

TITLE XV LAND USAGE

Chapter

150. ZONING

Section.

150.1	- Introduction	pg. 2
150.2	- Districts and General Provisions	pg. 8
150.3	- Nonconforming Uses or Buildings	pg.11
150.4	- R-1, Single-Family Residence District	pg.12
150.5	- R-2 General and Multi-Family Residence District	pg.14
150.6	- B-1, Provisions Governing Commercial Districts	pg.16
150.7	- M-1, Provisions Governing Manufacturing Districts	pg.18
150.8	- Special Provisions	pg.20
150.9	- Off-Street Parking and Loading Regulations	pg.22
150.10	- Mobile Homes and Mobile Home Parks, Motels & Motor Hotels Not permitted	
150.11	- Signs and Outdoor Advertising Structures	pg. 24
150.12	- Exceptions and Modifications	pg. 27
150.13	- Enforcement	pg. 28
150.14	- Board of Zoning Appeals	pg. 30
150.15	- District Changes and Regulation Amendments	pg. 35
150.16	Validity and Repeal	pg. 37

CHAPTER 150: ZONING

150:01 INTRODUCTION

(A) TITLE.

This Ordinance shall be known as and may be cited to as the Zoning Ordinance of the Village of Edison, Morrow County, Ohio.

(B) INTERPRETATION

Provision of Ordinance declared to be Minimum restrictions.

In their interpretation and application, the provisions of this Ordinances shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

(C) SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(D) REPEAL OF .CONFLICTING ORDINANCE. EFFECTIVE DATE

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

DEFINITIONS

(1.) INTERPRETATION; For the purpose of this Ordinance certain terms or words used herein shall be interpreted as follows;

All words used in the present tense include the future tense,
All words in the singular include plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended, or arranged to be used".

(2.) ACCESSORY USE OR BUILDING; Any use or structure located on the same lot as or adjacent to a lot occupied by a primary use or structure where both the lot occupied by the primary use or structure and the adjacent lot are owned by the same party.

(3.) ALLEY OR LAND; A public or private way not more than 20 feet wide affording only secondary means of access to abutting property.

(4.) APARTMENT HOUSE; See Dwelling, Multi-Family.

(5.) AUTOMOTIVE OR TRAILER SALES AREA; An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

(6.) AUTOMOBILE SERVICE STATION OR FILLING STATION; A place where gasoline, kerosene, or any other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

(7.) AUTOMOBILE WRECKING; The dismantling or disassembly of used motor vehicles or trailers, or the storage, sale or dumping of dismantled partially dismantled, obsolete or wrecked vehicles or their parts.

(8.) BASEMENT; A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than 5 feet above grade at any such entrance or exit.

(9.) BEGINNING OR CONSTRUCTION; The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot, or parcel where a building is to be constructed; the incorporation of labor and materials where land is to be used for purposes other than construction of a building; the moving of dirt which alters the natural topography and drainage patterns of the area.

(10.) BOARD; The Board of Zoning Appeals of the Village.

(11.) BOARD OR LODGING HOUSE; A dwelling or part thereof where meals and/or lodging are provided for three or more persons for compensation by previous arrangement, but not transients.

(12.) BUILDING; Any structure constructed or used for residential, business, industrial, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures, whether stationary or movable.

(13.) CELLAR; That portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the adjoining finished grade. .

(14.) CEMETARY; Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

(15.) CLINIC; A clinic is a place which provides a range of services by a group of licensed practitioners, their associate(s) and assistant(s) including the care, diagnosis, and treatment of those who are sick, ailing, infirm and/or injured persons, and including the care of those who are in need of medical, surgical, or dental attention, but who are not provided with board or room nor kept overnight on the premises.

(16.) CLUB; A non-profit association of persons who are bona fied members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to reader a service customarily carried on an a commercial enterprise.

(17.) COMMISSION; Village Planning Commission.

(18.) DISPLAY SIGN; A structure that is arranged, intended, designed, or used as an advertisement, announcement, or direction, including a sign, sign screen, billboard, and advertising device of any kind.

(19.) DISTRICT; A portion of the territory of the Village within which certain uniform regulations and requirements or various combinations thereof apply.

(20.) DWELLING; A permanent building used primarily for human habitation but not including facilities for the housing or transient residents nor to include mobile homes.

(a.) Dwelling, Single-Family; A permanent building separate and freestanding, in itself providing living accommodations for one family. Tiny Home or Small Family; A permanent building separate and free standing, in itself providing living accommodations for single or small family.

(b.) Dwelling, Two-Family; A permanent building designed exclusively for occupancy by two families.

(c.) Dwelling, Multi-Family; A permanent building or portion thereof providing separate living accommodations for three or more families.

(d.) Dwelling, Unit; One room, or a suite, or two or more rooms, designed for and used by one family for living, and sleeping purposes and having only one kitchen or kitchenette.

(e.) Dwelling, Group; A group of two or more detached dwellings located on a parcel of land in one township and having any yard or court in common.

(21.) ESSENTIAL SERVICES; These public services provided by the state, county, or village.

(22.) FRONTAGE; All the property abutting on one side of a street, between intersecting or intercepting streets, or between a street and right-of-way, waterway, and of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

(23.) GARAGE, PRIVATE; A space or structure for the storage, sale, hire, care, repair, or refinishing of self-propelled vehicles.

(24.) GARAGE, PUBLIC; A space or structure for the storage, sale, hire, care, repair, or refinishing of self-propelled vehicles.

(25.) HOME OCCUPATION; Any use conducted entirely within a dwelling by the occupant of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes. Such a use shall employ not more than one person outside the family resident in the dwelling.

(26.) HOSPITAL; A building or a portion thereof used for the accommodation of sick, injured, or infirm persons, including sanitarium.

(27.) INDUSTRY; Storage, repair, manufacture, preparation, or treatment of any article, substance, or commodity.

(28.) JUNK YARD; Any open area where waste, discarded or salvaged materials are bought, sold exchanged, baled or packed, disassembled or handled including auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage of equipment.

(29.) KENNALS; Any structure or premises in which four or more dogs are kept.

