 5/8/14

# Table of Contents

Chapter 1 - Title, Jurisdiction and Purpose. . . . .	1
1.01 <u>Title.</u> . . . . .	1
1.02 <u>Area of Jurisdiction.</u> . . . . .	1
1.03 <u>Purpose.</u> . . . . .	1
Chapter 2 - Legal Provisions. . . . .	2
2.01 <u>Minimum Requirements And Conflict.</u> . . . . .	2
2.02 <u>Conformance Required.</u> . . . . .	2
2.03 <u>Separability.</u> . . . . .	2
2.04 <u>Pending Developments.</u> . . . . .	2
2.05 <u>Violation, Penalties</u> . . . . .	2
Chapter 3 - Non-Conformities. . . . .	3
3.01 <u>Intent.</u> . . . . .	3
3.02 <u>Non-conforming Lots.</u> . . . . .	3
3.03 <u>Non-conforming Uses of Land.</u> . . . . .	3
3.031 <u>Change of Non-conforming Uses.</u> . . . . .	3
3.032 <u>Abandonment.</u> . . . . .	3
3.04 <u>Non-conforming Structures.</u> . . . . .	3
3.041 <u>Structural, Alteration, Extension, or Repair.</u> . . . . .	3
3.042 <u>Expansion of Use.</u> . . . . .	1
3.05 <u>Repairing Damaged Non-Conforming Structures.</u> . . . . .	1
3.06 <u>Non-Conforming Mobile or Manufactured Homes.</u> . . . . .	1
Chapter 4 - Official Zoning Map And Districts. . . . .	2
4.01 <u>Official Zoning Map.</u> . . . . .	2
4.02 <u>Adoption of the Official Zoning District Map as Part of this Ordinance.</u> . . . . .	2
4.03 <u>Determination of District Boundaries.</u> . . . . .	2
4.04 <u>Vacation of Streets, Alleys, or Other Public Ways.</u> . . . . .	2
4.05 <u>Zoning District Classification.</u> . . . . .	2
4.06 <u>Degree of Restrictiveness.</u> . . . . .	3
Chapter 5 - General Zoning District Provisions. . . . .	4
5.01 <u>Road Frontage Required For All Lots.</u> . . . . .	4
5.02 <u>Required Lot Area or Other Open Space Cannot be Reduced.</u> . . . . .	4
5.03 <u>General Zoning District Regulations.</u> . . . . .	4
5.04 <u>Prohibited Uses.</u> . . . . .	4
5.05 <u>Minimum Dwelling Sizes.</u> . . . . .	4
5.06 <u>Manufactured Homes on Individual Lots.</u> . . . . .	5
5.07 <u>Minimum Requirements for all Dwelling Units.</u> . . . . .	5
Chapter 6 - “R-1” One- and Two-Family Residential Districts. . . . .	6
6.01 <u>Purpose.</u> . . . . .	6
6.02 <u>Use Regulations.</u> . . . . .	6
6.03 <u>Area and Dimension Standards.</u> . . . . .	7
Chapter 7 - “R-2” General Residential District. . . . .	8
7.01 <u>Purpose.</u> . . . . .	8
7.02 <u>Use Regulations.</u> . . . . .	8
7.03 <u>“R-2” Area and Dimensional Standards.</u> . . . . .	9

7.04	<u>Manufactured and Mobile Home Park Requirements</u> .....	9
Chapter 8 - “C-1” Neighborhood Mixed Use Commercial District.....		
8.01	<u>Purpose</u> .....	12
8.02	<u>Use Regulations</u> .....	12
8.03	<u>Area &amp; Dimensional Standards</u> .....	13
8.031	<u>Minimum Lot Width</u> .....	13
8.032	<u>Minimum Lot Area</u> .....	13
8.033	<u>Minimum Front Yard</u> .....	13
8.034	<u>Minimum Side and Rear Yards</u> .....	13
Chapter 9 - “C-2” General Commercial District.....		
9.01	<u>Purpose</u> .....	15
9.02	<u>Use Regulations</u> .....	15
9.03	<u>Area And Dimensional Standards</u> .....	16
9.031	<u>Minimum Lot Width</u> .....	16
9.032	<u>Minimum Lot Area</u> .....	16
9.033	<u>Minimum Front Yard</u> .....	16
9.034	<u>Minimum Side and Rear Yards</u> .....	16
Chapter 10 - “I-1” Industrial District.....		
10.01	<u>Purpose</u> .....	17
10.02	<u>Use Regulations</u> .....	17
10.03	<u>Area Dimensional Standards</u> .....	19
10.031	<u>Minimum Lot Width</u> .....	19
10.032	<u>Minimum Lot Area</u> .....	19
10.033	<u>Minimum Front Yard</u> .....	19
10.034	<u>Minimum Side Yard and Rear Yards</u> .....	19
Chapter 11 - Special Use Regulations.....		
11.01	<u>Exceptions to Application of Area Dimension Standards</u> .....	20
11.011	<u>Exceptions to Lot Width And Area Requirements</u> .....	20
11.012	<u>Front Yard Exceptions and Modifications</u> .....	20
11.013	<u>Side-Yard Exceptions, Application And Adjustments</u> .....	20
11.014	<u>Rear Yard Exceptions Of Shallow Lots</u> .....	21
11.015	<u>Uses And Projections Permitted in Yards</u> .....	21
11.02	<u>Home Occupations</u> .....	22
11.03	<u>Private Swimming Pools</u> .....	22
11.04	<u>Natural Resources</u> .....	22
11.05	<u>Off-street Parking and Loading Standards</u> .....	23
11.051	<u>Purpose</u> .....	23
11.052	<u>Off-street Parking Spaces Required</u> .....	23
11.0521	<u>Application of Requirements</u> .....	23
11.0522	<u>Schedule of Parking Spaces Required</u> .....	23
11.0523	<u>Application of Schedule</u> .....	25
11.0524	<u>Development Standards For Off-Street Parking Space</u> .....	26
11.053	<u>Off-street Loading Space Required</u> .....	27
11.0531	<u>Requirements</u> .....	27
11.0532	<u>Schedule of Loading Spaces Required</u> .....	27
11.0533	<u>Application of Schedule</u> .....	27
11.0534	<u>Development Standards For Off-street Loading Space</u> .....	28
11.054	<u>Limitation of Parking in Residential Zoning Districts</u> .....	28
11.055	<u>Commercial Vehicles In Residential Districts</u> .....	28
11.056	<u>Camping Trailers or Other Trailers</u> .....	29

11.057	<u>Inoperable Automobiles</u> .....	29
11.06	<u>Sign Regulations</u> .....	29
11.061	<u>Exempted Signs</u> .....	29
11.062	<u>General Provisions</u> .....	29
11.063	<u>Accessory Signs in the Residential District</u> .....	30
11.064	<u>Accessory Signs in the Commercial and Industrial Districts</u> .....	30
11.065	<u>Advertising Signs</u> .....	30
11.066	<u>Local Standards</u> .....	30
11.067	<u>Temporary Signs</u> .....	31
11.068	<u>Political Graphics</u> .....	31
11.069	<u>Mounted Mobile Signs</u> .....	32
11.07	<u>Noise</u> .....	32
11.08	<u>Air Pollution</u> .....	33
11.09	<u>Lighting and Glare</u> .....	33
11.10	<u>Toxic and Hazardous Substances</u> .....	33
11.11	<u>Trash</u> .....	33
11.12	<u>Garage and Yard Sales</u> .....	33
11.13	<u>Antennas and Towers</u> .....	34
11.14	<u>Dangerous, Exotic, and Wild Animals</u> .....	34
11.15	<u>Agriculture</u> .....	34
11.16	<u>Wind Turbines</u> .....	34
11.17	<u>Public Utilities</u> .....	37
Chapter 12 - Planned Residential Conservation District (PRCD).....		38
12.01	<u>Purpose</u> .....	38
12.02	<u>Overlay Area</u> .....	38
12.03	<u>Effect of PRCD Overlay Designation</u> .....	38
12.04	<u>Permitted Uses</u> .....	39
12.05	<u>Designing a Conservation Subdivision</u> .....	40
12.06	<u>Procedure to Create a Conservation Subdivision</u> .....	41
12.07	<u>PRCD Development Plan Standards</u> .....	45
12.08	<u>Ownership and Maintenance of Open Space</u> .....	48
12.09	<u>Extension or Modification of Final Development Plan</u> .....	52
Chapter 13 - Planning Commission.....		54
13.01	<u>Organization, Staff Services and General Procedures</u> .....	54
13.011	<u>Organization</u> .....	54
13.012	<u>Staff Services</u> .....	54
13.013	<u>General Procedures</u> .....	54
13.02	<u>Power and Duties</u> .....	55
Chapter 14 -Board of Zoning Appeals.....		56
14.01	<u>Establishment, Staff Service and General Procedures</u> .....	56
14.011	<u>Establishment</u> .....	56
14.012	<u>Staff Services</u> .....	56
14.013	<u>General Procedures</u> .....	56
14.02	<u>Applications And Appeals</u> .....	57
14.021	<u>Filing Application</u> .....	57
14.022	<u>Filing Appeals</u> .....	57
14.023	<u>Hearings: Date and Notices</u> .....	57
14.024	<u>Adjournment of Hearing</u> .....	58
14.025	<u>Decisions of The Board</u> .....	58
14.026	<u>Stay of Proceedings</u> .....	58
14.03	<u>Powers of the Board</u> .....	59

14.031	<u>Interpretation of the Zoning Ordinance.</u>	<u>59</u>
14.032	<u>Original Jurisdiction Applications for Exception And Conditional Uses</u>	<u>59</u>
14.033	<u>Appeals for Variances.</u>	<u>59</u>
14.034	<u>General Powers.</u>	<u>60</u>
14.04	<u>Expiration of Permits for Exceptions, Conditional Uses and Variances.</u>	<u>60</u>
Chapter 15 - Administration.		<u>62</u>
15.01	<u>Duties of the Zoning Inspector.</u>	<u>62</u>
15.011	<u>Office of the Zoning Inspector.</u>	<u>62</u>
15.012	<u>Applications Zoning Permits.</u>	<u>62</u>
15.013	<u>Occupancy or Use Permits.</u>	<u>63</u>
15.0131	<u>Occupancy Permits; Where Zoning Permit Is Issued.</u>	<u>63</u>
15.0132	<u>Occupancy Permits; Where No Zoning Permit Is Required.</u>	<u>63</u>
15.0133	<u>Temporary Occupancy Permits.</u>	<u>63</u>
15.014	<u>Action on Applications: Time Limit.</u>	<u>63</u>
15.015	<u>Zoning Permits: Time Limit.</u>	<u>63</u>
15.02	<u>Fees.</u>	<u>64</u>
15.03	<u>Amendments.</u>	<u>64</u>
Chapter 16 - Definitions		<u>65</u>
16.01	<u>Definitions.</u>	<u>65</u>

# Chapter 1

## Title, Jurisdiction and Purpose

### 1.01 Title

This ordinance shall be known and may be cited to as the “Zoning Ordinance of the Village of Waldo, Ohio.”

### 1.02 Area of Jurisdiction

The provisions of this Zoning Ordinance shall apply to the incorporated area of the Village of Waldo. If, after the adoption of this Code, any surrounding unincorporated area becomes part of the Village, that area shall retain its existing zoning classification as given by the Township Trustees until reviewed and classified by amendment.

### 1.03 Purpose

In addition to and in support of the General Purposes of zoning set forth in Section 713.06, Revised Code of Ohio, this Ordinance is adopted for the following purposes:

1. To promote the public health, safety, morals, comfort, and general welfare of the citizens of the Village of Waldo,
2. To promote orderly development in the Village of Waldo according to the comprehensive plan for Marion County;
3. To conserve the values of property throughout the Village of Waldo and protect the character and stability of residential, commercial, and public areas;
4. To provide adequate area for drainage, privacy, and convenience of access to property;
5. To provide a pattern and density for the use of land which will lessen the need for substantial future expenditures for public utilities;
6. To provide for the achievement of purposes stated elsewhere herein with relation to the various aspects of growth and development in the Village of Waldo.

## Chapter 2

### Legal Provisions

#### 2.01 Minimum Requirements And Conflict

In the interpretation of the provisions of this Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity, and general welfare. When a provision of this Code differs or conflicts with the provisions of any other ordinance, statute, law or regulation, the most restrictive, or that imposing the higher standards shall apply.

#### 2.02 Conformance Required

Except as provided in this Code, no land, building, structure, or premises shall change use, and no building or structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations specified for the District in which it is located.

#### 2.03 Separability

Should any section, clause or provision of this Code be declared by a court to be invalid, such declaration shall not affect the validity of this Code as a whole, or part thereof, other than the part declared invalid.

#### 2.04 Pending Developments

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any development, building, structure, or part thereof, on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently.

#### 2.05 Violation, Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of this Code or any amendment thereto. Any violation of the provisions of this Code shall be a misdemeanor and, upon conviction, shall subject the owner or any person who has assisted in the commission of such violation, or who uses or maintains any building or premises in which such violation exists, to a fine of not more than one hundred (\$100.00) dollars, or imprisonment for not more than thirty (30) days, or both, and in addition the payment of all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice may be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.



## Chapter 3

### Non-Conformities

#### 3.01 Intent

Within the districts established by this Ordinance or subsequent amendments there exists lots, uses of land, and structures which individually or in combination were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed recognizing that the eventual elimination of non-conformities is as much a subject of health, safety, and welfare as is the prevention of new uses which would violate this Ordinance. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other strictures or uses prohibited elsewhere in the same district.

#### 3.02 Non-conforming Lots (See Section 11.01)

#### 3.03 Non-conforming Uses of Land

A non-conforming use may be continued subject to the exceptions and conditions hereunder.

##### 3.031 Change of Non-conforming Uses

No non-conforming use may be changed to another non-conforming use except with prior approval from the Board of Zoning Appeals in accordance with Section 13.02 of this Code. In granting such approval, the Board of Zoning Appeals must find that:

1. The proposed non-conforming use is permitted in the zone of the original non-conforming use or a more restrictive zone.
2. In the Board's judgement the use change will not be more detrimental to the neighborhood than the existing non-conformity.

##### 3.032 Abandonment

No building, structure, or premise where a non-conforming use has ceased for more than two(2) or more years after the effective date of this Ordinance, shall again be put to a non-conforming use.

#### 3.04 Non-conforming Structures

A non-conforming structure or use may be continued subject to the following conditions and requirements.

##### 3.041 Structural, Alteration, Extension, or Repair

A non-conforming structure may be altered, extended, or repaired without prior approval of the Board of Zoning Appeals provided that such alteration, extension, or

repair does not increase the degree of non-conformity. For example, if the yard requirements are non-conforming as to the dimensions, such dimensions shall not be further decreased.

