

2

ZONING ORDINANCE

VILLAGE
OF
MAGNOLIA

ZONING ORDINANCE

VILLAGE OF MAGNOLIA

TABLE OF CONTENTS

	<u>Page</u>
ZONING ORDINANCE	1
ARTICLE I - PURPOSE, CONFORMANCE	3
ARTICLE II - DEFINITIONS	5
ARTICLE III - ESTABLISHMENT AND INTERPRETATION OF DISTRICTS AND BOUNDARIES	15
ARTICLE IV - GENERAL STANDARDS AND SPECIAL PROVISIONS	17
ARTICLE V - DISTRICT REGULATIONS	21
SECTION 501 - F-P "REGIONAL" FLOOD PLAIN DISTRICT	21
SECTION 502 - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	24
SECTION 503 - R-2 MULTIFAMILY RESIDENTIAL DISTRICT	26
SECTION 510 - B-1 LIMITED BUSINESS AND OFFICE DISTRICT	29
SECTION 511 - B-2 COMMERCIAL BUSINESS DISTRICT	30
SECTION 520 - I-1 INDUSTRIAL DISTRICT	33
ARTICLE VI - SIGN REGULATIONS	37
ARTICLE VII - PARKING AND LOADING REQUIREMENTS	41
ARTICLE VIII - NONCONFORMING USES	47"
ARTICLE IX - CONDITIONAL ZONING CERTIFICATES	49
ARTICLE X - BOARD OF ZONING APPEALS	63
ARTICLE XI - ADMINISTRATION FEES AND ENFORCEMENT	67
ARTICLE XII - VALIDITY AND SEPARABILITY	73
ARTICLE XIII - REPEALER	73
ARTICLE XIV - EFFECTIVE DATE	75

ZONING ORDINANCE NO. 9-81-9

VILLAGE OF MAGNOLIA, OHIO

PASSED: * DECEMBER 15, 1982

AN ORDINANCE TO PROVIDE FOR THE DIVISION OF THE INCORPORATED TERRITORY WITHIN THE VILLAGE OF MAGNOLIA, STARK AND CARROLL COUNTIES, OHIO, INTO ZONING DISTRICTS, AND WITHIN SUCH DISTRICTS TO REGULATE THE LOCATION, USE, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT WHICH MAY BE OCCUPIED, SETBACK BUILDING LINES, SIZE OF YARDS AND OTHER SPACES, AND TO PROVIDE FOR AMENDMENTS OR SUPPLEMENTS TO SUCH REGULATIONS AND BOUNDARIES OF SUCH DISTRICTS OR ZONES, TO PROVIDE FOR ENFORCEMENT AND PENALTIES FOR VIOLATION OF SAID ORDINANCE.

WHEREAS, the Council of the Village of Magnolia, Stark and Carroll Counties, Ohio, finds and determines that a new zoning plan is necessary to update the existing ordinance and that same will provide protection for residence, encourage home ownership, prevent undue concentration, reduce fire, health, and safety hazards, conserve property values, increase business efficiency, direct the development of the Village along orderly and economic lines and thereby promote the public health, safety, comfort, convenience, prosperity, and general welfare.

THEREFORE, BE IT ORDAINED by the Council of the Village of Magnolia, Stark and Carroll Counties, Ohio:

ARTICLE I

PURPOSE, CONFORMANCE

SECTION 101 PURPOSE

*713.06 Division of Municipal Corporation into Zones

The planning commission of any municipal corporation may frame and adopt a plan for dividing the municipal corporation or any portion thereof into zones or districts, representing the recommendations of the commission, in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare, for the limitations and regulation of the height, bulk, and location, including percentage of lot occupancy, setback building lines, and area and dimensions of yards, courts, and other open spaces, and the uses of buildings and other structures and of premises in such zones or districts.

NOTE: Section 519.18 O.R.C. provides for the zoning of newly annexed territory as follows:

*519.18 Township regulations inapplicable to municipal territory except for period after incorporation or annexation

Regulations enacted by a board of township trustees under Sections 519.02 to 519.25, inclusive, of the Revised Code, shall not apply within municipal corporations, except that where township territory, subject to such regulations, is incorporated such regulations shall apply therein and be enforced by the township officials until the election and qualification of the officers for the newly incorporated territory, and for not to exceed ninety days thereafter, to enable the officers of the newly incorporated territory to adopt zoning regulations. Upon annexation of township territory to an existing municipal corporation the zoning regulations then in effect shall remain in full force and shall be enforced by the township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such territory.

SECTION 102 CONFORMANCE

*713.13 Violation of Zoning Ordinance May be Enjoined

No person shall erect, construct, alter, repair, or maintain any building or structure or use any land in violation of any zoning ordinance or regulation enacted pursuant to Sections 713.06 to 713.12, inclusive, of the Revised Code, or Section 3 of Article XVIII, Ohio Constitution. In the event

of any such violation, or imminent threat thereof, the municipal corporation, or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violations.

ARTICLE II

DEFINITIONS

For the purpose of this Ordinance, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural, the singular; the word "shall" is mandatory and not directory; the word "building" shall include the word "structure"; the word "used" shall include the words "arranged," "designed," "constructed," "altered," "converted," or "intended to be used"; and a "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

Accessory Use ^{or} of Structure: A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, and storing the product, provided, however, that the operation of any such accessory uses shall be secondary and incidental to the normal agriculture activities, and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals or the raising of mink, foxes, and other nondomesticated animals.