(30.) LOT; A piece, parcel, or plot of land, occupied or to be occupied by one principal building and its accessory building including the open spaces required under this title.

(31.) MINERAL; Any chemical compound occurring naturally as a product of inorganic

processes.

(32.) **MOBILE HOMES**; Structures designed to be used for human habitation, carrying, or storage of persons or property, not having a permanent foundation, being able to be easily equipped with wheels or other devices to be transported from place to place.

(33.) **MOTEL OR MOTOR HOTELS**; A series of attached, semi-attached, detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

(34.) **NONCONFORMING USE**; A use of building or land lawful at the time of enactment of this ordinance that does not conform with the "permitted use" provisions of this ordinance.

(35.) **RECREATIONAL FACILITIES**; Any instrumentality provided by state, church, or private enterprise, for the purpose of rest and relaxation, mental or physical refreshment, or any other activity relating to fun and games.

(36.) **SIGN - AREA OF**; The total exterior surface computed in square feet of a sign having but one exposed exterior surface, 1/2 the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.

(37.) **STABLE - COMMERCIAL**; A stable for horses, donkeys, mules, or ponies, which are let, hired, used, or boarded on a commercial basis and for compensation.

(38.) **STABLE - PRIVATE**; An accessory building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

(39.) **STANDARD EQUIPMENT**; A criterion for the control of type and placing industrial equipment.

(40.) **PERFORMANCE**; A criterion established in the interest of protecting the public health and safety for the control of noise, odor, or smoke which is generated by, inherent in, or incidental to land use.

(41.) **STORY**; That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

(42.) **STREET**; Any public or private way dedicated to public travel, and 50 feet or more in width, the word "street" shall include the words "roads", "highway", and "thoroughfare".

(43.) **STRUCTURE**; Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

(53.) ZONING INSPECTOR; The Zoning Inspector of the Village, or his authorized representative.

(54.) ZONING MAP; The Zoning Map or Maps of the Village, together with all amendments subsequently adopted.

150.02

DISTRICTS AND GENERAL PROVISIONS

(A) Districts: The village is hereby divided into four (4) districts known as:

- R-1 Single-Family/Small Family/Tiny Residence District
- R-2 General and Multi-Family Residence District
- B-1 General Business District
- M-1 General Manufacturing District

(B) Zoning Map: The Districts and boundaries thereof are established as shown on the Zoning Map, which map, together with all notations, references, data, district boundaries, and other information shown thereon, shall be part of these Regulations. The Zoning Map, properly attested, shall be and remain on file in the office of the Village Clerk.

(C) District Boundaries; The District Boundary lines on said map are intended to follow either streets or alleys or lot lines; and, where the districts designated on the approximately by such street, alley, or lot lines, the street or alley or lot line shall be construed to be the Boundary of the District, unless such is otherwise indicated on the map. In case of subdivided property, the District Boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

(D) Compliance with Regulations; No building shall be erected, converted, or altered, nor shall building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged, or altered except in conformity with the area regulations minimum yard requirements, and minimum off-street parking space requirements of this ordinance for the district in which such building is located.

(E) Rear Dwelling; No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other space and off-street parking requirements. For the purpose of determining the front yard in some cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling, an unoccupied and unobstructed access way not less than twenty (20) feet wide, to a public street for each dwelling unit in such dwelling or one not less than fifty (50) feet for three or more units.

(44.) **STRUCTURAL ALTERATION**; Any change in the structural members of a building, such as walls, columns, beams, or girders.

(45.) **TOURIST HOME**; A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

(46.) **THOROUGHFARE, PRIMARY OR SECONDARY**; An officially designated federal or state numbered highway or county or other road or street designed as a primary thoroughfare on an official thoroughfare plan, or a county or other road or street designated as a secondary thoroughfare on said plan, respectively.

(47.) **TRAILERS**; Trailers shall include mobile homes as previously defined as well as trailers designed to be pulled over the road and defined in 70.01 and railroad cars converted for use other than by railroad companies.

(48.) **USE**; The purpose or activity for which a building, structure, or land is occupied or maintained.

(49.) **VARIANCE**; A Variance is a relaxation of the terms of the Zoning Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance a Variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by Variance, nor shall a Variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

(50.) **YARD**; An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this Title.

(a.) **Front Yard**; The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

(b.) **Rear Yard**; The-yard extending across the entire width of the rear lot line and the nearest part of the principal building.

(c.) **Side Yard**; The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

(51.) **HEIGHT OF BUILDING**; The vertical distance from the established average sidewalk grade, street grade, or finished grade, at the building line, whichever is the highest, to the highest point of the building.

(52.) **ZONING CERTIFICATE**; A document issued by the Zoning or Building Inspector authorizing buildings, structures, or uses consistent with the terms of the Zoning Ordinances and for the purpose of carrying out and enforcing its provisions.

- (F) **Street Frontage Required:** Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least one-hundred (100) feet on a street; and there shall be not more than one single-family dwelling for such frontage. The previously platted lots shall be accepted.
- (G) **Traffic Visibility Across Corner Lots;** in any R-District on any corner lot, no fence, structure or planting shall be erected or maintained within thirty (30) feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.
- (H) **Off-Street Parking and Load;** any district spaces for off-street parking and for off-street loading shall be provided in accordance with the provisions in Section 150.09.
- (I) **Essential Services;** Essential services shall be permitted as authorized and regulated by law and other resolutions of the Village; it being the intention hereof to exempt such essential services from the application of these regulations.
- (J) **Unsafe Buildings;** Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.
- (K) **Vacated Street or Alley;** Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.
- (L) **Trailers Prohibited - Except;** A mobile home, garage, basement or temporary structure may be temporarily used as a residence on a lot while dwelling is being constructed thereon, but such use shall not be continued for more than eighteen (18) months. A separate zoning certificate shall be required for the site of a temporary dwelling quarters.
- (M) **Trailers – Visitors-** Not more than (1) RV/ Travel Trailer may be temporarily used a residence by a visitor on occupied property owned, leased, or rented by a resident of the village for a period of (30) days, provided that:
- (1.) All provisions of the Morrow County Board of Health are complied with, a fee of \$10.00 shall be paid to the Zoning Inspector who may issue a “Temporary Visitor Zoning Certificate”
- (N) **Territory Not Included - Annexations:** In every case where territory has not been specifically included within a district or where a territory becomes part of the incorporated area of the Village as the result of the annexation of any land, lot, or portion thereof, or otherwise, such territory shall automatically be classified, as an R-2 district until otherwise reclassified.
- (O) **Accessory Buildings in R-Districts:** Accessory buildings shall be distant at least six (6) feet

from any dwelling situated on the same lot unless an integrated part thereof: at least six (6) feet from any lot line of adjoining lots which are within an R-District.