### 3.042 Expansion of Use

No non-conforming structure may be changed to provide for an expansion of its use without prior approval from the Board of Zoning Appeals. Examples of such expansion include increasing the number of dwelling units in a housing structure or increasing the floor space of a commercial or industrial establishment with the structure. In approving an appeal for an expansion of use in a non-conforming structure, the Board shall find that such expansion will not have a detrimental effect upon the neighborhood.

### 3.05 Repairing Damaged Non-Conforming Structures

A non-conforming building occupied by a non-conforming use which is damaged or destroyed by fire, winds, acts of God, or other causes beyond the control of the owner, may be repaired or reconstructed and the non-conforming use, if any, may be continued provided that such repair or reconstruction is within a period of one(1) year and carried on diligently.

### 3.06 Non-Conforming Mobile or Manufactured Homes

Existing mobile or manufactures homes as defined in Chapter 16 (See “Dwelling, Mobile”) on individual lots which would be prohibited under this zoning code shall be considered as non-conforming. Should any such mobile or manufactured home placed on an individual lot be moved or removed, it shall be lawful to return or replace such mobile home on the same lot from which the mobile or manufactured home had been removed by the same owner, provided that application is applied for with the Zoning Inspector within a thirty(30) day period from the time the mobile or manufactured home was removed and upon the satisfactory proof that a replacement unit is on order. The same may be replaced within an additional ninety(90) days. The replacement unit need not be identical to the unit which was moved or removed, but the replacement must be approved by the Zoning Inspector and subject to the following requirements:

1. No more than one manufactured home per lot.
2. The unit must be certified to have met United State HUD (Housing & Urban Development) National Construction Standards and is no older than five-years old.
3. There shall be a minimum floor area of eight hundred forty(840) square feet.
4. The unit shall be placed on a foundation approved by the Ohio Manufactured Homes Commission.
5. Hitches, axles, and wheels shall be removed
6. When appropriate, approved skirting shall be placed around the lower perimeter.
7. All other requirements contained in this zoning ordinance are met, such as minimum yard dimensions, minimum lots sizes, accessory uses, etc.

## Chapter 4

### Official Zoning Map And Districts

#### 4.01 Official Zoning Map

The Village of Waldo is hereby divided into districts which are shown on a map entitled “Official Zoning District Map of the Village of Waldo, Ohio.” This official zoning map shall be identified by the signature of the Mayor of Waldo and attested by the Clerk of the Waldo Village Council. The official zoning district map shall be and remain on file in the office of the Clerk of the Waldo Village Council, and a copy shall be and remain on file in the office of the Zoning Inspector.

#### 4.02 Adoption of the Official Zoning District Map as Part of this Ordinance

This official zoning district map and all notations, references, and other matters thereon are hereby made a part of this Code.

#### 4.03 Determination of District Boundaries

Except where referenced and noted on the official zoning district map by a clearly designated line and/or written dimensions, the district boundary lines are intended to follow property lines, lot lines, or the centerlines of streets, alleys, or streams, as they existed at the time of adoption of this Code or the extension of such lines, provided however, that where a boundary line is shown as adjoining a railroad right-of-way, it shall, unless otherwise fixed, be constructed to coincide with the nearest boundary line of the railroad right-of-way; provided further that, if the boundary line cannot be shown accurately by any of the aforesaid methods, it shall be shown by the written dimensions, indicating clearly the distance of said boundary line from the nearest parallel street center line, governmental survey line or other permanent and legally established line. The Zoning Inspector shall interpret the location of boundary lines as shown on the zoning district map. When the Zoning Inspector's interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Chapter 13.

#### 4.04 Vacation of Streets, Alleys, or Other Public Ways

Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning districts adjoining the sides of such public way shall be automatically extended, depending on the side or sides to which the land reverts, to include the right-of-way thus vacated which henceforth shall be subject to all regulations of the extended district or districts, except that utility rights-of-way or easements shall not be affected by such action.

#### 4.05 Zoning District Classification

All parts of the Village shall be designated on the official zoning district map as being located in one of the following zoning districts:

R-1A Low Density One- & Two-Family Residential Districts

R-1B Medium Density One- & Two-Family Residential Districts

R-2 General Residential District

C-1 Neighborhood Mixed Use Commercial District

C-2 General Commercial District

I-1 Industrial District

4.06 Degree of Restrictiveness

Whenever, in this Code, the order of districts as to degree or restrictiveness is referred to, the order shall be as listed hereinbefore, with “R-1” District being the most restricted and the “I-1” District being the least restricted.

## Chapter 5

### General Zoning District Provisions

#### 5.01 Road Frontage Required For All Lots

Except as permitted by other provisions of this Ordinance, each use of land shall be located on a lot, as defined in Chapter 16, which lot shall have frontage on a street or road.

#### 5.02 Required Lot Area or Other Open Space Cannot be Reduced

No lot, yard, parking or other open space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this resolution.

#### 5.03 General Zoning District Regulations

Regulations governing the use of land and buildings are hereby established in the several zoning districts as set forth in the following chapters. Only uses designated as permitted shall be allowed and any use not so designated as permitted shall be prohibited except in specific cases where the Board of Appeals is authorized to rule on non-designated uses which deems to be similar to those which are permitted. In making such ruling the Board may not permit a use which is first listed as a permitted or prohibited in a less restricted district.

#### 5.04 Prohibited Uses

- A. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of the premises, unless such dumping is done at a place provided by Village Council for such specific purposes.
- B. Chemical plants which could have a by-product polluting the air, land, or water.
- C. Manufacturing or storage of explosives, gun powder, or fireworks.

#### 5.05 Minimum Dwelling Sizes

- A. No single-family one-story dwelling shall be erected with less than 840 square feet of gross ground floor area, exclusive of breezeways, porches, terraces, and garages.
- B. No single-family multiple-story dwelling shall be erected with less than 600 square feet of gross ground floor area, exclusive of breezeways, porches, terraces, and garages.
- C. No two-family one-story dwelling shall be erected with less than 840 square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages.
- D. No two-family multiple-story dwelling shall be erected with less than 600 square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages.

- E. No dwelling unit in a multi-family building (three or more dwelling units) shall be erected with less than 900 square feet of gross ground floor area exclusive of breezeways, porches, terraces, and garages.

5.06 Manufactured Homes on Individual Lots

Manufactured Homes, as defined in the Ohio Revised Code Section 3781.06 (C) (4) shall not be permitted to be located or occupied as a dwelling in the Village of Waldo unless it conforms to the following provision:

- 1. It is placed on an individual lot in the R-1A or R-1B District, and both lot and manufactured home meet all requirements for a single-family dwellings (Sections 5.04 & 5.07) in the zoning district within which it is located and the following additional requirements:
  - A. The unit must be certified to have met HUD (Housing and Urban Development) National Construction standards and is no older than five-years old.
  - B. The unit shall be placed on a foundation approved by the Ohio Manufactured Homes Commission.
  - C. Hitches, axles and wheels must be removed.

5.07 Minimum Requirements for all Dwelling Units

- A. The dwelling unit must be at least twenty-three(23) feet wide at its narrowest point exclusive of entryways, breezeways, porches, terraces, and garages.
- B. The dwelling unit must be at least twenty-three(23) feet long at its narrowest point exclusive of entryways, breezeways, porches, terraces, and garages.
- C. All dwelling units must be affixed to a permanent foundation and connected to the appropriate, utilities (water, sewer, electric, inc.)
- D. All dwelling units must have a pitched roof (HUD approved for a manufactured home) constructed of either shingles or other materials used on the other dwelling units in the neighborhood, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering.

## Chapter 6

### “R-1” One- and Two-Family Residential Districts

#### 6.01 Purpose

Areas where one and two-family residential development is desirable. The varying density requirements for the “R-1” Districts given hereunder are based on prevailing lot sizes existing in each area so designated. The only distinction between the “R-1A” and “R-1B” Districts is in the minimum lot sizes as set forth in Section 6.03.

R-1A - Low density One- and Two-Family Residence District.

R-1B - Medium density One and Two-Family Residence District.

#### 6.02 Use Regulations

##### 1. Principal Permitted Uses

Agriculture  
Single-Family Dwelling  
Two-Family Dwellings

##### 2. Conditional Permitted Uses (Subject to approval by Board of Appeals)

Public Uses  
Semi Public Uses  
Nursery Schools & Day Nurseries  
Convalescent Homes & Rest Homes  
Cemeteries  
Recreation Facilities, Private  
Public Utility Sub Stations  
Business, Professional & Industrial Offices in Buildings having the external appearance of residential structures, not including the manufacture, sale or storage of goods, and located on a street that the Board of Appeals judge adequate to easily handle any additional traffic.  
Wind Turbines (See Section 11.16)

##### 3. Accessory Permitted Uses & Buildings

Private Garages  
Swimming Pools, Garden Houses,\* Tool Houses\*, Playhouses\*  
Home Occupations (See Section 11.02)  
Accessory Signs (See Section 11.06)  
Other Accessory Uses as Defined in Chapter 16

\*A building up to 144 square feet on a non-permanent foundation may be built on a lot in the R-1 District, not requiring a permit.

6.03 Area and Dimension Standards

All structures shall comply with the area and dimension requirements as set forth in the following table.

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Accessory Buildings</u>				Height Limit, From Eaves  (Feet)
	Width  (Feet)	Area*  (Sq. Feet)	Front Setback**  (Feet)	Side Setback  (Feet)	Rear Setback  (Feet)	Maximum Lot Coverage  (Percent)	Side Setback  (Feet)	Rear Setback If lot line abuts alley  (Feet)	Rear Setback If lot line does not abut alley  (Feet)	
<b>R-1A</b>										
One- Family	80	12,000	30	8	50	25%	3	10	3	17
Two- Family	80	12,000	30	8	50	25%	3	10	3	17
Schools	200	2 acres	50	25	50	25%	10	15	10	-
Hospitals	200	2 acres	50	25	50	25%	10	15	10	-
All Other Uses	Sufficient to comply with yard and parking requirements		40	20	40	25%	10	15	10	-
<b>R-1B</b>										
One- Family	70	8,400	15	8	35	25%	3	10	3	17
Two -Family	70	8,400	15	8	40	25%	3	10	3	17
Schools	200	2 acres	50	25	50	25%	10	15	10	-
Hospitals	200	2 acres	50	25	50	25%	10	15	10	-
All Other Uses	Sufficient to comply with yard and parking requirements		40	20	40	25%	10	15	10	-

\*The minimum lot area shall be computed to not include the Right-of-Way, and must meet Health Department regulations.

\*\*All front setbacks shall be measured from the Right-of-Way, also see Section 11.012.



## Chapter 7

### “R-2” General Residential District

#### 7.01 Purpose

Areas where it is desirable to encourage a variety of single-family, two-family and multi-family dwellings. Such zoning districts shall not be designated except at locations where public water supply or individual water wells can be provided to high density developments at the time of their construction.

#### 7.02 Use Regulations

##### 1. Principal Permitted Uses

Single-Family Dwellings  
Two-Family Dwellings  
Town Houses  
Multi-Family Dwellings

##### 2. Conditional Permitted Uses (Subject to approval by Board of Appeals)

Public Uses  
Semi Public Uses  
Nursery Schools & Day Nurseries  
Sanitariums, Convalescent Homes, & Rest Homes  
Rooming, Boarding or Lodging Homes  
Private Clubs, Lodges, Fraternity & Sorority Houses  
Cemeteries  
Recreation, Facilities, Private  
Public Utility Sub Stations  
Business, Professional, & Industrial Offices in buildings having the external appearance of residential structures not including the manufacture, sale, or storage of goods, and located on a street that the Board of Appeals judge adequate to easily handle any additional traffic.  
Wind Turbines (See Section 11.16)

##### 3. Manufactured Home Park (See Section 7.04 - Subject to approval of the Planning Commission)

##### 4. Accessory Permitted Uses & Buildings

Private Garages  
Swimming Pools; Garden Houses\*, Tool Houses\*, Playhouses\*  
Boarders & Roomers  
Home Occupations (See Section 11.02)  
Accessory Signs (See Section 11.06)  
Other Accessory Uses as Defined in Chapter 16

\*A building up to 144 square feet on a non-permanent foundation may be built on a lot in the “R-2” District, not requiring a permit.

7.03 “R-2” Area and Dimensional Standards

All structures shall comply with the area and dimension requirements as set forth in the following chart:

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Accessory Buildings</u>				
	Width (Feet)	Area* (Sq. Feet)	Front Setback** (Feet)	Side Setback (Feet)	Rear Setback (Feet)	Maximum Lot Coverage (Percent)	Side Setback (Feet)	Rear Setback If lot line abuts alley (Feet)	Rear Setback If lot line does not abut alley (Feet)	Height Limit, From Eaves (Feet)
<b>R-1A</b>										
One Family	60	7,500	15	8	30	25%	3	10	3	17
Two Family	60	7,500	15	8	30	25%	3	10	3	17
Multi Family	100	5,000 per unit	15	12	30	25%	3	10	3	17
Schools	200	2 acres	25	25	40	25%	10	15	10	-
Hospitals	200	2 acres	25	25	40	25%	10	15	10	-
All Other Uses	Sufficient to comply with yard and parking requirements		30	20	40	25%	10	15	10	-

\*The minimum lot area shall be computed to not include the Right-of-Way, and must meet Health Department regulations.

\*\*All setbacks shall be measured from the Right-of-Way.

7.04 Manufactured and Mobile Home Park Requirements

- A. All manufactured or mobile home parks shall meet the following requirements.
  1. The manufactured or mobile home park size shall be no less than five(5) acres.
  2. The Ohio Department of Health shall have jurisdiction over the internal layout of all manufactured home parks.
  3. All mobile home parks shall meet the requirements of the subdivision regulations for the Village of Waldo under the authority of Ohio Revised Code Section 711 and as explained in O.A.G. 72-020.
  4. All applications and plans for mobile home parks shall be reviewed by the Village of Waldo Planning Commission. In reviewing such application and plans for a mobile home park the Commission shall determine whether the following requirements are met:

- A. The proposed park is five acres or more in size.
- B. The front yard depth adjoining the public road for the park as a whole is at least thirty(30) feet.
- C. The side yards and rear yard for the park as a whole are each twenty-five(25) feet from the interior lot line.
- D. The mobile / manufactured homes within the park shall be limited to single-family occupancy, which shall not include temporary residency nor the storage, display, or sale of manufactured homes on the premises, except for those on planned lots.
- E. The park shall be located to assure maximum compatibility with other types of residential development.
- F. The park shall not be detrimental to the neighborhood.
- G. Access and turning radius or lanes into the park is adequate.
- H. The proposal will not dump a large volume of traffic or storm water into surrounding residential areas.
- I. Access to other land shall not be out off by the park.