(P) Automobile Wrecking and Junk Yards; these activities are disallowed within the Village Zoning District.

(Q) Floor Space Requirements: See articles dealing with each respective District.

150 03 _ NONCONFORMING USES OR BUILDINGS

- (A) Existing Nonconforming Uses - Continuation: Except as herein-after specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this ordinance may be continued although such use, building or structure does not conform to the provisions of this ordinance for the district in which it is located.
- (B) Nonconforming Uses or Buildings - Enlargement, Substitution, Etc.: No existing building or premises devoted to a use not permitted by this ordinance in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed substituted or structurally altered, unless approved by the Board and excepted as follows:
- (C) Substitutes; when authorized by the Board, in accordance with the provisions of Section 150.14 the substitution for a nonconforming use of another not more objectionable nonconforming use.
- (D) Nonconforming Use Made to Conform: Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- (E) Discontinuance of a Use: No building, structure, or premises where a nonconforming use has been discontinued for a period of twenty-four (24) months or more shall again be put to a nonconforming use.
- (F) Nonconformity - Performance Standards: All uses nonconforming at the time of adoption of this ordinance, by reason of noncompliance with the provisions of Section 150.08 if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within one(1) year of the adoption of this ordinance.
- (G) Repairs and Alterations; Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, provided the total structural repairs and alterations shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed 50% of the building or structure for tax purposes at such date, unless such building or structure is permanently change to a conforming use.
- (H) Unsafe Buildings: When the safety to the occupants of said structure of structures is in danger, and then repair shall be limited to the correction only of such threat.

R-1 SINGLE FAMILY RESIDENCE DISTRICT

- (A) **Purpose;** The purpose of the residence district is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.
- (B) **Uses Permitted in the R-1 District**
- (1) Single-Family Dwellings
 - (2) Churches, schools, libraries, parks, playgrounds, and public services.
 - (3) Accessory uses: such as garages private garages and accessory buildings and toolshed not containing less than eighty (80) square feet no more than four hundred (400) square feet in area.
 - (4) Unlighted real estate signs, home occupation signs, and public building or placed and not having over six (6) square feet of sign area.
- (C) **Conditional Uses in the R-1 Residence district**
- (1) Utility substations and pump house providing that such structures shall not detract from the general appearance of the area nor adversely affect the comfort, safety, or welfare of the residence of the area.
 - (2) Community centers, cemeteries, and utility office buildings.
- (D) **Required Lot Area and Lot Width in the R-1 Residence District:**
Each dwelling shall be located on a lot having an area of not less than 10,000 square feet and a lot width of not less than 100 feet at the building line; except for those existing lots as contained on plat map which shall be deemed to comply with this section.
- (E) **Height Regulation in the R-1 Residence District:**
No residential dwelling shall exceed 2 1/2 stories or 35 feet in height.
- Corner Lots; Corner lots shall provide the minimum front yard requirements on each street side of the lot.
- (F) **Required Yard for Single Family Dwelling in the R-1 and R-2 Districts:**
Front Yard – 30 feet from the middle of the street and/or not to extend further than the neighboring houses.
Side Yard – 15 feet

Required Yard for Tiny Home or Small Family Dwelling in the R-1 and R-2 Districts;

Front Yard – 20 feet from middle of the street and /or not to extend beyond the neighboring houses.

Side Yard – 8 feet

(G) Floor Space Requirements for Buildings used

All buildings constructed for home habitation shall provide the following square feet of floor space, for living purposes, excluding garages, porches, and breezeways, etc.

For R-1 and R-2 Residence Districts:

	Minimum 1st floor	Total Minimum
(1) Tiny Home/Small Family	400	960
(2) One Story single dwelling	960	1,100
(3) 1 ½ Story single dwelling	800	1,400
(4) 2 Story Single dwelling	750	1,400
(5) Split Level single dwelling	850	850
(6) 2 Family dwelling,		
a. One floor plan per unit	850	850
b. Two floor plan per unit	600	1,200
(7) Multiple Dwelling		
a. Per unit – 1 bedroom units		500
b. Add for each additional bedroom		120

(H.) Off-Street Parking Requirements in the R-1 Residence District;

There shall be provided in the R-1 Residence District off-street parking in accordance with Section 150.09.

R-2 General and Multi-Family Residence District

(A) Purposes; The purpose of the Residence District is to provide area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

- (B) Uses Permitted in the R-2 Residence District;
- (1) Any uses permitted in the R-1 Residence District.
 - (2) Multi-Family dwellings.
 - (3) Clubs, lodges, rest homes and clinics.
 - (4) Accessory uses

(C) Conditional Uses in the R-2 Residence District (As approved by the Board)

- (1) Stricter Uses; same uses as are conditionally permitted and as regulated in R-1 Residence District, except as specifically limited in this chapter.
- (2) Residential: Two-family dwellings located on a lot adjoining or within 100 feet of a less restricted district, or on a lot abutting a primary or secondary thoroughfare.
- (3) Professional Offices; The office or studio in the residence of a physician, dentist, artist, lawyer, planner, engineer, teacher, architect, or other member of a recognized profession, etc.
- (4) Hotels and Motor Hotels:
- (5) Funeral Home

(D) Required Lot Area and Lot Width in the R-2 Residence District:

	Lot Area (Square Feet)	Lot Width
1. Tiny Home or Small Family	4000 -6000	50
2. Single Family Dwelling	6000	60
3. Two-Family Dwelling	8000	80
4. Three Family Dwelling	10,000	100
5. Multi Family Dwelling and Other permitted uses (Per unit beyond three)	2000	120

(E) Height Regulation in the R-2 Residence District: No residential dwelling shall exceed 2 1/2 stories or 35 feet in height.

- (F) **Required Yard in R-2 Residence District; All structures shall have the following minimum yard spaces.**
- (1) **Tiny Home or Small Family Dwelling;**
 - (A) Front Yard – 20 feet
 - (B) Side Yard – 8 feet
 - (C) Rear Yard – 20 feet
 - (2) **Single Family Dwelling;**
 - (A) Front Yard – 30 feet
 - (B) Side Yard – 8 feet
 - (C) Rear Yard – 30 feet
 - (3) **Two Family Dwelling;**
 - (A) Front Yard – 30 feet
 - (B) Side Yard -8 feet (each side)
 - (C) Rear Yard – 35 feet
 - (4) **Multi-Family Dwelling;**
 - (A) Front Yard – 30 feet
 - (B) Side Yard – 8 feet (each side)
 - (C) Rear Yard – 40 feet
- (G) **Corner Lots: Corner lots shall provide the minimum front yard requirements on each street side of the lot.**
- (H) **Off-Street Parking Requirements in the R-2 Residence District; There shall be provided in the R-2 Residence District off-street parking in accordance with Section 150.09.**

150 06: B-1 PROVISIONS GOVERNING COMMERCIAL DISTRICT

(A) Purpose: The purpose of the B-1 General Business District is to provide a wide range of retail facilities and services of such a nature as to be fully compatible in the close proximity they must enjoy the central business district.

(B) Uses Permitted in the B-1 General Business District.

(1) Any use permitted in a residential district.

(2) Major retail outlets: furniture, department, clothing, shoe, and variety stores, hardware, appliance, paint, and wallpaper stores.

(3) Food, drug, and beverage: grocery stores, supermarkets, meat markets, drug stores, and bakeries in conjunction with retail sales, restaurants, tea rooms, and taverns.

(4) Specialty shops: gift shops, magazine, book and stationary outlets, florist shops, camera, and photography shops, and sporting good.

(5) Service and recreation: Laundromat, dry cleaning, and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, and mortuaries.

(6) Business and professional offices: medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance and utility companies.

(7) Automotive and related uses: gasoline and service stations, motorcycle and bicycle shops, and cab stands.

(8) Accessory uses or Buildings: garages, sheds, etc.

(9) Business and advertising signs pertaining to the business on the property on which the sign is located providing that: (a) illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way, and (b) that any sign located in the district shall not have flashing illumination.

(C) Required Lot Area and Lot Width in B-1 District:

(1) Residential Uses; Each residential use to be accommodated in the B-1 Business District shall meet the minimum lot width requirements of the R-2, Multi-Family Residence District.

(2) Commercial Uses: No minimum lot area or minimum lot width is required for commercial uses.

(D) Building Height Regulation in the B-1 Business District: In the B-1 General Business District,

no building shall exceed three (3) stories or 40 feet in height, except as provided in Section 150.14

(E) Required Yards in the B-1 Business District:

(1) Residential Uses: Each residential use to be accommodated in the B-1 Business District shall meet the minimum yard requirements of the R-2, Multi-family Residence District.

(2) Commercial Uses:

Front Yard- No minimum yard required

Side Yard- No minimum yard requires, except lots adjoining a residential district shall provide a side yard on that adjoining residence district.

Rear Yard- 20 feet. Where a lot line abuts an alley, one-half (1/2) the width of such alley may be considered in meeting the rear yard requirements.

(F) Off-Street Parking Requirements in the B-1 Business District

There shall be provided in the B-1 Business District off-street parking and loading in accordance with the provisions of Section 150.09.

(G) Landscaping or Screening Provisions in the B-1 Business District

For uses abutting a residential district, the minimum yards may be reduced to 50% of the minimum side or rear yard requirements if acceptable landscaping or screening approved by the Board, is provided. Such screening shall be a masonry or solid fence between four and six feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than four (4) feet in height.

150 07: M-1 PROVISIONS GOVERNING MANUFACTURING DISTRICTS

- (A) Purpose: The purpose of the M-1 Light Manufacturing District is to provide for commercial uses, storage, and those manufacturing uses not normally creating a nuisance discernible beyond its property.

The purpose of the Conditional Use Provision is to provide for industrial uses not allowed in any other district, providing that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that general hazard or nuisance affects a large segment of the community.

- (B) Uses-Permitted in the M-1 Light Manufacturing District:

- (1) Any use of a general commercial nature except residential uses.
- (2) Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole-yards, building material storage, and trucking storage. However, not including junk yards or similar uses.
- (3) Manufacturing: manufacture or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes, and cartons, hardware, toys, electric batteries, motors, or generators, textile products manufacture, glass, cement, and stone manufacture or processing including hatcheries, canning, freezing, storage, and bottling.
- (4) Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise. In the event of the denial of such permit, an applicant shall have a right of appeal to the Zoning Board of Appeals, in accordance with Chapter 114.

- (C) Conditional Uses Permitted in the M-1 General Manufacturing District: All uses not otherwise prohibited by law except residential uses, provided, however, that the following uses will be permitted as special uses in the M-1 General Manufacturing District when authorized by the Village Council after public hearing and recommendation by the Zoning Commission; bag cleaning boiler and tank workers, central mixing plant for cement, mortar, plaster or paving materials; coke oven; curing, tanning and or tar, fat rendering, forge plant; foundry or metal fabrication plant; gasoline or oil storage above ground in excess of five hundred (500) gallons; slaughter house or stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol or alcohol beverages; ammonia, bleaching powder, chemicals, brick, pottery, terra-cotta or tile, candles, disinfectants, dyestuffs; fertilizers; linseed oil; paint, oil, turpentine, varnish, soap, and tar products, or any other use which in the opinion of the Zoning commission would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or any other objectionable conditions beyond the confines of its property. The Zoning commission shall recommend Council approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the General Manufacturing District in which it is located. Such special uses shall be subject to any requirements the Zoning commission feels necessary to further the purpose of the Manufacturing District, as stated in the preamble.