B. Application Procedure

- 1. Manufactured home parks and mobile home parks are permitted by a special use permit only.
- 2. A written application shall be filed with the Mayor, and the Waldo Village Planning Commission. Any recommended changes shall be submitted by the Waldo Village Planning Commission at its regular meeting.
- 3. The application shall contain the following:
  - A. Name, address and phone number of applicant.
  - B. An application fee in accordance with the fee plan set by the Waldo Village Planning Commission. The fee shall be non-refundable or transferable as credit towards any other required fee, nor shall payment of the fee imply in any way that the plans are to be approved.
  - C. The application shall list the following:
    - 1. The present use of the site.
    - 2. The zoning district.
    - 3. The location, size and configuration of the area to be developed.

4. The total number of home sites to be developed and number of homes.

4. All Plans must include:

- A. The complete layout of the proposed manufactured or mobile home park, including streets, home and all building locations, including all accessory buildings and all spacing and boundaries.
- B. The proposed traffic circulation patterns including all roadway locations, ingress and egress points, parking locations and sidewalks.
- C. The location of all utilities.
- D. The source and supply of all services such as garbage removal, water, gas, electricity, sewage disposal, storm drainage.
- E. The type and location of all landscaping.
- F. A typical manufactured or mobile home site to a scale of ten(10) feet to the inch or larger, showing the boundaries of the site and location thereon of a typical manufactured or mobile home, patio, parking spaces, walkways and foundation.

5. Decisions

If the application is approved, the Planning Commission may set reasonable conditions.

If the application is denied, the specific reason or reasons shall be set for in the denial motion.

An approval shall expire one(1) year after the Planning Commission's final decision.

## Chapter 8

### “C-1” Neighborhood Mixed Use Commercial District

#### 8.01 Purpose

To designate areas in the Village of Waldo where less intensive commercial and related land uses may be developed in complementary manner, so as not to conflict with surrounding residential development.

#### 8.02 Use Regulations

##### 1. Principal Permitted Uses

Agricultural  
Seasonal Farm Stand  
Farmer’s Market  
Agriculturally-oriented business  
Public Uses  
Semi-Public Uses  
Single-Family Dwelling  
Dwelling unit located above ground floor  
Bed and Breakfast  
Administrative Offices (primarily engaged in management functions such as supervision, purchasing, or accounting)  
Business Offices not Involving Retail Trade (such as banking, insurance office, real estate offices)  
Institutions (providing social, cultural, educational, & health services)  
Offices of Organizations & Associations (such as civic organizations, charitable organizations, labor union halls & professional organizations)  
Restaurants including open air or sidewalk cafes  
Service Establishments Limited to the Following:

Barber & Beauty  
Laundry & Dry-cleaning  
Tailor & Dressmaking  
Photography  
Interior Decorating  
Repair Services (related only to household goods)  
Funeral Home or Mortuary  
Computer Operations & Data Processing Centers  
Mini-Warehouses

##### Retail Business:

Grocery Store, Food Market, Dairy Store, Delicatessen  
Drug Store, Including Fountain  
Hardware Store  
Flower Store  
All retail business in the “C-1” District must display the vast majority of their merchandise inside an enclosed structure.

Advertising Signs (See Section 11.06)  
Off-Street Parking as a Principal Use  
Nursery Schools, Day Nurseries, & Day Care Centers  
Sanitariums, Convalescent homes & Rest homes  
Rooming, Boarding, or Lodging Homes  
Private Clubs (American Legion Separate) Lodges, Fraternity or Sorority  
Houses  
Cemeteries  
Recreation Facilities  
Public Utility Substations.  
Business, Professional & Industrial Offices

2. Conditional Permitted Uses (Subject to Review by Board of Zoning Appeals)

Any Commercial Business similar to, yet not specified in, principal permitted uses that could be, developed in, a complementary manner, yet not conflict with the surrounding residential environment.

Tents and temporary structures for commercial use.

Two-Family Dwelling

Multi-Family Dwelling

Dwelling Unit located on ground floor

Mixed-use developments or Multi-use developments containing more than one permitted use

Drive-through facilities in conjunction with a permitted use

Wind Turbines (See Section 11.16)

3. Accessory Permitted Uses & Structures

Accessory Signs (See Section 11.06)

Off-Street Parking (As required by Section 11.05)

Other Accessory Uses (As defined in Chapter 16)

8.03 Area & Dimensional Standards

8.031 Minimum Lot Width

The lot width shall be sufficient to comply with yard and lot coverage requirements.

8.032 Minimum Lot Area

The lot area shall be sufficient to comply with yard and lot coverage requirements.

8.033 Minimum Front Yard

The minimum front yard shall be five(5), feet measured from the edge, of the Right-of-Way.

8.034 Minimum Side and Rear Yards

A. If both the side and rear, lot line abuts land within a commercial or industrial district, no minimum side or rear yard is required.

- B. If either the side or rear lot line abuts a residence or a residential district, it shall have a setback equal to the height of the building, but not less than twenty-five (25) feet.

## Chapter 9

### “C-2” General Commercial District

#### 9.01 Purpose

To designate areas in the Village of Waldo where various commercial and related land uses may be developed in complimentary manner.

#### 9.02 Use Regulations

##### 1. Principal Permitted Uses

Any Principal Use Permitted in the C-1 Neighborhood Commercial District

Public Uses

Semi-Public Uses

Dwelling Units Within the Same Structure Containing a Permitted Commercial Use

Administrative Offices (primarily engaged in management functions such as supervision, purchasing or accounting)

Business Offices not Involving Retail Trade (such as banking, insurance offices, real estate offices)

Institutions (providing social, cultural, educational & health services)

Offices of Organizations & Associations (such as civic organizations, charitable organizations, labor union halls & professional organizations)

Hotels and Motels

Retail Businesses (involving the sale of new or used merchandise)

Repair Services (related only to common household goods)

Service Establishments (such as barber shops, dry-cleaning, photography studios, interior decorating)

Establishments Engaged in Rental of Autos, Trucks, Trailers or Common Household Goods.

Establishments Engaged in the General Storage or Wholesale of Household Goods for Distribution to Retail Outlets

Gasoline Service Stations

Funeral Home or Mortuary

Commercial Recreation Facilities

Mini-Warehouses

Computer Operations, & Data Processing Centers

Advertising Signs (see Section 11.06)

Off-Street Parking as a Principal Use

Restaurants

Auto Repair

##### 2. Conditional Permitted Uses (Subject to Review by Board of Zoning Appeals)

Video Game Halls

Sale & Storage of Building Materials (not including sawmills or the mixing of cement or other paying materials)

Tents and temporary structures for commercial use

Manufacture of Precision Instruments (such as photographic, optical, electronic or computer equipment)



Any commercial business similar to, yet not specified in principal permitted uses Adult-only entertainment establishments, as defined in Chapter 16, if all of the following applies:

1. The site is a minimum of 1,000 linear feet from any house, or residence, school, church, park or public cemetery.
2. The site is a minimum of 1,000 linear feet from the Right-of-Way of U.S. Route 23. The Village intends that this area be made available for development by family-type businesses.  
Wind Turbines (See Section 11.16)

3. Accessory Permitted Uses & Structures

Accessory Signs (See Section 11.06)  
Off-Street Parking (As Required by Section 11.05)  
Other Accessory Uses (As defined in Chapter 16)

9.03 Area And Dimensional Standards

9.031 Minimum Lot Width

The lot width shall be sufficient to comply with yard and lot coverage requirements.

9.032 Minimum Lot Area

The lot area shall be sufficient to comply with yard and lot area coverage requirements.

9.033 Minimum Front Yard

The minimum front yard shall be thirty (30) feet measured from the edge of the Right-of-Way.

9.034 Minimum Side and Rear Yards

- A. If both the side and rear lot line abuts land within a commercial or industrial district, no minimum side or rear yard is required.
- B. If either side or rear lot line abuts a residence or a residential district, it shall have a setback equal to the height of the building, but not less than twenty-five(25) feet.

## Chapter 10

### “I-1” Industrial District

#### 10.01 Purpose

To designate appropriate areas where various industrial uses may be developed in a complimentary manner.

#### 10.02 Use Regulations

##### 1. Principal Permitted Uses

Public Uses

Semi-Public Uses

Commercial Establishments Associated with Industrial Uses as Follows:

Restaurants

Facilities Related to Emergency Medical Services

Gasoline Service Stations

Engineering, Accounting, Legal & Similar Services

Printing, Blueprinting & Similar Services

Private Employment Agencies

Vocational & Technical Schools

Blending, Packaging & Storage of Products as follows:

Chemical Products

Food Products

Pharmaceuticals

The Manufacture of Products from the Following Materials:

Bone, Canvas, Cellophane, Cloth, Cork, Feathers, Felt, Fibers, Fur, Glass, Hair, Horn, Leather, Paper, Precious or Semi-Precious Metals or Stone, Shell, Textiles, Tobacco, Wire or Wax

The Manufacture of the Following Finished Products:

Cosmetics, Toiletries & Perfume

Electric Appliances, Instruments, & Components

Household, Personal or Other Small Articles, Such as:

Jewelry, Silverware, Plasticware, Musical Instruments, Toys, Rubber

Stamps, Sporting & Athletic Goods, Office & Artist Supplies,

Miscellaneous Notions, Signs & Advertising Displays

Office Equipment & Supplies

Precision Instruments

Furniture, Cabinets & Similar Products

Manufacture of Metal Products, using Methods & Materials Specified

Hereunder:

Metal Fabrication, Excluding the Fabrication of Structural Steel & Heavy machinery  
Casting of Light Weight Non-Ferrous Metals  
Welding, Machining & Other Metal Working Processes, but Excluding Punch Presses having over Twenty(20) tons Rated Capacity  
Sheet Metal Shaping  
Processing or Manufacture of Food Products

Non-Manufacturing Activities as Follows:

Transportation Terminals & Equipment  
Warehousing & General Storage  
Sales & Storage of Building Materials, but not including Sawmills, or the Mixing of Cement, Bituminous or Asphaltic Concrete  
Operational equipment of public utilities and communication networks, such as electrical receiving and transforming stations, radio, microwave or television transmission or receiving towers, telecommunication towers, and public utility substations.

Building Contractors Equipment Yards  
Research Test Laboratories  
Workshops for the Repair of Industrial Machines  
Advertising Signs (See Section 11.06)

2. Conditional Permitted Uses (Subject to Review by Board of Zoning Appeals)

Any other Industrial Use not listed but determined by the Board of Appeals to be of the same general character as those listed as Principal Permitted Uses.

The following uses shall not be located within one thousand (1,000) feet of any residential district.

Slaughter Houses  
Refining or Processing of Crude Petroleum  
Wholesale Fuel Dealers Involving the Bulk Storage of Flammable Liquids or Gases  
Junk Yards, Scrap & Waste Storage  
Sanitary Landfills  
Wind Turbines (See Section 11.16)

3. Accessory Permitted Uses

Accessory Signs (See Section 11.06)  
Off-Street Parking (See Section 11.05)  
Other Accessory Uses (As Defined in Chapter 16)

10.03 Area Dimensional Standards

10.031 Minimum Lot Width

The minimum lot width shall be sufficient to comply with yard and lot coverage requirements.

10.032 Minimum Lot Area

The minimum lot area shall be sufficient to comply with yard and lot coverage requirements.

10.033 Minimum Front Yard

The minimum front yard shall be the height of the principal building but not less than thirty (30) feet from the edge of the Right-of-Way.

10.034 Minimum Side Yard and Rear Yards

- A. For yards which adjoin land in a commercial or industrial zone, no side or rear yard is required.
- B. For yards which adjoin land in a zone other than commercial or industrial, the minimum side and rear yard shall be twenty-five(25) feet.

## Chapter 11

### Special Use Regulations

#### 11.01 Exceptions to Application of Area Dimension Standards

##### 11.011 Exceptions to Lot Width And Area Requirements

In a district where it is permitted, a single-family dwelling may be erected on a lot which is non-conforming as to lot area or width. The exception in this paragraph shall not apply where three(3) or more abutting lots of record were held in one ownership at the effective date of this ordinance.

##### 11.012 Front Yard Exceptions and Modifications

###### A. Exceptions for Existing Alignment

Where the average of existing front yard ,depths for lots located on the same side of the street within one hundred(100) feet of both sides of a lot in question is less than the required front yard specified in the residential area and dimension standards, such average of depths may be allowed for such lot, provided that no front yard shall be less than five(5) feet from the Right-of-Way in deriving the average depth of existing front yards, the following rules shall be observed.

1. A lot which is only partly within one hundred(100) feet of the lot in question shall be included in the average if any part of the principal building thereon is located within said one hundred (100) foot distance.
2. Any vacant lot within said one hundred(100) feet shall be considered as having the minimum front yard depth in computing the average.

###### B. Front Yards Required in Non-residence Districts along Residence District Boundary Lines

In any block which includes both residential and non-residential districts along the same side of the street, the front yard requirements of the non-residential district shall be either the requirements set forth for such district or the requirements set forth for the residential district in such block, whichever is greater.

##### 11.013 Side-Yard Exceptions, Application And Adjustments

###### A. Side Yard Exceptions for Narrow Lots

In the case of a lot which is existing and of record at the time of the effective date of this ordinance, if the owner of record does not own any adjacent property the minimum side yard shall be no less than five(5) feet.

B. Side Street Side Yard

Any corner lot in a residential district shall have a minimum required side yard on the side street equal to the required front yard depth of the district in which it is located; provided, however, that this requirement shall not be applied to a lot which was of record at the time this Ordinance became effective so as to reduce the buildable width to less than twenty-five(25) feet.

C. Adjustments For Yards

Where the side wall of a building is not parallel with the side lot line or where the yard has an irregular width due to the broken alignment of the side wall or side lot line, the side setback may be averaged in order to meet the minimum side yard required. However, at no point shall the said yard be less than five(5) feet.

11.014 Rear Yard Exceptions Of Shallow Lots

For a lot which was of record at the time this Ordinance became effective, which lot is in a resident district and has a depth of less than one hundred ten (110) feet, the depth of the rear yard need not exceed twenty-five(25) percent of the depth of the lot, but shall not be less than fifteen(15) feet in any case.

11.015 Uses And Projections Permitted in Yards

The following accessory uses and structural projections shall be permitted within any required yard, with limitations as specified.

- A. Off-street loading and parking space in required front yards in an industrial district, to within fifteen(15) feet of the Right-of-Way, except where located within the same block as a residential district and fronting on the same street.
- B. Fuel pumps in required front yards in connection with conforming service stations, to within twenty(20) feet of the Right-of-Way.
- C. Required or permitted fences, walls and landscaping shall conform to the following locational and maximum height limitations, except as otherwise specified elsewhere in the code.

Yard	Location	Maximum Height In Feet
Rear	If within ten(10) feet of side or rear lot line	6
	If ten(10) feet or more from the side or rear lot line	10
Side	At any location	6
Front	1' from road right-of-way	3½

- D. Eaves, cornices, window sills and belt course may project into any yard (of

the property in question) a distance not to exceed three(3) feet.

11.02 Home Occupations

Any person may maintain an office or carry on a customary home occupation in the dwelling used as the person's private residence provided the following conditions are met:

- A. The home occupation does not involve any extension or modification of the dwelling which will alter its outward appearance as a dwelling other than a sign as permitted under Section 11.063.
- B. There is a maximum of one(1) non-resident employees engaged in the home occupation.
- C. The space devoted to such home occupation shall not exceed twenty-five(25) percent of the gross floor area of the principal building.
- D. No mechanical equipment shall be installed or used which will create excessive noise interference with radio or television transmission or reception.
- E. All other applicable sections of this Resolution shall apply including off-street parking and loading requirements, for the specific home occupation involved.

11.03 Private Swimming Pools

No private swimming pool shall be allowed in the "R-1" Residential District except as an accessory use, and unless it complies with the following conditions and requirements: These requirements are not meant to govern farm pools.

- A. The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. It may not be closer than ten(10) feet to any lot line of the lot on which it is located.
- C. The pool shall be completely enclosed by a wall or fence at least 72" in height of sufficient density as to prevent small children from entering.
- D. The pool, together with any structure related thereto, shall comply with the requirements for accessory structures set forth for the district in which it is located.

11.04 Natural Resources

The mining of rocks, minerals, sand and gravel shall be permitted in accordance with the district and Ohio Department of Natural Resources regulations. In addition, the following conditions shall be met:

- A. Such operations are at least two thousand(2000) feet from a residential district.
- B. Such operations are at least one thousand(1000) feet from an existing residence (excluding the residence of the owner or operator).
- C. An application for such operation shall be made to the Zoning Inspector who shall

issue a permit. And the permit shall expire at the end of one(1) year. A new permit and fee shall be required annually as long as the operation continues or as long as equipment is located at the site of operation.

- D. Upon termination of operation, land shall revert to the original use, all buildings and structures shall be removed at the expense of the operator within six(6) months of the termination date.

11.05 Off-street Parking and Loading Standards

11.051 Purpose

The purpose of this section is to provide, through special regulations for adequate off-street parking and loading facilities, as necessary for efficient and convenient community activity and for the prevention of traffic congestion.

11.052 Off-street Parking Spaces Required

11.0521 Application of Requirements

In all districts in connection with any use there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces in accordance with the schedule set forth in Section 11.0522 hereunder. It shall be the intent that the following required parking spaces be used in connection with the building for which they are required. When units of measurement determining the number of required parking spaces result in requirement of fractional space, any fraction up to and including one-half(2) shall be disregarded and fractions over one half(2) shall require one(1) parking space.

11.0522 Schedule of Parking Spaces Required

<u>Type of Use</u>	<u>Number of Parking Spaces</u>
A. <u>Uses not listed</u>	Requirements for most nearly similar use specifically listed, as determined by the Board of Appeals
B. <u>Residential</u>	
One- & Two-Family Dwelling Units	2 for each dwelling unit
Dwellings with three or more units	4 plus 1½ spaces for each dwelling unit in excess of two units
Rooming houses and elderly housing	1 for each sleeping room or 1 for each paying occupant, whichever is greater
C. <u>Public and Institutional</u>	
Administrative Offices of Government	1 for each 200 sq. ft. of floor area
Schools	1 for each 10 classroom seats



<u>Type of Use</u>	<u>Number of Parking Spaces</u>
Places of Worship	1 for each 5 seats in sanctuary
Hospitals	1½ for each bed
Libraries, Museums, Art Galleries	1 for each 400 sq. ft. of floor area
D. <u>Amusements and Assembly</u>	
Sports arenas and stadiums, auditoriums, theaters and places of assembly with fixed seats.	1 for each 5 seats
Dance halls, lodge halls, exhibition halls, skating rinks, swimming pools and places of assembly without fixed seats.	1 for each 100 sq. ft. of floor area used for the purpose listed.
E. <u>Services</u>	
Funeral Homes, Mortuaries	1 for each 75 sq. ft. of floor area devoted to parlors
Medical and dental offices and clinics	1 for each 100 sq. ft. of floor area
Sanitariums, Convalescent Homes, Homes for the aged & children	1 for each 4 beds
Barber shops and beauty parlors	3 per operator
Hotels, motels and tourist homes	1 for each living or sleeping unit
Laundry and dry-cleaning pickup	1 for each 100 sq. ft. of floor area
Banks	1 for each 100 sq. ft. of floor area
Business and professional offices	1 for each 200 sq. ft. of floor area
Restaurants of following types:	
Indoor service only	1 for each 100 sq. ft. of floor area
Including curb services	1 for each 100 sq. ft. of floor area in addition to curb service stalls provided.
Providing primarily carry-out service	1 for each 30 sq. ft. of floor area
Bars, taverns and night clubs	1 for each 100 sq. ft. of floor area

<u>Type of Use</u>	<u>Number of Parking Spaces</u>
<b>F. <u>Retail Sales</u></b>	
Furniture and household appliance stores and repair	First 1800 sq. ft. of floor area; 3 spaces. Any additional floor area: 1 space for each 400 sq. ft.
Retail stores and shops not elsewhere specified including general merchandise	First 1500 sq. ft. of floor area; 3 spaces. Any additional floor area: 1 space for each 150 sq. ft.
<b>G. <u>General Commercial and Industrial</u></b>	
Automobile or machinery sales and service	1 for each 800 sq. ft. of floor area
Commercial service laboratories, machine shops and similar establishments	1 for each 600 sq. ft. of floor area or 1 for each 2 employees on maximum shift, whichever is greater
Manufacturing plants	1 for each 1200 sq. ft. of floor area or 1 for each 2 employees on maximum shift, whichever is greater
Wholesale establishments and warehouses	1 for each 3000 sq. ft. of floor area or 1 for each 2 employees on maximum shift whichever is greater

11.0523      Application of Schedule

- A. Floor Area Defined. For purposes of applying the requirements of divisions C through G of Section 11.0522, "Floor Area" shall mean the gross floor area used or intended to be used by tenants, or for services to the public or customers, patron clients, or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or restrooms, for utilities or for dressing rooms, fitting or alteration rooms and hallways.
- B. Expansion of or change in existing use. A building existing lawfully at the time this zoning code became effective, But which does not conform with the off-street parking requirements in Section 11.0522 may be occupied by the existing use without such facilities being made available. However, any parking spaces that may be provided shall be in

accord with the development standards set forth in section 11.0524 hereof and if the existing building is altered so that there is an increase in the number of dwelling units, seating capacity or floor area, or if the use is changed to a use requiring more off-street parking spaces, then off-street parking facilities shall be provided at least equal to the number of spaces required for the entire building or use in accord with the schedule as set forth in 11.0522 hereof and in accord with the development standards of Section 11.0524.

11.0524 Development Standards For Off-Street Parking Space

- A. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required for several uses may be provided contiguous to and in common with the several structures and uses served.
- B. Parking areas may be located in any required yard except as follows:
  - 1. In the required front yard in a residence district.
  - 2. In a required front yard in any non-residential district adjoining a residential district with limitations, as defined in the non-residence district.
- C. A parking space for one(1) vehicle shall provide for a rectangular area having dimensions of not less than ten(10) feet by twenty(20) feet.
- D. Access. There shall be adequate provision for ingress to and egress from parking spaces. Where a parking area does not abut on a public street or alley, there shall be provided an access drive not less than eight(8) feet in width in the case of a dwelling and not less than eighteen(18) feet in width in all other cases, providing satisfactory access to the required parking areas.
- E. Screening and Landscaping. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residence district, by a solid fence, wall or hedge, which shall be not less than five(5) feet or more than eight(8) feet in height and shall be maintained in good condition without any advertising thereon.

- F. For every parking area having more than five(5) spaces, a plan shall be submitted to the Zoning Inspector, showing that such parking area will comply with the foregoing requirements and will be well drained and shall have a dustfree surface.

11.053 Off-street Loading Space Required

11.0531 Requirements

In any district, off-street loading space shall be provided and maintained for every building which is to be occupied by any commercial or industrial use. For any such use, off-street loading space shall be provided as specified in Section 11.0532.

11.0532 Schedule of Loading Spaces Required

Size of Building in Gross Square Feet	Number of Loading Spaces
Less than 5,000	None
5,000 to 19,999	One
20,000 to 39,999	Two
40,000 to 64,999	Three
65,000 to 100,000	Four
Each additional 100,000 sq. ft. or fraction thereof	One additional space

11.0533 Application of Schedule

- A. Joint loading space. Owners or occupants of several establishments or buildings not separate by a street may jointing provide the required off-street loading space, provided:
  - 1. That no loading dock shall be more than two hundred(200) distance from the service door of the building it is intended to serve, and;
  - 2. That the gross area of all the establishments or buildings to be served by such joint loading facility shall be used to determine the required number of loading spaces.
- B. Expansion of Existing Use. A building existlng lawfully at the time of this code became effective, but which does not

comply with the off-street loading requirements set forth in Section 11.0532 may be occupied by the existing use without such facilities being made available. However, any loading space which may be provided shall be in accord with the development standards set forth in Section 11.0534. If the existing building is expanded so that there is an increase in the square feet of floor area so used, then off-street loading space shall be provided at least equal to the required number of spaces for the entire building or use in accordance with the schedule set forth in Section 11.0532 and such spaces shall conform with the development standards in Section 11.0534.

11.0534 Development Standards For Off-street Loading Space

- A. Each loading space shall not be less than ten(10) feet in width, fifty(50) feet in length and fourteen(14) feet in vertical clearance, provided that, if it is shown that the building or establishment in question is not and will not be served by trucking vehicles more that thirty-five(35) feet in length, the Board of Appeals may grant an exception reducing the required length of loading space to a length no less than the maximum length of such servicing vehicles, but in no case to be less than twenty-five(25) feet.
- B. Subject to limitations set forth in Section 11.05, loading spaces may occupy all or any part of any required yard.
- C. No loading space shall be located closer than twenty-five (25) feet to any lot in any residence district unless wholly within a completely enclosed building or unless separated from such residence district lot by a wall, solid fence or hedge not less than six(6) feet in height.
- D. Access to loading areas. Every loading area shall have vehicular access to and from a public street or alley.

11.054 Limitation of Parking in Residential Zoning Districts

The provision of parking space, either open or enclosed for the parking or storage of vehicles in a residential zoning district shall be subject to the following:

11.055 Commercial Vehicles In Residential Districts

Not more than two(2) trucks limited to being a two-axle, four-tired pickup, panel or light truck and which has operating characteristics similar to those of a passenger car should be allowed per one(1) dwelling unit.

Trucks having dual tires on one(1) or more axles, or having more than two(2) axles, designed for the transportation of cargo and including tractor-trucks, trailers, and semi-trailers shall not be allowed except in association with a home occupation, subject to approval in accordance with 11.02.

#### 11.056 Camping Trailers or Other Trailers

Camping trailers or other trailers, including boat, cargo, horse or similar trailers, may be stored off street only and must be protected in such a way that it does not create a potential safety hazard.

#### 11.057 Inoperable Automobiles

Any wrecked, or otherwise inoperable, automobile shall be allowed only if it is protected in such a way that it cannot be easily seen from the street and does not create a potential safety hazard.

### 11.06 Sign Regulations

#### 11.061 Exempted Signs

The following signs are not subject to the provisions of this Ordinance:

- A. Signs relating to the agricultural operations of a particular farm. Signs relating to general commercial products which are not produced on the farm are not exempt.
- B. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of safety.
- C. Real Estate signs.
- D. Signs and banners for Village, civic or school purposes.

#### 11.062 General Provisions

No sign shall be erected in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color it may obstruct the view of motorist or pedestrians. Any illuminated sign shall be so shaded so as not to interfere with vision of motorists or pedestrians and so as not to direct light on a neighboring residential property.

Any sign that is not maintained shall be removed.

11.063 Accessory Signs in the Residential District

- A. A home occupation or professional office may have one(1) unlighted sign, not more than six(6) square feet in total area.
- B. Any other permitted non-residential use may have one(1) sign with not more than twelve(12) square feet per face.

11.064 Accessory Signs in the Commercial and Industrial Districts

- A. Two(2) signs for each commercial or industrial use shall be permitted with a maximum of three hundred(300) square feet of total sign area.

11.065 Advertising Signs

- A. Advertising signs shall be deemed to be a principal use.
- B. There shall be no more than one(1) advertising sign on any lot having less than two hundred(200) feet of unbroken frontage on a single street. A lot having two hundred(200) or more feet of unbroken frontage may have two(2) advertising signs.
- C. The maximum total sign area shall be three hundred(300) square feet of total area.
- D. The maximum height shall be twenty-five(25) measured from ground level.

11.066 Local Standards

A. Accessory signs

- 1. No accessory sign shall be located in the required side yard. No accessory sign shall be located in a required front yard unless it is at least twelve(12) feet from the road pavement, but at no time shall be in the road Right-of-Way.
- 2. No accessory sign shall be located within one hundred and fifty(150) feet of any road intersection unless affixed to the principal structure.

B. Advertising Signs

- 1. An advertising sign shall comply with the yard requirements
- 2. No advertising sign shall be located within one hundred and

fifty(150) feet of any road intersection.

C. Digital / Electronic Accessory and Advertising Signs

1. Shall comply with all applicable requirements in Section 11.06 - Sign Regulations.
2. Shall have an automatic dimming device that adjust sign brightness to the ambient light at all times of the day and night to prevent glare on surrounding properties.
3. Flashing words and graphics are not permitted.
4. All messages and advertisements must be held a minimum of eight seconds before changing to the next message or advertisement.

11.067 Temporary Signs

A temporary sign for a dated event may be installed no sooner than seven(7) days before the dated event and may remain in place no later than two(2) days after said event. In addition, temporary signs shall meet the following requirements.

- A. No more than one(1) temporary sign shall be displayed on a lot or tax parcel.
- B. Temporary signs shall not exceed six(6) square feet in size.
- C. No temporary sign shall be located within a public street or highway Right-of-Way nor attached in any manner to any utility pole, fence or any other structure within any public Right-of-Way.
- D. A temporary sign may be erected for a period not to exceed thirty(30) days.

11.068 Political Graphics

Political graphics may be located in any residential or non-residential zoning district for candidates and issues on the ballot no sooner than thirty(30) days before the date of an election and may remain in place no later than seven(7) days after the date of the election. In addition, political graphics shall meet the following requirements:

- A. No more than one(1) political graphic shall be displayed on a lot or tax parcel.
- B. Political graphics shall not exceed six(6) square feet in size.
- C. No political graphic shall be located within a public street or highway Right-



of-Way nor attached in any manner to any utility pole, fence or any other structure within any public Right-of-Way

- D. Any individual or organization wishing to distribute or erect political graphics on a lot or lots other than those owned by such individual or organization shall obtain a Political Graphic Permit from the Waldo Village Zoning Inspector. Required information for a Political Graphic Permit shall include the size of the graphic to be distributed and erected, and the name, address, and telephone number of the person responsible for distribution of the political graphic.
- E. There will be no fee for a Political Graphic Permit.