- (D) Required Lot Area and Lot Width. in M- 1 General Manufacturing District;
Each use to be established in the M-1 General Manufacturing District shall provide a lot area of 7,000 square feet and a minimum lot width of 60 feet.
- (E) Building Height Regulation - No building in the M-1 M-1 General Manufacturing District shall exceed 2 1/2 stories or 35 feet in height. Where greater height is required, such height may be allowed by the Zoning Commission.
- (F) Yards Required in M-1 General Manufacturing Districts, All structures to be constructed, altered, or moved in the M-1 General Manufacturing District shall provide yards of the following minimum depths;
- | | |
|------------|------------------------------------------------------------------------------------------------------------------------|
| Front Yard | 35 feet |
| Side Yard | 15 feet (except where a side yard abuts a residential district in which case a side yard of 25 feet shall be provided) |
| Rear Yard | 25 feet |
- (G) Screening Required Between M-1 General Manufacturing District and Residential Districts: Newly established manufacturing uses adjacent to or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row, or other suitable landscape device adequate to visually screen the industrial area from the residential area.
- (H) Off-Street Parking and Loading Requirements in the M_1 General Manufacturing District ; There shall be provided in the M-1 General Manufacturing District adequate off-street parking and unloading in accordance with the provisions of Section 150.09.

150.08: SPECIAL PROVISIONS

(A) **Performance Standards:** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable elements or conditions unless the following performance standards are observed:

(1) **. Fire Hazards:** Any activity involving the use of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

(2) **. Radioactivity or Electrical Disturbance:** No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(3) **. Noise:** Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirements.

(4) **. Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

(5) **. Smoke:** Smoke shall be controlled as much as economically possible as determined by the Village Council.

(6) **. Odors:** No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

(7) **. Air Pollution:** No pollution of air by fly ash, dust vapors, or other substance shall be permitted which is harmful to the health, animals, vegetation or other property or which can cause soiling.

(8) **. Glare:** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.

(9) **. Erosion:** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

(10) **. Water Pollution:** Pollution of water shall be subject to the requirements and regulations established by the Ohio Water Commission.

(11) **Wind Turbine:** Wind turbines are not permitted within the village.

(12) Cell Towers/Radio Towers: Cell towers and radio towers are not permitted within the village.

(13) Solar Panels: Installation of Solar panels must be attached to the house. A permit of \$25.00 will be required for installation of solar panels.

(14) Fencing: Fencing will be no higher than 6 foot. Installation of a fence requires a \$25.00 permit. Fencing is required with an in-ground pool.

(E) Enforcement Provisions;

(1) . All uses existing on the effective date of this Ordinance shall conform to these performance requirements within one (1) year, provided, that an extension of up to six (6) months may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create unreasonable hardship.

(2) . The Zoning Inspector shall refer any proposed use which is likely to violate performance requirements to the Board for review.

150.09: OFF-STREET PARKING AND LOADING REGULATIONS

22 (A) Off-Street Parking: Off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 250 square feet per parking space shall be used.

(B) Number of Parking Spaces Required: The number of Off-Street Parking spaces required shall be as set forth in the following:

<u>Uses</u>	<u>Parking Spaces Required</u>
Automobile or Machinery Sales and Service Garages	1 space for each 600 square feet floor area
Banks, Business, and Professional Offices	1 space for each 400 square feet floor area
Bowling Alleys	5 spaces for each alley
Churches and Schools	1 space for each 6 seats in an auditorium or 1 space for each 12 class room seats; whichever is greater
Drive-In Restaurants	Parking Allocation Conditional upon recommendation of Edison Village Planning commission as based on the particular design of facility. Minimum of space for each 50 square feet of floor area.
Dwellings	2 spaces for each dwelling of family unit
Funeral Homes, Mortuaries	4 spaces for each parlor or 1 space for each 50 square feet of floor area, whichever is greater.
Wholesale./Warehouse Establishment	1 space for each 3 employees on maximum shift for each 3,000 sq. feet of floor area, whichever is greater.

Furniture and Appliance Stores, Household Equipment or Furniture Repair shop over 1,000 square feet floor area.	1 space for each 400 square feet floor area
Hospitals and Infirmaries	1 space for each bed
Hotels, Lodging Houses	1 space for each bedroom
Libraries, Museums or Art Galleries	1 space for each 250 square feet floor area
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants, over 1,000 square feet in area	1 space for each 3 employees in the maximum working shift, or 1,200 square feet of floor area, whichever is greater.
Medical or Dental Clinics	1 space for each 250 square feet of floor area
Motel or Motor Hotels	1 space for each living or sleeping unit
Restaurants, Bars, and Night Clubs, over 1,000 square feet (except drive- ins)	1 space for each 100 square feet of floor area
Retail Stores, Shops, etc., over 2,000 square feet floor area	1 space for each 300 square feet floor area
Sanitariums, Convalescent Homes, Children's Homes	1 space for every 2 beds
Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than schools	1 space for each 6 seats

24 150.11: SIGNS AND OUTDOOR ADVERTISING STRUCTURES

- (A) Purpose; To maintain the landscape and appearance of the Village to the benefit of the public welfare and health by restricting the type, size, and design of local signs and outdoor advertising.
- (B) Real Estate Signs: Real estate signs not exceeding six (6) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property.
- (C) Announcement or Professional Signs: Announcement or professional signs for home occupations and professional activities where permitted shall not exceed two (2) square feet in area in "C" and "R" Districts and not more than four (4) square feet in other Districts.
- (D) Bulletin Boards: Bulletin boards and signs for a church, school, community or other public or semi-public institutional building and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed twelve (12) square feet in area.
- (E) Wall Signs: Wall signs pertaining to a conforming of non-conforming use shall be permitted if on the same premises of such use, provided the area of such sign does not exceed sixteen (16) square feet. No building wall shall be used for display for general commercial advertising.
- (F) Billboards: Billboards or other form of commercial outdoor advertising shall not be permitted within the jurisdiction of this ordinance.
- (G) Temporary Signs: Temporary signs not exceeding in the aggregate forty (40) square feet, announcing the erection of a building, the architect, the builders, contractors, etc., may be erected for the period of sixty (60) days, plus the construction period not to exceed one (1) year after the date of the issuance of permit after which the sign shall be removed from the premises.
- (H) Business District Signs
 - (1) . In Business District: In a business district each business shall be permitted one (1) flat or wall sign. Projections of wall signs shall not exceed two (2) feet measured from the face of the main wall of the building.
 - (2) . Permanent Advertising Signs: The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise. For the purpose of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign, The area of all

permanent advertising signs for any single business enterprise shall not exceed a maximum area of (30) square feet.