#### 11.069 Mounted Mobile Signs

Where permitted, mounted mobile signs must meet the following requirements:

1. Only one (1) mounted mobile sign shall be permitted on any one lot for a period not to exceed thirty (30) days. A maximum of three (3) additional thirty (30) day mounted mobile sign permits may be acquired within a calendar year.
2. A refundable deposit, paid by check to Waldo Village will be required prior to installation of a mounted mobile sign. The amount of the deposit will be determined by the Waldo Village Council. The deposit will be returned upon proper removal of the mounted mobile sign at the end of the designated period. Failure to remove the sign at the end of the given time will result in forfeiture of the deposit and a violation issued.
3. Mounted mobile signs must be located a minimum of fifteen (15) feet from any street right-of-way line.
4. Mounted mobile signs may not include illuminated or non-illuminated arrows.

#### 11.07 Noise

Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptible from other development activities in the area or from the usual street traffic observed at the street Right-of-Way line of the lot, except occasional blast or shock required in normal operation and produced in such manner as not to create a hazard.

11.08 Air Pollution

No visible smoke, dust, or other particulate emissions, excluding steam, shall be permitted. Excepting those produced from fossil fuel, woodburning stoves, fireplaces, furnaces or similar systems so long as such systems are primarily used for heating or cooking purposes and are not used in connection with the manufacture of goods or other commercial activity.

11.09 Lighting and Glare

No direct glare from processing, lighting or other activities shall extend in a manner which adversely affects neighboring areas or interferes with safety on any public street, road, or highway.

11.10 Toxic and Hazardous Substances

No toxic substance shall be emitted or otherwise discharged into the atmosphere, ground, surface waters, or ground waters. No storage, use or transport of toxic or hazardous substances shall be permitted unless such activity is in full compliance with applicable state and federal environmental protection regulations and the expressed prior written approval of the Fire Chief having jurisdiction over the toxic and/or hazardous substance, is obtained.

11.11 Trash

The storage of trash or waste materials, including but not limited to discarded household goods, discarded commercial products, industrial by-products, and other similar materials shall not be visible from the property line on which such materials are being stored or otherwise placed. All such materials shall be housed in an appropriate container or enclosure, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pickup. In all cases, there shall be full compliance with applicable zoning district standards.

11.12 Garage and Yard Sales

Any person may have a garage/yard sale at the persons private residence provided the following conditions are met:

- A. The duration of such sales shall be limited to three(3) consecutive days.
- B. No more than four(4) such sales shall be allowed per calendar year per lot or tax parcel.
- C. Hand tacked signs for such sales may be used on private residentially zoned property up to seven(7) days before said sale and may remain in place no later than two(2) days after the sale.

D. No permit for hand tacked signs is necessary.

#### 11.13 Antennas and Towers

Antennas and towers, including satellite dish antennas, shall be considered accessory structures. In addition to the provisions in this Ordinance pertaining to accessory structures, the following provisions shall apply:

Antennas and towers shall be limited to non-commercial uses with a maximum height of fifty(50) feet above the finished grade. Satellite dish antennas shall be limited to a height of fifteen(15) feet above grade.

The antenna or tower shall not be located in a front yard. The apparatus shall be mounted upon a solid concrete slab.

An applicant may request a variance from the accessory building requirements and required height requirements. In any case where this provision applies, the variance granted shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna/tower can properly function.

#### 11.14 Dangerous, Exotic, and Wild Animals

A. No person shall own, harbor, keep or breed any Dangerous Exotic Animal(s) (see definition in Chapter 16), or Dangerous Wild Animal (s) (see definition in Chapter 16), within Waldo Village.

#### 11.15 Agriculture

A. No person shall keep, harbor, or maintain any horses, mules, cattle, sheep, goats, swine, chicken, geese, pigeons, or other fowl or animals (except those normally kept as pets i.e. dogs (four or less), rabbits, guinea pigs, mice, hamsters, certain birds, etc.)

B. 4h and FFA projects shall be limited to a maximum of four animals for no longer than a nine month time period. No 4H or FFA project will be permitted which causes offensive odors or unsanitary conditions which are a menace to the health, comfort, or safety of the public. All animals or fowl shall be contained within a structure or fenced area, a minimum of 100' from the inhabited dwelling of another person.

#### 11.16 Wind Turbines

Waldo Village, recognizes the importance of clean, sustainable and renewable energy sources. To that end, Waldo Village permits the use of wind turbines under the following regulations to ensure the safety and welfare of all township residents is met.

1. Wind turbines shall be a permitted use in all districts under the following conditions:
  - A. The maximum height of any turbine shall be 100' ft. For purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
  - B. Setbacks: the following shall apply in regards to setbacks
    1. Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines, structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling, and any inhabited structures.
  - C. Maintenance
    1. Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 24 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing turbine.
  - D. Decibel Levels
    1. All units shall operate within a decibel range of 50 to 70 decibels. This information shall be included in the engineering report described below. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property.
  - F. Wiring and Electrical Apparatuses
    1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.
2. Permits
  - A. A permit shall be required before construction can commence on an individual wind turbine system.

- B. Applicant shall then provide the Village Zoning Inspector with the following items and or information when applying for a permit:
1. Location of all public and private airports in relation to the location of the turbine (if applicable).
  2. An engineering report that shows:
    - A. The total size and height of the unit
    - B. The total size and depth on the unit's concrete mounting pad, as well as soil and bedrock data.
    - C. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection.
    - D. Data specifying the kilowatt size and generating capacity of the particular unit.
    - E. The maximum decibel level of the particular unit. This information must be obtained from the manufacturer of the turbine unit.
  3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
  4. Evidence of a "clear fall zone" with manufacturer's recommendation must be attached to the engineering report.
  5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

3. Exemptions

Any wind turbine located on public owned land or within the Industrial District is exempt from the regulations outlined above. However, a wind turbine located in an I-3 Industrial District which adjoins a residential district must comply with setback regulations outlined in Section 11.16 (1) (B) above. The propose of this requirement is to ensure the tower will not land in any residential district should the tower ever fall over.

### 11.17 Public Utilities

Any public utility tower (i.e. radio, television, microwave, telecommunication towers, etc.) shall be a minimum of one and one-half (1½) tower heights (including base height) from any buildings, roads, alleys, utility lines, structures, or property lines.

## Chapter 12

### Planned Residential Conservation District (PRCD)

#### 12.01 Purpose

The Planned Residential Conservation District (PRCD) is a VOLUNTARY OVERLAY DISTRICT FOR DEVELOPERS that encourages the efficient use of land and resources, promotes greater efficiency in public utility services, and encourage innovation in the planning and building of all types of development. The PRCD achieves this by allowing the developer to develop a conservation subdivision that:

- A. Permanently preserve and integrate open space within residential developments;
- B. Offer landowners alternatives to standard tract development of their land;
- C. Establish a less sprawling, more efficient use of land, streets and utilities;
- D. Preserve natural topography in wooded areas;
- E. Create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and
- F. Encourage creativity in design through a controlled process of review and approval of the development plan and related documents.

#### 12.02 Overlay Area

The PRCD includes and overlays all land that is currently zoned R-1A, One- and Two-Family Residential Districts.

#### 12.03 Effect of PRCD Overlay Designation

The R-1A, One- and Two-Family Residential Districts and the zoning regulations thereunder shall continue to apply to all property within the PRCD unless the village approves an application of an owner of property within the R-1A, One- and Two-Family Residential Districts to subject the owner's property to the provisions of the PRCD. Such an application shall be made in accordance with the provisions of this section and shall include a development plan in compliance with the provisions of this Chapter.

Upon receiving such an application, the Waldo Village Planning Commission shall determine whether the application and development plan comply with the provisions of this Chapter. This determination shall not be considered to be an amendment to the village

zoning code.

If the Waldo Village Planning Commission makes a final determination that the plan included in the application does not comply with the PRCD regulations of this Chapter, the Commission shall deny the application.

If the Waldo Village Planning Commission determines that the application and development plan comply with the provisions of this Chapter, it shall approve the application, and cause the zoning map to be changed so that the R-1A, One- and Two-Family Residential Districts no longer applies to such property, with the property being thenceforth located in the PRCD and subject to the regulations thereunder. The approval of the application and development plan and the removal of the prior R-1A, One- and Two-Family Residential Districts from the zoning map is an administrative, ministerial act and shall not be considered to be an amendment to the Waldo Village Zoning Code.

#### 12.04 Permitted Uses

1. Single-family detached residential dwelling units
2. Common wall single-family attached dwellings
3. Two-family dwellings
4. Open Space - upon approval of the final development plan by the Planning Commission, the following types of activities are permitted within open space, including but not limited to:
  - A. Bocce, baseball, basketball, softball, football, volleyball, badminton, golf, soccer, swimming, tennis, ice or roller skating, rollerblading, skateboarding, Frisbee, bird watching, horseshoes, canoeing, rowing, jogging, walking, gardening, and bicycling. If open space is intended to be used as a commercial venture, it shall be so stated in the development plan and approved by the village.
  - B. Accessory service buildings and structures incidental and pertinent to permitted uses in paragraph (A) above, where said accessory service buildings and structures are necessary to the pursuit of a permitted recreational use on the premise.
  - C. Natural (Open Space) Area restricted to passive uses such as fishing, swimming, hiking, canoeing, and such other recreation that does not alter any of the natural features of the area.
  - D. Agriculture may be used as natural open space, provided it does not permit hog operations, poultry, fur bearing farms or feed lots. Main underground drainage tiles (i.e 10" diameter or larger) and drainage ditches used for the



drainage of agricultural land shall be identified and placed in an easement (the Marion County Soil and Water District shall be consulted to determine location of main underground drainage tiles and the width of the easement).

- E. All open space lands shall be permanently owned as provided in Section 12.08.

#### 12.05 Designing a Conservation Subdivision

A conservation subdivision is an open space development designed in accordance with the following suggested process:

##### A. Suggested Design Process:

1. Delineate primary conservation areas. Preserve as natural open space.
2. Delineate secondary conservation areas; preserve selected areas as common (improved) or natural open space.
3. Draw house footprints outside the conservation areas. Draw the number of houses based upon the permitted density calculations, with lot lines.

##### B. Suggested Design Guidelines:

1. In order to reduce visual impact, dwellings should typically be located along the edges rather than in the center of open fields if they will be seen from existing public roads. Avoid new construction on prominent hilltops or ridges.
2. Front dwellings on internal roads, not on external roads.
3. 85% or more of the total number of house lots should have a direct view of common open space.
4. Retain or replant native vegetation adjacent to wetlands and surface waters.
5. Preserve existing hedge and tree lines to the extent practicable.
6. Preserve scenic views and vistas.
7. Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
8. Preserve historic or archaeological sites (i.e. earthworks, burial grounds).

9. Landscape or retain vegetation in common areas with native trees and shrubs.
10. Place shade trees along internal roads at fifty-foot intervals on at least one side of the road.
11. Provide active recreational areas in suitable locations.
12. Include a viable pedestrian circulation system, meaning a minimum of a five foot wide asphalt bike and walking path throughout the development.
13. Protect natural drainage swales and creeks. No construction of buildings inside the 100 year floodplain.
14. Provide permanent open space, according Section 12.07 B.

#### 12.06 Procedure to Create a Conservation Subdivision

- A. Prepare an Existing Features (Site Analysis) Map.
- B. Submit Existing Features (Site Analysis) Map without fee. The applicant shall submit the Existing Features (site analysis) Map for a tract(s) of land to be considered as a conservation subdivision with the Waldo Village Zoning Commission, and schedule an agreeable time to jointly visit the site for an on-site visit.
- C. On-Site Visit: The applicant, the Zoning Inspector, one member of the Planning Commission, the Mayor, one Council Member, and one staff member from the Marion County Regional Planning Commission may visit and view the site, at which time the primary and secondary conservation areas shall be identified. Members of the public in attendance wishing to walk the site shall execute a release of liability in favor of the village, the applicant, and the property owner.
- D. Conceptual Development Plan: At the completion of the on-site visit a conceptual development plan should be quickly sketched on the Existing Features (site analysis) Map by the applicant or his consultant for impromptu comments from those in attendance. Based upon such comments, a Formal Development Plan can be prepared for public hearing. No binding decisions or votes are made at the on-site visit.
- E. Prepare Application and Final Development Plan: Applicant shall prepare and submit a formal application and final development plan, with 10 (10) copies and fees, to the Waldo Village Planning Commission.

The Planning Commission shall schedule a public hearing. Notice of the hearing shall be given to directly abutting property owners by regular mail. The failure of delivery of such notice shall not invalidate any action taken on the application. The Planning Commission may request the Marion County Regional Planning

Commission (MCRPC) to comment. The MCRPC's review is administrative. The Planning Commission's review is also administrative.

The applicant may, if he chooses, submit a Preliminary Development Plan to test the appropriateness of his design and his general attention to the development standards of Section 12.07 prior to submitting a Final Development Plan. Such Preliminary Development Plan may be reviewed by the Planning Commission who may comment on the record to the applicant. If the village holds public hearings to review the Preliminary Development Plan, they shall comply with Ohio's open meeting law and abutting property owners shall be notified.

The Final Development Plan shall be drawn to a scale of at least 1" = 100', and shall include in text and map form the following:

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
2. A preliminary drainage plan with a letter of feasibility from a licensed professional engineer.
3. An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually preserve the required open space.
4. The proposed uses of the site, including the limitations or controls to be placed on each.
5. All design guidelines from Section 12.05.
6. Location of buildings and structures.
7. Streets, roadways, pathways, sidewalks and parking areas.
8. Existing utility easements and proposed new easements to the extent known.
9. Proposed lot sizes.
10. Minimum setback and spacing requirements.
11. Recreational facilities.
12. Preserved open space areas and a description of proposed open space improvements.

13. All commonly owned structures.
14. A landscape plan that depicts and identifies all proposed landscaping and entrance features, including those specified herein. The landscape plan shall identify typical elevations and cross sections of landscape features, with the names of plants, shrubs or trees intended to be used.
15. Dwelling unit types, the total number of dwelling units proposed for the site density, and the method and manner used to calculate density.
16. Primary conservation areas as defined in Chapter 16.
17. Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. No structure (other than approved drainage structures as shown on the development plan or other approved structures, such as a park shelter house) shall be constructed within the limits of the 100-year flood plain as mapped by FEMA on the Flood Insurance Rate Maps for Marion County.
18. The extent of environmental conservation by indicating the location of all woodland preservation areas and natural topography preservation areas.
19. Architectural design guidelines including materials, colors and typical renderings for structures and proposed procedures for controlling architectural design elements.
20. The proposed provisions for water supply, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.
21. A preliminary traffic impact analysis based upon new trip generation.
22. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
23. Identification and location of all land dedicated to schools, parks and other public facility sites within or adjacent to the site.
24. The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities. If the proposed timetable for development includes developing the land (including open space) in phases, all phases shall be fully described in textual form in a manner calculated to give village officials definitive guidelines for approval of future phases.
25. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

26. The development shall comply with the requirements applicable to R-1A, One- and Two-Family Residential Districts of the Waldo Village Zoning Code. Except for density and the percentage of required open space, the applicant may request a variance from all other development standards set forth in this zoning code. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved “per plan.”
  27. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained as well as the open space.
  28. The various plans that make up the Development Plan shall bear the seal of a professional engineer, surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans.
- F. Public Hearing: The Waldo Village Planning Commission, after giving proper notice, shall hold a public hearing on the request within a reasonable period of time after receipt of the application, final development plan and submission of fees.
  - G. Action by the Waldo Village Planning Commission: The Planning Commission may approve divergences they find are warranted by the design and amenities incorporated in the development plan. The Planning Commission shall recommend approval of the application for the PRCD and Final Development Plan provided it determines that the application and plan comply with the standards of Section 12.07 and the process of this Chapter. If the Planning Commission finds that the development plan does not meet the standards of Section 12.07 and the provisions of this Chapter, or that divergences requested are not warranted, they shall deny the plan or the divergences. This completes the Zoning Commission’s actions, and they shall forward the development plan to the Waldo Village Council for their review.
  - H. Action by the Waldo Village Council: Upon receipt of the development plan and the Planning Commission’s recommendations, the Village Council shall hold a properly advertised public hearing. Notice of the hearing shall be given to directly abutting property owners by regular mail. The Village Council can either uphold, modify, or overturn the recommendation of the Zoning Commission. A simple majority is required by the Village Council to uphold or modify the Planning Commission’s recommendation. A unanimous decision of the Village Council is required to overturn the Planning Commission’s recommendation.
  - I. Subdivision Plat: No zoning certificate shall be issued for any structure in any portion of a PRCD for which a plat is required by the Waldo Village Subdivision Regulations unless and until:
    1. The final subdivision plat for that portion has been approved by the Waldo

Village Planning Commission, the Waldo Village Council and then recorded.

2. A copy of the recorded plat has been filed with the zoning inspector. No modification of the provisions of the final Development Plan, or part thereof, as finally approved shall be made unless the provisions of subsection 12.09 are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.
- J. Zoning Certificate: After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each lot. The zoning permit for a PRCD development shall be for a period not to exceed three (3) years or that period approved in the Final Development Plan. If significant construction, meaning the physical placement of roads or foundations, has not begun within three (3) years after final development plan approval is granted or within the time period approved in the Final Development Plan, then the Final Development Plan approval shall be void. In such case, the PRCD zoning and map amendment remain in place, but a development plan must be resubmitted for approval.

#### 12.07 PRCD Development Plan Standards

- A. Minimum tract size for a PRCD Subdivision - 3 or more acres where the land division creates five or more new lots or building sights by successive division within a five-year period.
- B. Open Space: At least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space, not to be further developed, unless an exception as provided in 12.07 (C) (2) and (3) is granted by the Village. Open space locations and uses shall be identified on the Development Plan and shall be subject to the approval of the Village. Open space shall be owned, administered and maintained as identified on the Development Plan pursuant to Section 12.08. With prior consent through resolution of the Waldo Village Council, land may be transferred to the Village for public purposes if approved as a part of the Final Development Plan. Uses of land transferred to the Village for public purposes must be approved as a part of the Final Development Plan and may include, but are not limited to trails or active recreation, etc. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Waldo Village Council. Land dedicated to public purposes may count toward the open space requirement if approved on the Development Plan.
1. At least fifteen percent (15%) of the minimum required open space shall be suitable for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but no more than fifty percent (50%) shall be utilized for that purpose. The development plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the development plan.

2. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.
  3. Primary conservation areas, plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins areas may count in their combined aggregate for up to 50% of the required open space.
  4. Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the Development Plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the Development Plan.
- C. Determining The Number of Dwelling Units Permitted, and the Percent of Open Space:
- Single-Family Dwelling Unit Density:
1. Dwelling unit density may be increased by multiplying the gross acreage to be developed by 3.63 dwelling units per gross acre to obtain the maximum number of dwelling units permitted. Provide 50% of the gross acreage in open space.
- Two-Family Dwelling Unit Density:
1. Dwelling unit density may be increased by multiplying the gross acreage to be developed by 14.52 dwelling units per gross acre to obtain the maximum number of dwelling units permitted. Provide 50% of the gross acreage in open space.
- D. Sewage Disposal- A feasibility letter shall be provided by the Marion County Sanitary Engineer indicating that sewer service is available with the capacity needed.
- E. Water - Where public water is available, a feasibility letter shall be provided by the water company indicating that water service is available with the capacity needed. For sites not served by public water, a letter shall be provided from either the Marion Area Health Department or the chief hydrologist for the State of Ohio indicating the local aquifer is capable of providing water in sufficient quantity to each residential home site.
- E. Perimeter Setback- No building shall be constructed within 50 feet of the external boundary of the conservation subdivision.
- F. Storm Water - No features shall be designed which are likely to cause erosion or flooding.
- G. Subdivision standards- Public streets and all drainage improvements shall conform

to the subdivision standards for Waldo Village Ohio or as otherwise approved per the Final Development Plan.

- J. Paths- A five foot wide asphalt walking or bike path is required for conservation subdivisions of more than 5 lots. Paths shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed strip. The Village may require paved or unpaved walkways to connect residential areas and open spaces.
- K. Street Trees - Deciduous, broad leaf street trees with a minimum caliper of three inches (3") at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of all public or private streets. The Ohio State University Extension Office shall be consulted to determine which types of trees are suitable planting near within the public or private road right-of-way.  
  
Individual property owners or the local homeowners association shall responsible for the maintenance, replacement, etc. of all trees planted within public and private street right-of-way in the conservation subdivision.
- L. Minimum Front Setbacks - Dwelling Units and garages shall be set back a minimum of fifteen (15) feet from the street right-of-way.
- M. Minimum lot size- six thousand (6,000) square feet for single-family detached dwellings on fee simple ownership lots, or as otherwise approved on the Final Development Plan. Attached dwelling units (i.e. two-family, attached condominiums, etc.) or detached condominiums shall have a minimum lot area per dwelling unit of six thousand (6,000) square feet or as approved per the Final Development Plan.
- N. Minimum Lot Width at the building line-
  - 1. 60' lot widths may be used for a maximum of 40% of the total single-family and two-family lots.
  - 2. 70' lot widths may be used for a maximum of 30% of the total single-family and two-family lots.
  - 3. 80' or wider lots shall be used for at least 30% of the total single-family and two-family lots or as otherwise approved per final development plan.
- O. Minimum Side yards- 6 feet each side for single family, common wall single-family units and their garages, and two-family. Five (5) feet for accessory buildings. For non-residential structures the minimum separation between buildings units shall be fifty (50) feet.
- P. Driveway Setbacks- Two feet from side lot line. Side-load garages shall provide at least 24 feet of paved apron, exclusive of the 2 foot side lot line for single-family detached dwellings on fee simple ownership lots. Attached units (i.e. two-family, attached condominiums, etc.) or detached condominiums as approved per the final development plan.



- Q. Minimum Rear yard- 30 feet for single-family detached dwellings on fee simple ownership lots and attached garages. Five (5) feet for accessory buildings. Attached units (i.e. two-family, attached condominiums, etc.) or detached condominiums as approved per the final development plan.
- R. Building Height Requirement - See Section 6.03
- S. Minimum Dwelling Unit Floor Area - See Section 5.05
- T. Street lighting- if provided must be of white light, maximum height 16 feet, with a cutoff downward cast fixture.
- U. Landscaping - All yards, front, side and rear, shall be landscaped. All improved common open space shall be landscaped per the approved development plan. A landscape plan for the common open space and streetscape within road right-of-way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the final development plan.
- V. Parking – Off-street parking shall be provided. Construction traffic may park in the street, but only on one side so as to allow for safe access by emergency equipment. Off-street parking shall comply with Section 11.05 or as approved per the development plan.
- W. Signs-All signs shall be in accordance with Section 11.06 or as approved per plan.
- X. Other Requirements- The development shall comply with all requirements applicable to all zoning districts unless a divergence to those standards has been approved in the development plan.
- Y. Supplemental Conditions and Safeguards- If the Village determines that additional landscaping is needed to buffer existing land uses, they may require such as part of the development plan approval.
- Z. Variance - The Village, as a part of development plan approval, may grant variances from any standard or requirement in this Chapter with the exception of density, and the percentage of required open space. An applicant requesting a variance shall specifically and separately list each requested variance and the justification therefore on the development plan submittals with a request that the proposed variance be approved “per plan”.

#### 12.08 Ownership and Maintenance of Open Space

- A. Ownership of Open Space

Different ownership and management options apply to the permanently protected

common open space created through the development process.

The common open space shall remain in perpetuity and may be owned as identified below. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Village to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

Ownership Standards. Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Village.

1. Offer of Dedication. The Village shall have the first offer of undivided common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Village may, but is not required to accept undivided common open space provided:
  1. Such land is accessible to all the residents of the Village;
  2. There is no cost of acquisition other than incidental costs related to the transfer of ownership;
  3. The Village agrees to maintain such lands.

Where the Village accepts dedication of common open space that contains improvements, the Village may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

2. Homeowners Association. The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following provisions:
  - a. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
  - b. The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
  - c. Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

- d. The association shall be responsible for maintenance of insurance and taxes on the undivided common open space. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
- e. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
- f. In the event of transfer, within the methods herein permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Village, notice of such pending action shall be given to all property owners within the development.
- g. The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
- h. The homeowners association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide:
  - 1. That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season).
  - 2. That the undivided common open space shall be maintained for purposes set forth in the approved final development plan.
  - 3. That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Village, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Village, all residents of the Village shall have access to such identified paths/walkways.
- i. The lease shall be subject to the approval of the homeowner's association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Marion County Records office and notification shall be provided to the Village within 30 days of action by the Board.

3. Condominiums. The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Village. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.
4. Dedication of Easements. The Village may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners associations, provided:
  - a. Such land is accessible to Village residents;
  - b. There is no cost of acquisition other than incidental transfer of ownership costs;
  - c. A satisfactory maintenance agreement is reached between the developer, association and the Township.
5. Transfer of Easements to a Private Conservation Organization. With the permission of the Village, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:
  - a. The organization is acceptable to the Village, and is a bona fide conservation organization with perpetual existence;
  - b. The conveyance contains whatever provisions are agreed to between the Village, the owner and the organization.
6. Third Party Ownership. With the approval of the Village, open space may be owned by a third party if protected by either: (i) an open space easement which permanently and irrevocably transfers the development rights from the open space land to a homeowners or condominium association, the Village or a conservation organization; or (ii) unmodifiable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved development plan. Open space land to be transferred to a third party other than a homeowners association, condominium association or the Village shall also be located in a reserve with an open space notation on a recorded final plat.

B. Maintenance of Open Space

1. The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowner association bylaws to place liens on the

property of residents who fall delinquent in payment of dues or assessments.

2. In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Village may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Village may modify the terms of the original notice, add to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said (30) days or any extension thereof, the Village may pursue the enforcement as a zoning violation.

#### 12.09 Extension or Modification of Final Development Plan

- A. An extension of the time limit for the approved Final Development Plan may be granted by the Waldo Village Planning Commission without public hearing provided they find that such extension is not in conflict with the public interest.
- B. A request for minor changes to the Final Development Plan may be approved by the Village. Requests for minor changes shall initially be made to the Village Planning Commission, who shall make a recommendation and pass it on to the Village Council. In approving such requests, the Village may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.
- C. In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:
  1. A change in the use or character of the development;
  2. An increase in overall coverage of structures;
  3. An increase in the density or overall number of dwelling units;
  4. An increase in the problems of traffic circulation or public utilities;
  5. A reduction in approved open space;

6. A reduction of off-street parking and loading space;
7. A reduction in required pavement widths;
8. A reduction of the acreage in the PRCD.

In approving such requests, the Village may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.

## Chapter 13

### Planning Commission

#### 13.01 Organization, Staff Services and General Procedures

##### 13.011 Organization

The Planning Commission shall have five(5) members, consisting of 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 of the Village to be appointed by the Mayor for terms of six(6) years each, except that the term of one of the members of the first commission shall be for four(4) years and one(1) for two(2) years. Vacancies, occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointments and shall be for the unexpired term. All members shall serve without compensation.

##### 13.012 Staff Services

The Mayor shall appoint the secretary of the commission, and the secretary shall prepare and distribute notices of meetings, keep minutes of meetings and prepare resolutions and other documents relating to the work of the commission. The Zoning Inspector or his designated representative shall attend all commission meetings if possible.

##### 13.013 General Procedures

The commission shall organize and adopt rules to govern its activities, in accordance with this code. Meetings of the commission shall be held once each month and at such additional times as the commission may determine. The time of the regular monthly meetings shall be specified in the rules. Special meetings may be called by the chairman, or in his absence, by the Vice-Chairman. All meetings of the commission shall be open to the public.

The 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 filed promptly in the Village council chambers and shall be public record. One(1) member shall be a quorum for the purpose of establishing a date and time for the continuance of the meeting. After this is accomplished, and the date is clarified to all present, the member or both members present, whichever is the case, shall adjourn the meeting.

Three(3) members of the Board shall constitute a quorum to conduct all other business.

The commission may call upon the Village departments for assistance through proper authority in the performance of its duties, and it shall be the duty of such departments to render such assistance to the commission as may reasonably be required.

13.02 Power and Duties

- A. The Planning Commission may initiate proposed amendments to this code.
- B. The Planning Commission shall review all proposed amendments to this Code and make recommendation to the Village Council as specified in Section 15.03.
- C. The Planning Commission shall have all other responsibilities designated to it by this Code and Ohio law.



## Chapter 14

### Board of Zoning Appeals

#### 14.01 Establishment, Staff Service and General Procedures

##### 14.011 Establishment

A Board of Zoning Appeals is hereby created and established. Such Board shall consist of five(5) members, to be appointed by the Mayor, all of who shall be residents of the Village of Waldo, Ohio. The terms of the appointive members shall be five(5) years and shall be so arranged that the term of one(1) member will expire each year. Vacancies, occurring otherwise than by expiration of term, shall be filled in the same manner as original appointments and shall be for the unexpired term. Members of the Board shall serve without compensation.

##### 14.012 Staff Services

The Mayor shall appoint the Secretary of the Board, and the Secretary shall prepare and distribute notices of meetings, keep minutes of meetings and prepare resolutions and other documents relating to the work of the Board. The Zoning Inspector or his designated representative shall attend all Board meetings if possible.

##### 14.013 General Procedures

The Board shall organize and adopt rules to govern its activities, in accordance with this code. The Board of Zoning Appeals shall elect from its membership, a Chairman and other such officers as it may deem necessary. Meetings of the Board shall be held once each month and at such additional times as the Board may determine. The time of the regular monthly meeting shall be specified in the rules. The Chairman, or in his absence the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. 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 filed immediately in the Village Council chambers and shall be a public record.