25

- (3) . Free Standing Signs; Free standing signs not over twelve (12) feet in height, having a maximum total sign area of thirty (30) square feet and located not closer than ten (10) feet to any street line shall be permitted.
 - (4) . Pole Signs of Symbolical Design: Pole signs of symbolical design, shall not be permitted for automobile service stations and other similar business establishments.
- (I) Setback Requirements: Signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modifications.
- (1) . Distance: For every square foot by which such sign or outdoor advertising structure exceeds eighty (80) square feet, such setback shall be increased by one-half (1/2) foot but not exceed one-hundred (100) feet.
 - (2) . Distance at Intersection: At the intersection of any state or federal highway with a major or secondary street, the set-back of any sign or outdoor advertising structure outside the business district shall not be less than five-hundred (500) feet from the established right-of-way of each highway or street.
 - (3) . Real Estate Signs and Bulletin Boards: Real Estate signs and bulletin boards for a church, school or other public or semi-public, religious or educational institution may be erected within ten (10) feet of the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersection.
- (J) Special Yard Provisions: The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures:
- (1). Residence District. No such sign or advertising structure shall be permitted faces the front or side lot line of any lot in any "R" District within one-hundred (100) feet of such lot line, or which faces any public parkway, public square or entrance to any public park, public or parochial school, library, church or similar institution, within three hundred (300) feet thereof.
 - (2). Signs and Advertising Structures: Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or closer than fifty (50) feet to a side or rear lot line in any "R" district.

(K) **Illumination:** The following provisions shall be observed in the illumination of signs and advertising structures.

26

(1)• **Signs and Advertising Structures:** All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light provided source of light is not visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

(2). **Illumination Involving Flashing Movement:** No illumination involving flashing movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted.

(L) **Permits:** A separate permit shall be required for the erection of signs regulated in this Resolution, except that no permit shall be required for temporary real estate signs with an area of six (6) square feet for the sale or lease of property and for small announcement signs with an area of less than two (2) square feet. Announcement signs shall be removed by the person or persons responsible for posting same within thirty (30) days after erection. Each application for a sign permit shall be accompanied by drawing to scale, showing the design proposed, the size, character and color of letters, lines, and symbols, method of illumination; the exact location of the sign in location to the buildings and property, and details and specification for construction

150.12 EXCEPTIONS AND MODIFICATIONS

27

(A) Lot of Record: When a lot which is an official lot of record at the time of adoption of this ordinance does not comply with the area, yard, or other requirements of this ordinance, such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

(B) Exception to Yard Requirements:

(1) . Allowable Projections of Residential Structure into Yards: Any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures.

Architectural features of residential buildings such as window sills, cornices, overhangs may project into the requirements provided such projection is not more than four (4) feet to any lot line.

(2) Allowable Business Structures over Sidewalk; Signs, awnings, canopies, marquees, Projection of are permitted to overhang the sidewalk in the B-1 General Business District only, providing that overhanging signs are a minimum of eight (8) feet above the sidewalk at any point and that all other structures are a minimum of six feet eight inches (6 feet 8 inches) above the sidewalk at any point.

(3) . Allowable Projection of Accessory Building Into Rear Yard: One-story accessory buildings may project into only rear yards abutting on an alley providing such projection extends not closer than five (5) feet to the rear lot line.

(C) Exceptions to Height Limits: The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, Monuments, water towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.

150.13: ENFORCEMENT

(A) ~~Enforcement by Zoning Inspector:~~ There is hereby established the office of Zoning Inspector, who shall be appointed by the Mayor of the Village of Edison for a one year term beginning January 1st of each year with the consent and approval of the Village Council. The Zoning Inspector may be a member of Council, but in any event the Zoning Inspector shall work with the Permits and Utility Committee of the Council. It shall be the duty of the Zoning Inspector to enforce this Ordinance in accordance with the administrative provisions of this Ordinance. All departments, officials, and public employees of the Village, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

(B) **Filing Plans;** Every application for a Zoning Certificate shall be on the form provided by the Zoning Inspector, filed in triplicate and 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 it its use, in whole or in part; the exact location, size and height or any building or structure to be erected or altered; in case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have completed; the existing and intended use of each building or structure or part thereof; the number of family or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to make 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 the Ordinance.

One (1) copy of such plans shall be returned to the applicant when such plans shall have been approved by the Zoning Inspector, together with such Zoning certificate as may be granted. All dimensions shown on these plans related to the location and size of the lot to be built upon, shall be based on actual survey.

The lot and the location of the building thereon shall be staked out on the ground before construction is started.

(C) **Certificate of Health Officer:** 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 responsible Health Officer of the County of the proposed method of water supply and/or disposal of sanitary wastes.

(D) **Zoning Certificate:**

(1) **. Use Prohibited Without Zoning Certificate;** It shall be unlawful for any owner, lessee or tenant to use or permit the use of any structure, building or land, or part thereof

hereafter created, erected, changed, converted or enlarged wholly or partly, until a Zoning Certificate, which may be a part of the building permit, shall be issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises or part thereof, and the proposed use thereof are in conformity with the provisions of this Ordinance. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this Ordinance. Such certificate shall be valid for not more than twelve (12) months unless specific permission for a longer period is granted by the Village Planning Commission or acceptable progress has been made on the construction of the structure in question. (2)

- (2) Certificate of Occupancy: It shall be unlawful for any owner, lessee or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged unless a certificate of occupancy shall have been issued by the Zoning Inspector after inspection. Such certificate of occupancy shall show and certify that such building, structure or premises has been constructed, altered or improved in compliance with the provisions of this Ordinance, the State Building Code and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Zoning Appeals or other proper authority.
- (3) . Excavating - Permit: 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 Ordinance.