A quorum shall consist of the following: One(1) member shall be a quorum for the purpose of establishing a date and time for the continuance of the meeting. After this is accomplished, and the date is clarified to all present, the member or both members present, whichever is the case, shall adjourn the meeting.

Three(3) members of the Board shall constitute a quorum to conduct all other business. The Board shall act by resolution, and 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 any applicant in any matter of which the

Board has original jurisdiction under this code, or to grant any variance from the requirements stipulated in this code.

The Board may call upon the Village departments for assistance through appropriate authority in the performance of its duties, and it shall be the duty of such department to render such assistance to the Board as may reasonably be required.

#### 14.02 Applications And Appeals

The Board shall act in strict accordance with the procedures specified by law and by this Chapter. All applications and appeals made to the Board shall be in writing, and shall be filed with the Secretary at least fourteen(14) days before the meeting at which they are to be heard. Each application or appeal shall refer to the specific provision of the code involved, and shall set forth exactly the interpretation that is claimed, the use for which special exception is sought, a clear description of the land involved, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

##### 14.021 Filing Application

An application to the Board, in cases in which it has original jurisdiction under the provision of this Chapter may be taken by any property owner or tenant, or by a governmental officer, department, Board or Bureau affected. such application, in a form approved by Board, shall be filed with the Secretary.

##### 14.022 Filing Appeals

An appeal to said Board from any ruling of the Zoning Inspector, or other administrative officer administering any portion of this code may be taken by any property owner or tenant, or by any governmental officer within twenty(20) days after a decision of the Zoning Inspector by filing a notice of appeal with the Secretary, in a form approved by the Board, specifying the grounds therefor. The Zoning Inspector shall transmit to the Board all papers constituting the record upon which the action appealed from was taken, or in lieu thereof certified copies of said papers.

##### 14.023 Hearings: Date and Notices

When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place said application or appeal upon the calendar for hearing and cause notices stating the time, place, and object of the hearing to be served. Such notices shall be served personally or by registered or certified mail at least ten(10) days prior to the day of such hearing upon the applicant or the appellant, and to such other persons as the Board may specify in its rules and regulations. Such notices, if by mail, shall be addressed to the last known address of the parties to be notified. Deposit of such notice in the U.S. Mails shall constitute service of notice. The Secretary of the Board shall also publish notice of such hearing in a newspaper of general circulation in Waldo Village at least seven(7) days prior

to the public hearing. Any party may appear at such hearings in person or agent or attorney.

Each application or appeal shall be accompanied by a check, payable to the Treasurer of the Village of Waldo, or a cash payment of the amount as set forth in Section 15.025. The Secretary shall not accept an application or appeal until such payment is received.

#### 14.024 Adjournment of Hearing

Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit additional information or attendance to be secured, or to cause such further notice as it seems proper to be served upon such other property owners as it decides may logically be concerned with 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 or resumption of said unless the Board so decides.

#### 14.025 Decisions of The Board

The Board shall decide all applications and appeals within thirty-five(35) days after completion of the hearing thereon, and such decision shall become effective upon adoption by the Board. The Board's action shall be by resolution, stating the reasons, and setting forth the findings of the Board as to compliance or non-compliance of the application or appeal with the requirements in this code. A certified copy of the Board's decision shall be transmitted to the applicant or appellant. 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. After the Board approves any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal, if filed within one(1) year of the date of the Board's decision, the Secretary shall not schedule any hearing until the Board has received the application or appeal and decided that there is new matter, evidence of facts to be heard by the Board.

#### 14.026 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certified to the Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due case shown, be granted by the Board after notice to the Zoning Inspector or by judicial proceedings.

### 14.03 Powers of the Board

#### 14.031 Interpretation of the Zoning Ordinance

Upon appeal from a decision by the Zoning Inspector, the Board shall have the power to decide any question involving the interpretation of the zoning text or map as follows:

In case there is question as to the intended meaning of any provision of the zoning text, the Board may interpret its meaning as it applies to a particular property.

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Board, after notice of public hearing to the owners of the property, shall interpret the map in such a way as to carry out the intent and purpose of this code for the particular section or district in question. In case of any question as to the location of any boundary line between zoning districts, an application or interpretation of the zoning map may be made to the Board and a determination shall be made by said Board by following the procedure established in Section 14.02.

#### 14.032 Original Jurisdiction Applications for Exception And Conditional Uses

The Board shall have original jurisdiction and may hear and decide in accordance with the provisions of this code, applications, filed as provided, for special exceptions, conditional uses, or for decisions upon other special questions on which the Board is authorized by this code to pass. In consideration an application for special application for special exception or conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency with the proposed use and development. Before authorizing a use as a special exception or conditional use, the Board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood. Upon authorizing a conditional use of exception the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation. In addition to those expressly stipulated in this code for the particular conditional use or exception, as the Board shall deem necessary for the protection of adjacent properties and the public interest.

#### 14.033 Appeals for Variances

The Board shall have the power to authorize upon appeal in specific cases, filed as provided, such variances from the provision or requirements of this code as will not be contrary to the public interest, however, nothing herein contained shall be construed as authorizing the Board of Zoning Appeals to effect changes in the zoning map or to add to the uses permitted in any zoning district, in order to grant a variance the Board must find:

1. That there are special circumstances or conditions, fully described in the

Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this code would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land or building.

2. That the granting of the variance will be in harmony with the general purpose and intent of this code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
3. That the condition or situation of the specific place of property or the intended use of said property, for which the variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonably practicable the formulation as a part of this code of a general regulation for such condition or situation.
4. That the variance as granted by the Board is the minimum variance that will accomplish the reasonable use of the subject land or building.

#### 14.034 General Powers

In exercising its powers, the Board, in conformity with the provision of statute and this code, may reverse or affirm, wholly or part of, may modify the order, requirement, decision or determination appealed from, and may make such order, requirements, decision or determination as in its judgement ought to be made, and to that end shall have all powers of the office from which the is taken. The Board shall have and shall be limited strictly to the powers and duties prescribed by the Ohio Revised Code and by this code.

#### 14.04 Expiration of Permits for Exceptions, Conditional Uses and Variances

Every permit or variation of the application of the literal provisions of this code allowed or granted, as provided in this Chapter shall expire and be of no force or effect after the expiration of six(6) months from the date thereof, unless

- A. Within said period, the provisions of said variance or permit have been acted upon and placed in effect, or
- B. Unless the Board at the time of take original grant or allowance of such variation or permit shall have granted a longer period, in which event the expiration thereof shall be on the date specified by said Board, or

C. Unless the Board grants an extension of time at a later date.

## Chapter 15

### Administration

#### 15.01 Duties of the Zoning Inspector

##### 15.011 Office of the Zoning Inspector

There is hereby established the Office of Waldo Village Zoning Inspector. The Zoning Inspector shall be appointed by the Mayor and shall receive such compensation as the Village Council shall provide. It shall be the duty of the Zoning Inspector to enforce the provision of this code and keep records of all applications for the zoning permits and the action taken thereon. All departments, officials and employees of the Village of Waldo vested with the duty or authority to issue permits or licenses shall conform to the provisions of this code and shall issue no license to permit for any use, building, or purpose in conflict with the provisions of this code. Any permit or license issued in conflict with the provisions of this code shall be null and void.

##### 15.012 Applications Zoning Permits

A zoning permit shall be required for the construction or alteration of any building or structure, including fences and accessory buildings, unless such accessory building is in the "R-1" or "R-2" District and is 144 square feet in area or less and on a non-permanent foundation, then is not required. Every application for a zoning permit shall be accompanied by plans in duplicate drawn to scale in black line or blue-print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate if any, and, when no buildings are involved the location of the present use and proposed use to be made of the lot and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this code. One(1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Inspector, together with such zoning permit as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location the building thereon shall be staked out on the ground before construction is started. In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the Marion County Sanitarian of the proposed method of water supply and/or disposal of sanitary wastes. No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform to the provisions of this code.

### 15.013 Occupancy or Use Permits

#### 15.0131 Occupancy Permits; Where Zoning Permit Is Issued

Upon completion of the work for which a zoning permit has been issued in accordance with Section 15.12 the holder of the permit shall notify the Zoning Inspector of such completion. The Zoning Inspector shall grant such holder an occupancy permit if the work has been performed in accordance with the application for the zoning permit and such conditions, if any, as may have been required by the Zoning Inspector when the zoning permit was issued.

#### 15.0132 Occupancy Permits; Where No Zoning Permit Is Required

Before the use of any land or building is changed, when no zoning permit is required by this code, and application for an occupancy permit shall be filed with the Zoning Inspector. Such application shall show the location of the subject lands or buildings, the present and proposed use thereof, and such other information as may be necessary to determine if the proposed use is in conformity with the provisions of this code; and, if so, the occupancy permit shall be granted.

#### 15.0133 Temporary Occupancy Permits

Under such rules as may be adopted by the Board of Zoning Appeals the Zoning Inspector may issue a temporary occupancy permit for a part of a building.

### 15.014 Action on Applications: Time Limit

The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this code within ten (10) days after these are filed in full compliance with all the applicable requirements. He shall either issue a zoning permit within said ten(10) days or shall notify the applicant in writing of his refusal of such permit and the reasons therefor. Failure to notify the applicant in ease of such refusal within said ten(10) days shall entitle the applicant to a zoning permit unless the applicant consents to an extension of time.

### 15.015 Zoning Permits: Time Limit

A zoning permit shall expire one(1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such permit. A zoning permit shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of the application and the permit granted thereon.



## 15.02 Fees

See current Waldo Village Zoning Fee Resolution.

## 15.03 Amendments

It shall be the policy of the Waldo Village government to consider this zoning code, together with its zoning district maps, to be subject to amendment from time to time, in order to recognize changing conditions of land use and development, and to utilize improved practices in zoning. This code will be regarded as a flexible means of encouraging good development and use of land in the Village of Waldo.

To these ends, the Waldo Village Council, the Waldo Village Planning Commission, property owners or lessees of property may initiate amendments. The procedure for such proposed amendments shall be as set forth in the Ohio Revised Code, Section 713.12.

## Chapter 16

### Definitions

#### 16.01 Definitions

For the purposes of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word “structure” includes buildings, the word “occupied” includes designed or intended to be occupied; the word “used” includes designed or intended to be used; and the word “shall” is mandatory and not merely directive. Other words and terms shall have meanings as defined hereunder.

#### Accessory Building or Structure.

A subordinate building or structure on the same lot with a principal building, or a portion of the principal building occupied or devoted exclusively to an accessory use, provided that any such building or structure is erected at the same time or after the construction of the principal building.

#### Accessory Use.

A use subordinate to the principal use of a building or premises, and customarily incidental thereto.

#### Adults Only Entertainment Establishment.

An establishment which features services which constitute adult services which constitute adult material or which features exhibitions of persons totally nude, topless or bottomless, or persons with less than full opaque covering of private parts of the body, erotic dancers, strippers, male or female impersonators, or similar entertainment which constitutes adult material.

#### Adults Only Material.

Any book, magazine, newspaper, pamphlet, poster, print, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing or any service, capable of arousing interest through sight, sound, or touch, or is characterized by an emphasis on sexual excitement.

#### Agriculture.

See the Ohio Revised Code Section 519.01 for the current definition of agriculture.

#### Animal Raising, Specialized.

The use of land and buildings for the commercial raising, care and sale of fur-bearing animals such as foxes, rabbits, dogs and domestic pets; also the stabling or care of horses and other animals and birds as an enterprise other than an accessory to agricultural use, as herein defined.

Anemometer.

An instrument that measures the force and direction of the wind.

Apartment Building.

Any building housing three(3) or more apartments or dwelling units, provided said units are the principal use of the building.

Apartment Hotel.

- A. A building or portion thereof containing three(3) or more dwelling units or guest rooms or suites or guest rooms not for the use of transients, or
- B. An apartment building in which all or most of the dwelling units are provided with maid service.

Automobile or Trailer Sales Area.

An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition, and where only incidental repair work is done.

Board.

The Waldo Village Board of Zoning Appeals.

Boarding House.

A building or part thereof other than a hotel or restaurant, where meals are served, for compensation, for three(3) or more parsons, not transients (See also "Lodging House").

Building.

Any structure having a roof supported by columns or walls used for shelter or enclosure of persons, animals or property.

Building, Length of.

For the purpose of computing required yard dimension or distance between buildings, the length of a building shall be the total length of the exterior wall or walls which are most nearly parallel to the lot line or other building to which the dimension or distance is measured.

Building, Wall.

For the purpose of computing required yard dimension or distance between buildings, the building wall includes such wall or parts therefor which is most nearly parallel with the lot line or other building wall to which the dimension or distance is measured.

Clear Fall Zone.

An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within

the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property.

Commission, Planning.

The Waldo Village Planning Commission.

Comprehensive Plan.

The Comprehensive Plan for Marion County or parts thereof, as and when adopted or amended by the Marion County Regional Planning Commission.

Conditional use: Special Exception.

A principal use which is subject to conditional approval by the Board of Appeals. A conditional use (or special exception) may be granted by the Board only under one of the following conditions:

- A. Where there is a specific provision in this Ordinance for such use within the District involved, or
- B. In case the use in question is not listed as either permitted or prohibited in the District involved, and the Board is specifically authorized to determine whether an unlisted use is similar to others listed as permitted. Such favorable determination may not be made in the case of a use which is first listed as permitted or as prohibited in a less restricted District.

Conservation Subdivision.

A residential community where typically half of the buildable land area is designated as undivided, permanent open space. This result is achieved by designing compact neighborhoods with small lots, with the goal of having 85% of the homes afforded a direct view of the open space.

Cowling.

A streamlined removable metal that covers the wind turbine's nacelle.

Dangerous Exotic Animal(s).

Shall be defined as any animal, amphibian, reptile, mammal, bird or fowl which is carnivorous, venomous or possesses other characteristics which may constitute a danger to human life and is not indigenous to the State of Ohio.

Dangerous Wild Animal(s).

Shall be defined as any animal, amphibian, reptile, mammal, bird or fowl which is carnivorous, venomous, or possesses other characteristics which may constitute a danger to human life and generally lives in its original, nature state and habitat and is not normally domesticated.

Decibel.

A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

District, Zoning.

A portion of the land within which certain uniform regulations and requirements of various combinations are in effect.

Drive-in Establishment.

Any commercial establishment such as a carwash, bank or restaurant, which relies for its principal source of customers or contents on provision for the driving of motor vehicles, with a parking space, window, stall or device at which the sale or service is provided by the establishment or self-service.

Drive-through Establishment.

A drive-in establishment in which the vehicles are kept in line waiting for service.

Dwelling.