(E) Inspector to Act Within Thirty (30) Days: The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Ordinance within thirty (30) days after they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such certificate and reasons therefor. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a Zoning Certificate, unless the applicant consents to an extension of time.

(F) Fees: Fees shall be charged in accordance with orders and directions of the Village Council.

(G) Violations and 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 Ordinance, or any amendment or supplement thereof adopted by the Council of the Village of Edison, Ohio Any person, firm, or corporation, violating any of the provisions of this Ordinance, or any amendment or supplement thereto, shall be deemed guilty of minor misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars

(\$100.00); each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, shall be deemed to be a separate offense.

- 30
- (H) **Violations - Remedies:** In case any building is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Board of Zoning Appeals, the Village Solicitor, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violations may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use: to restrain, correct, or abate violation: to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business or use in or about such premises.

150.14: BOARD OF ZONING APPEALS

- (A) **Appointment:** A Board of Zoning Appeals as constituted at the time of enactment of this Ordinance shall continue in power. The Board shall consist of three citizens of Edison, appointed by the Mayor, with the consent of the Village Council, for the terms of six (6) years, except that the first three (3) appointed shall serve one for two years, one for four years and one for six years. Vacancies shall be filled in the same manner for the unexpired terms. Members of the Board shall serve until their successors are appointed and qualified. Members of the Board shall be removable for cause upon written charges and after public hearings.
- (B) **Procedure:** the Board shall organize and elect a Chairman, Vice-Chairman, and a Secretary from its membership. The Board shall then adopt rules for its own government in accordance with this Ordinance. Meetings shall be held at the call of the Chairman and at such times as the Board deems advisable. The Chairman or in his absence the Vice-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 Secretary shall keep minutes of the proceedings, indicating the vote of each member on each question, or if absent or failing to vote, so note. Also, the Secretary shall keep records of the Board's examinations and other official actions, all of which are to be immediately filed in the office of the Board and become public record. Finally, the Secretary shall conduct all official correspondence and supervise the clerical work of the Board.
- (C) **Quorum. Etc.:** Two members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of two members of the Board shall be necessary to reverse any order, requirements, decision or determination of the Board from which there has been an appeal.

(D) Assistance: The Secretary of the Board may call upon the Edison Planning Commission or other Village Departments for assistance in the performance of the duties of the Board.

31

(E) Applications, Appeals, Hearings and Stay of Proceedings;

(1) . Applications - When and by Whom Taken: An application, in cases on which the Board has original jurisdiction under the provisions of this Ordinance may be taken by any property owner, included a tenant, or by a governmental office, department, board or bureau. Such applications shall transmit same to the Secretary of the Board.

(2) . Secretary - Report: The Secretary shall investigate the application and submit a report thereon, together with his recommendations, to the Board.

(3) . Appeals - When and By Whom Taken; An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

(4) . Secretary - Report: The Secretary shall investigate the appeal and submit a report thereon, together with his recommendations to the Board.

(5) . Hearings: The Board shall fix a reasonable time for the hearings of the application or appeal and shall give written notice of said hearing to the parties in interest, including all property owners within two hundred (200) feet of the property in question. Each application or appeal shall be accompanied by a check, payable to the Clerk of the Village of Edison or a cash payment, sufficient in amount to cover the cost of publishing and/or posting, and mailing the notices of the hearing or hearings, but in no event shall it be less than fifteen dollars (\$15.00). At the hearing, any party may appear in person or be represented by agent or attorney.

(F) Appeal from Decisions of the Board: Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department or bureau of the Village may present to the Court of Common Pleas of Morrow County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Appeals. Any such case shall be heard and determined by the Court without a jury.

(1). Decisions of the Board: The Board shall decide all applications and appeals within thirty (30) days after the date of notice of the required hearing thereon.

A decision of the Board shall not become final until the expiration of five (5) days from

the date of such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

- (2). **Stay of Proceedings;** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board after notice of appeal shall have been filed with him, that by reasons of acts 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 be granted by the Board or by the Court of Common Pleas of Morrow County on application, on notice to the Zoning Inspector, or by judicial proceedings, and on due cause shown.
- (G) **Powers of the Board of Zoning Appeals;** The Board of Appeals shall have the powers granted as follows, including those set forth in subparagraphs H and I;
- (1). **Conditional Uses. Special Exceptions and Interpretation of Zoning Map:** The Board shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications, filed as herein before provided, for conditional uses, special exceptions or for interpretation of the Zoning Map, or for decisions upon other special questions upon which the Board is authorized to pass by this Ordinance. In considering an application for a conditional use, a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use or special 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 Ordinance for the particular conditional use or special exception - as the Board may deem necessary for the protection of adjacent properties and the public interest.
- (2). **Other Conditional Uses:** In addition to permitting the conditional uses and special exceptions herein before specified, the Board shall have the power to permit the following conditional uses and special exceptions;
- (a) **Nonconforming Uses - Substitutions:** The substitution of a nonconforming use existing at the time of enactment of this Ordinance, by another nonconforming use, if no structural alterations, except those required by law or resolution, are made; provided, however, that in any R District no change shall be made by the Board to any use which is not a principal permitted or conditional use in any R District and in a B District no change shall be authorized to any use which is not a permitted principal or conditional use in any B District.
- (b) **Temporary Structures and Uses;** The Board may authorize the temporary uses of a structure or premises in any District for a purpose or use that does not conform to the regulations prescribed elsewhere in this Ordinance for the District in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such uses shall be granted in the form of a temporary and

revocable permit, for not more than a twelve (12) month period, such conditions as will safeguard the public health, safety, convenience and general welfare.