Any building or portion thereof designed or used as the home of one or more persons or families, but not including a tent, cabin, hotel, motel, trailer or mobile home. This definition shall include a modular dwelling, as defined herein.

Dwelling, Industrialized.

“Industrialized unit” means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. “Industrialized unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized unit” does not include a manufactured home or a mobile home as defined by the Ohio Revised Code.

Dwelling, Manufactured.

“Manufactured home” means a building unit or assembly of closed construction that is fabricated in an off site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, 42, U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Dwelling, Mobile.

“Mobile Home” means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or as an industrialized unit

as defined in the Ohio Revised Code.

Dwelling, Multi-Family.

A building or portion thereof designed for or used for residence purposes by three or more families, including an apartment building or town house.

Dwelling, Single Family.

A building designed for and used exclusively for residence purposes by one family or housekeeping unit.

Dwelling, Seasonal.

A summer cottage, winter lodge or similar lodging occupied less than six (6) months during a year.

Dwelling, Town House.

A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate entrance, whether maintained in a single ownership, separate ownership, or condominium. In order to conform with this Ordinance a town house shall comply with the following:

- A. Have a maximum of eight (8) dwelling units in a single building.
- B. Have a minimum of eighteen(18) feet of width from each dwelling unit.

Dwelling, Two Family.

A building designed for and used exclusively by two families or housekeeping units.

Dwelling Unit.

One or more rooms designed for intended for or used as a residence by one family with facilities for cooking therein.

Family.

A person living alone or two or more persons living together as a single housekeeping unit, in a dwelling unit.

Floor Area.

The measurement of floor area for purposes required by this Ordinance shall be the sum of the area of the first floor, as measured to the inside of exterior walls, plus that area, similarly measured, of all other stores having eighty-four(84) or more inches of headroom, which are accessible by a fixed stairway elevator or escalator, and which may be made usable for the intended occupancy. For residential uses, the floor area of uninhabitable basements, cellars, garages, accessory building attics, breeze ways, and unenclosed porches shall be excluded.

Garage, Private.

A detached accessory building or a portion of a principal building used only for the storage of self-propelled vehicles and incidental residential storage.

Garage, Public.

A building or portion thereof, designed or used for equipping, servicing repairing, hiring, renting, selling or storing self-propelled vehicles.

Home Occupation.

An occupation which is carried on in the home in a Residential or "R-1A" District, provided it is incidental to the residential use, and meets the requirements of Section 13.03 of this Ordinance.

Hospital.

An institution providing health services primarily for in patient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facility. The term specifically shall not include tuberculosis, mental, or penal hospitals, rest homes or nursing homes.

Hotel, Motel.

A building or buildings containing guest rooms to be occupied primarily by transients who are lodged with or without meal service.

Junk Yard.

A place where discarded or salvaged materials are brought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards house wrecking yards, used lumber yards and place or yards for storage of house wrecking and structural steel materials and equipment. For the purposes of this Ordinance two (2) or more unlicensed autos on a lot shall constitute a scrap yard and be subject to the provisions and regulations of a scrap yard.

Lodging House.

A building or part thereof, other than a hotel or motel, where both meals and lodging are provided for compensation, for three or more persons, not transient, where no cooking or dining facilities are provided in individual rooms. (See also "Boarding House and Rooming House").

Lot.

A parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with the open space as required by this Ordinance and having frontage on a public street.

Lot Area.

The computed lot area within the lot lines.

Lot, Corner.

A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street which form an interior angle of less than one hundred thirty-five(135) degrees. The point of intersection of the street lines is the corner.

Lot Interior.

A lot other than a corner lot.

Lot Depth.

The mean horizontal distance between the front and rear lot lines, measured at right angles to the street line.

Lot Width.

The mean horizontal distance across the lot between side lot lines, measured at right angles to the lot depth provided that the minimum lot widths required by this Ordinance shall be so measured at a distance from the front lot line equal to the required depth of the front yard.

Lot Lines.

The property lines bounding a lot.

Lot Line, Front.

The front property line, usually the Right-of-Way of the street.

Lot Line, Rear.

The lot line opposite and most distance from the front lot line.

Lot Line, Side.

Any lot line other than a front or rear lot line. A side lot line of a corner lot, the side property line usually in or adjoining the street is called a street lot line. A side lot line separating a lot from another lot is called an interior lot line.

Lot of Record.

A lot which is a part of a recorded plat or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Marion County Recorder.

Motel.

See "Hotel."

Mobile Home.

See "Dwelling, Mobile."

Manufactured Home.

See "Dwelling, Manufactured."



Nacelle.

A separate streamlined metal enclosure that covers the essential mechanical components of the wind turbine.

Natural Open Space.

Land set aside in its natural condition. Typical natural conditions might be, but are not limited to ravines, wetlands, flood plains, woods, scenic views, or appropriate agriculture.

Non-conforming Structure.

A building or structure, lawfully existing at the time of the effective date of this Ordinance, that does not conform to the use regulations for the zoning district in which it is located.

Non-conforming Use.

The use of a building or structure or of a tract of land, lawfully existing at the time of the effective date of this Ordinance that does not conform to the use regulations for the zoning district in which it is located.

Opaqueness.

The degree to which a wall, fence, structure or landscape planting is solid or impenetrable to light or vision in a generally uniform pattern over its surface.

Open Space.

This term, as used in this Ordinance, is intended to:

1. Refer to front, side or rear yards adjoining buildings, or to other land space not occupied by buildings, required or provided to afford light, ventilation, visibility and other requirements for a healthful environment; or
2. Land within a development that shall not be built upon and may be classified as either “improved common” or “natural” open space, or a combination of both. It does not include the areas of individual fee simple lots conveyed to homeowners.

Open Space Development.

Land that is designed and developed as a unified residential development with open space as an integral characteristic. Instead of subdividing an entire tract into house lots and streets, the same number of housing lots may be clustered on a reduced amount of acreage on the condition that the remaining land in the tract is permanently reserved for open space area, the future development or subdivision of which is prohibited.

Open Space Easement.

A recorded legal instrument which permanently and irrevocably protects land from future development, other than for approved open space use. The easement shall be tied to the title of the land regardless of the subsequent ownership of the land.

Open Spaces.

An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Parking Area or Lot.

An open area, other than a street or other public way, used for the parking of motor vehicles.

Parking Garage.

A structure designed and used primarily for the storage or parking of passenger automobiles including such accessory servicing of such automobiles as may be permitted by this Ordinance.

Political Graphic.

A billboard or other graphic the purpose of which is to support or oppose any candidate(s) for public office or any ballot question or issues to be voted on in any election.

Political Sign.

See "Political Graphic."

Permit, Zoning.

Any permit which authorizes the construction or alteration of building or structures in accordance with this Zoning Ordinance.

Principal Building.

A building or structure in which is conducted the principal use of the lot on which it is situated.

Principal Use.

The primary or chief purpose for which a lot or structure is used.

Primary Conservation Areas.

Steep slopes (over 20%), wetlands, watercourses, intermittent streams and 100-year flood plains.

Primary Structure.

For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer.

A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Public Uses.

All lands, other than streets and highway, owned by and officially designed for continuing public use by a Municipality, Township, County, School District, State of Ohio, United States Government or any other duly constituted agency of government such as parks, schools and administrative recreation, cultural and service buildings.

Public Utility Facilities.

Land, buildings, equipment, materials, tools and machinery involved in the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems reasonably necessary for the furnishing of adequate community wide service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings or administrative purposes. Public utility services, shall be deemed to exclude customarily accessory telephone electrical gas, sewer, or water connections to individual properties.

Recreation Facilities, Private.

Privately owned recreation facilities which are not operated for the general public for profit, including private country clubs golf courses, riding clubs, fishing or hunting clubs, game preserves, ski slopes, swimming pools and other similar non-commercial recreation areas or facilities.

Recreation Facilities, Limited Commercial.

Recreation areas and facilities open to the public established and operated for profit, limited to enterprises serving vacationing and or one day customers, including picnicking, camping, fishing and boating, with the sale of goods and services limited to food, beverages, boating, fishing and camping supplies, boat docking and launching, tent and recreational vehicle parking.

Recreation Facilities, General Commercial.

Recreation areas and facilities open to the public, established and operated for profit, including commercial golf courses, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar commercial enterprises.

Residence.

See "Dwelling."

Road.

See "Street."

Rooming House.

A building or part thereof other than a hotel or motel, where lodging is provided for

compensation for three(3) or more persons, not transients, where no cooking or dining facilities or services are provided. (See also “Lodging House”).

Secondary Conservation Areas.

Land typically consisting of upland forest, meadows, pastures, and farm fields that are part of the ecologically connected matrix of natural areas significant for wildlife habitat and/or water quality protection; historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads and other reasons. Secondary conservation areas are those selected areas to be saved in a conservation subdivision in addition to the primary conservation areas.

Semi-Public Uses.

Land owned by a non-profit organization or agency which is open to general public use, including but not limited to a cemetery church, Sunday school, parochial school, college, hospital, site occupied by an auditorium, museum, art gallery or other institutions of an educational, religious, charitable or philanthropic nature but not including any private or semi private club, lodge, fraternity or other similar activity.

Service Station.

Buildings or premises, or portions thereof, arranged or designed to be used for the retail sale of all gasoline or other products for the propulsion or lubrication of motor vehicles including facilities for changing and repairing of tires or batteries, polishing, greasing, washing, or minor servicing of such motor vehicles, but excluding high speed automotive washing, steam cleaning, body repairing, major motor, transmission or chassis repairing and body bumping and painting.

Sign.

Any writing, numerals, pictorial representation, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant, streamers, or any other fixtures or object of similar character which:

- A. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, column or other structure, or any portable device, and
- B. Is used to announce, direct attention to, or advertise, and
- C. Is visible from any street, alley, park, or other public area.

Sign, Area of.

The entire area within a single continuous parameter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. For a sign having more than one(1) display surface, all surfaces shall be included in computing the total of the exposed exterior display surface area. For a sphere or other curved display surface, the area shall be that of the largest plane passing

through it at right angles to the principal line of vision.

Sign, Accessory.

A sign which relates solely to the building or premises on which it is located, in any manner indicated by the definitions here under for functional types of accessory sign.

Signs Accessory, Defined by Function.

A. Bulletin Board.

A sign of permanent construction, but with movable letters words or numerals indicating the name of a religious institution, school, library, auditorium, theater, stadium, athletic field or other similar use and the announcement of services or activities to be held therein.

B. Directional Sign.

A sign containing only words, numbers, arrows or pictorial matter directing pedestrians or motorists in the proper and convenient use of the premises on which the sign is located.

C. Identification Sign.

A sign which displays only the name, address and/or use of the premises and/or the goods sold or produced or the services offered therein.

D. Temporary Sign.

A banner, pennant, streamer, poster, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or place of land or a portable device, and which directs attention to an object, product, place, activity, person, institution, organization or business and is constructed of metal cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.

E. Temporary Sign, Real Estate.

A temporary sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

F. Temporary Sign Construction.

A temporary sign indicating the names of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project.

G. Warning Sign.

Any sign indicating a situation which is dangerous or potentially dangerous.

Signs, Accessory, Defined by Structural Type.

A. Awning, Canopy or Marquee Sign.

A sign that is mounted on, painted on or attached to an awning, canopy or marquee.

B. Free Standing Sign.

A sign, not attached to any building, which is suspended or supported by one or more upright columns or structures attached to the ground.

C. Projecting Sign.

A sign, not a wall sign, suspended from or supported by building or similar structure and projecting therefrom.

D. Roof Sign.

A sign erected on or over the roof of any building or similar structure.

E. Wall Sign.

A sign which is erected against or painted upon the wall of any building, with the exposed face thereof in a plane parallel with the plane of said wall.

Sign, Advertising.

A sign which directs attention to a use, commodity or service not related to the premises on which it is located, including a billboard.

Sign, Digital Accessory and Advertising.

A digital / electronic sign that is used to display messages and graphics and is controlled on-site or off-site by means of a computer.

Sign, Face.

A single surface of a sign, upon, against, or through which the message of the sign is exhibited.

Sign, Flashing.

Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

Sign, Height.

The vertical distance from the upper most point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway) whichever measure permits the greatest elevation of the sign.

Sign, Illuminated.

A sign which is illuminated by an artificial source of light.

Sign, Mounted Mobile.

A sign which includes a permanently or temporarily attached trailer for the purpose of

transporting it to a given location. Signs that are removed from their trailers, but not permanently attached to a building, structure, post, or land are still defined as "Mounted Mobile Signs" for the purpose of this code. Signs may be illuminated or non-illuminated and typically are designed for the placement of individual letters on the sign face to produce messages.

Sign Moving.

Any sign or part thereof which rotates, revolves or otherwise is in motion.

Sign Structure.

The supports, uprights, bracing or framework for signs.

Slaughter House.

A building used for the slaughtering of animals and the scalding, dressing, butchering and storage of animal carcasses, but not including the rendering, smoking, curing, or other processing of meat, fat, bones, offal, blood or other by-products.

Street.

A public Right-of-Way thirty(30) feet or more in width which existed prior to the time of the effective date of this Ordinance or has been subsequently approved. The term "street" shall include avenue, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Street, Principal.

The street adjoining the front lot lines.

Street, Side.

The street located along the side street lot line of a corner lot; the street adjoining a corner lot which is approximately at right angles to the principal street.

Structure.

Any constructed or erected material or combination of materials the use of which require location on the ground including but not limited to, buildings, stadia, radio towers, sheds, storage bins, swimming pools walls and fences.

Structural Alteration.

Any change in the structural members of a building, such as walls, floors, columns, beams or girders.

Tourist Home.

A building or part thereof, other than a hotel, motel boarding house, lodging house, or rooming house, where lodging is provided for transients by a resident family in its home for compensation.

Township House.

See “Dwelling, Town House.”

Travel or Vacation Vehicle.

A vehicle, either self propelled or non-self-propelled, so constructed as to permit its continued conveyance upon public streets and highways, and so designed and constructed as to provide sleeping and for eating accommodations for persons while traveling or vacationing. Any portable vehicle providing such accommodations having a usable length of thirty(30) feet or less shall be included within this definition, and shall not be defined as a mobile home.

Wind Power Turbine Owner: The person or persons who owns the Wind Turbine structure.

Wind Power Turbine Tower: The support structure to which the wind turbine and rotor are attached.

Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

Yards, Required.

The open space required between lot lines and buildings or structures, which space shall be open, unoccupied and unobstructed except as provided for in this Ordinance.

Yard, Front.

The required open space, extending for the full width of the lot, between the front lot line and any building, measured horizontally at right angles to the front lot line.

Yard, Rear.

The required open space extending for the full width of the lot, between the rear lot line and any principal building, measured horizontally at right angles to the rear lot line.

Yard, Side.

The open space extending from the front yard to the rear yard between the nearest side lot line and a building.

Zoning District; Zoning Use District; Use district.

These terms are synonymous with each other. See “District, Zoning.”