33

- (H) Interpretation of Zoning Ordinance and Map: 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 to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any questions as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textural provision of the Ordinance, a request for interpretation of the Zoning Map or the textural provision in question may be made to the Board and a determination shall be made by said Board.
- (I) Administrative Review and Variance; The Board shall have the power to hear and decide appeals, filed as herein before provided, where it is alleged by the appellant that there is error in any order, requirement, decision, determination, grant or refusal made by the Zoning Inspector or other administrative official in the enforcement and interpretation of the provisions of this Ordinance.
- (1) . Variances - Literal Enforcement Would Create Undue Hardship: The Board shall have the power to authorize upon appeal in specific cases, filed as herein before provided, such variances from the terms, provisions or requirements of this Ordinance as will not be contrary to the public interest; provided, however, cases where, owing to special and unusual conditions pertaining to a specific piece of property the literal enforcement of the provisions or requirements of this Ordinance would result in practical difficulty or undue hardship, so that the spirit of the Ordinance shall be upheld, public safety and welfare secured and substantial justice done.
- (2) . Variances - Conditions Prevailing; Whereby reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulty or would causes unnecessary hardship - unnecessary to carry out the spirit and purpose of this Ordinance - the Board shall have the power to authorize a variance from the terms of this Ordinance, so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached.
- (3) . Variance - Findings of the Board: No such variance, or the provisions or requirements of this ordinance shall be authorized by the Board unless the Board

finds, beyond reasonable doubt, that all the following facts and conditions exists:

- 34
- (a) **Exceptional Circumstances;** That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district.
 - (b) **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
 - (c) **Absence of Detriment;** that the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Ordinances or public interest.
 - (d) **Not of General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property, for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.
 - (e) **Variance - Board May Reverse Orders, etc.;** In exercising its power, the board may, in conformity with the provisions of statutes and of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and take such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Office from whom the appeal is taken.

150.15: DISTRICT CHANGES AND REGULATION AMENDMENTS

35

- (A) Council May Amend Ordinance: Whenever the public necessity, convenience, general welfare or good zoning practices require, the Village Council may by ordinance, after recommendation thereon by the Village Planning Commission and subject to the procedure provided in this Chapter, amend, Supplement, or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification of change may be initiated by the Commission on its own motion, or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this Ordinance.
- (B) Procedure for Change; Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, and for regulation amendments, shall be submitted to the Planning Commission, at its public office, upon such forms, and all shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include in any event a plat or map drawn to a scale of not less than one hundred (100) feet to the inch showing the land in question, its location, the length and location of each boundary thereof, the location of existing use of all buildings and the principal use of all properties within three hundred (300) feet of such land. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the commission itself shall be accompanied by its own motion pertaining to such proposed amendments.
- (1). List of Property Owners; Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within three hundred (300) feet of any part of the exterior boundaries of the premises of the zoning classification of which is proposed, of the premises of the zoning classification of which is proposed to be changed.
- (C) Council Hearing; After receiving from the Commission the certification of said recommendations on the proposed amendment or supplement, and before adoption of such amendment, the council shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by publication in a newspaper of general circulation in the Village or by posting at three (3) business establishments, including the Council bulletin board at the Village Council meeting place, all of which are within the village Corporation limits. If the proposed ordinance amendment intends to rezone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk, by first - class mail, at least twenty (20) days before

property across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's tax list.

36

(1). Council - Final Action: Following such hearing and after reviewing the recommendations of the Commission thereof, the Council shall consider such recommendations and vote on the Ordinance or the Zoning Map. The Council may overrule the recommendations of the Commission by three- fourths (3/4) vote of the full membership of the Council.

(D) Map Change Pending - Zoning Certificate, Building Permit: Whenever the Council has taken under advisement a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, as evidenced by resolution of record, no zoning certificate or building permit shall be issued within sixty (60) days from the date of such resolution which would authorize the construction of a building or the establishment or a use which would become nonconforming under the contemplated redistricting plan.

(E) Fees;, Each application for a zoning amendment, except those initiated by the Commission, shall be accompanied by a check payable to the Clerk of the Village of Edison, or a cash payment in an amount to be determined by the Commission sufficient to cover the costs of publishing, posting, and/or mailing notice of hearings.

150.16: VALIDITY AND REPEAL

- (A) ~~Validity:~~ /this Ordinance and various Parts, Chapters, and Paragraphs thereof are hereby declared to be severable. If any chapter section, subsection, paragraph, sentence or phrase of this Ordinance is adjudged unconstitutional or invalid by any court of the incompetent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (B) Authentication; The Village Clerk of the Village of Edison, Ohio, is hereby ordered and directed to certify to the passage of this Ordinance. This Ordinance shall be in effect and be in force from and after its passage, approval and publication.
- (C) . Conflicting Ordinances: In the interpretation and application of this Ordinance, the provisions contained herein shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety, and general welfare.

In case of any conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Village of Edison, or the whole or part of any existing or future private covenants or deeds, the most restrictive shall, in all cases, apply.

VILLAGE OF EDISON

APPLICATION FOR ZONING PERMIT

Required for construction of new buildings and for changing the use of Building and / or premises.

1. Name of applicant (owner) _____ Phone _____
2. Address of applicant _____
3. Location of site where zoning permit is requested: Lot _____ Street
address _____
4. Current use of the facility and /or
location _____
5. Total amount of the cost of the project _____
6. The property is presently zoned as:
_____ Residential _____ Business _____ Manufacturing
7. State the planned use of facility and / or premises

8. The application shall be accompanied by a check payable to the Village of Edison, or a cash payment in the amount of TEN DOLLARS for an application fee, delivered to the municipal building, clerk's office.
9. If application is approved, Payment of permit must be made prior to construction. Cost of permit is \$3.00 per thousand dollars of cost after \$10,000.

SIGNATURE OF APPLICATION:

DATE SUBMITTED

OFFICIAL USE ONLY

Disposition of Request

The Above request for a zoning permit has been _____ Approve _____ Rejected

IF APPROVED, list any stipulations:

IF REJECTED, state reason (s):

Building and zoning Inspector

date

permit #