Alley: A public or private way affording secondary means of access to abutting property.

Automobile Service Station: A place where gasoline, kerosene, or any other motor fuel or lubricating 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.

Basement: A story having more than one-half of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.

Billboard: Same as "Outdoor Advertising Sign."

Board: The Board of Zoning appeals of the Village of Magnolia, Stark and Carroll Counties, Ohio.

Boarding or Lodging House: A building other than a hotel or motel where for compensation by the week or month, meals or lodging and meals are provided for at least three (3) but not more than twenty (20) persons.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels.

Building, Height of: The vertical distance from the average established curb grade, or from the average finished grade along the front of the building if higher, measured to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height between the eaves and ridge for gable, hip, and gambrel roofs.

Carport: A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all provisions in these regulations for a private garage or accessory building.

Cemetery: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Central Sewer System: A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.

Clinic: Any building or structure devoted to the medical diagnosis and treatment and care of human outpatients.

Commission: The Planning Commission of the Village of Magnolia, Stark and Carroll Counties, Ohio.

Conditional Use: A use permitted with a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed.

Court: An open, unoccupied space, other than a yard, on the same lot with a building, unobstructed from the lowest level to the sky.

Density: The number of families residing, or dwelling units developed on a gross acre of land.

District: A section or sections of the incorporated area of the Village of Magnolia for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Dwelling: Any building, or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family, and multifamily, but not including house trailer or mobile home, basement dwelling, hotels, motels, boarding houses, lodging houses, or tourist dwellings. An attached garage for purposes of determining the front, side, and rear yards shall be considered a part of the dwelling.

A--DWELLING - SINGLE-FAMILY. A separate building occupied or constructed to be occupied exclusively for residence purposes by one family or housekeeping unit.

B--DWELLING - TWO-FAMILY. A separate building occupied or constructed to be occupied exclusively for residence purposes by two families or housekeeping units.

C--DWELLING - MULTIFAMILY. A building or portion thereof occupied or constructed to be occupied by more than two families or housekeeping units.

Dwelling, Group: A group of single-family, two-family, or multifamily dwellings, or their combination, located on one lot and around a common court or courts.

Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and eating.

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

Equal Degree of Encroachment: A standard applied in determining the location of encroachment limits so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of floodflows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

Fill: The placement of earth, stone, and other similar material in any area of a designated Flood Plain District which alters the existing contour elevations.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, provided that unless all members are related to each other by blood, adoption, or marriage, no such family shall contain over five persons.

Flood: A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Floodway: The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

Floodway Fringe: That portion of the regional flood plain located outside the floodway.

Flood Frequency: The average frequency statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

Floor Area: The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) buildings. Floor area, for the purposes of this ordinance, shall not include basement, garage, elevator, and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

Frontage: The lot line along the street. For the purposes of these regulations, corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage, for the purpose of determining yard requirements only.

Garage, Private: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory. Garages containing more than one thousand (1,000) square feet shall not be permitted in residential district.

Garage, Public: A building, or portion of a building, in which more than three (3) motor vehicles are, or are intended to be housed under arrangements made with patrons for renting or leasing such space, and in which no repair work is carried on.

Garage, Auto Service Shop: A building or portion of a building in which commercial repairs are made to motor vehicles, and in which there is no painting of cars or body and fender work done.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Home Occupation: Any use or profession customarily conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hospital: A building devoted to the medical diagnosis, treatment, and care of human patients, and including facilities for overnight or long periods of care.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is designed primarily for use by transient guests, as distinguished from a boarding house or a lodging house.

Junk Yard: The use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles or parts of motor vehicles, plastic, iron, paper, rags, rubber, cordage, barrels, or other similar materials are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled for more than fifteen (15) days.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot: A piece, parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory uses, including such open space and frontage on a public street, as required by these regulations.

Lot Area: The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established street right-of-way shall not be included as part of the lot area for the purpose of this ordinance.

Lot, Corner: A lot at the junction of and abutting upon two (2) intersecting streets.

Lot Coverage: The portion of the lot area that is covered by any buildings.

Lot, Depth: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

Lot, Double Frontage: A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The property lines defining the limits of a lot.

Lot Line, Front: The line separating a lot from the street on which it fronts.

Lot Line, Rear: The line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line; a side lot line separating a lot from the street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Stark County Recorder; or a parcel of land, the deed to which was of record on or prior to the effective date of these regulations.

Lot, Width of: The width measured along the minimum building setback line.

Mini-Warehouse or Storage Facility: A building or group of buildings in a controlled access and/or fenced compound containing individual storage compartments, stalls, or lockers for the dead storage of customer's goods or wares.

Minimum Building Setback Line: A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot.

Mobile Home: See "trailer."

Motel: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed primarily as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

Nonconforming Use: Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regional flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Occupancy Permit: Permit required to be obtained from the Zoning Inspector for a change of use in all business and industrial districts.

Outdoor Advertising Sign: A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected upon the ground, or wall of a building or above the roof of a building, and which is used, erected, intended, and/or designed to be used for the public display of posters, painted displays, pictures or other pictorial or reading matter for the benefit of a person, organization, business, or cause not residing or located on the lot or in the building or on a lot adjoining the lot or building where said appliance, structure, or surface is, or is to be located. An outdoor advertising sign shall include: any card, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in this definition shall include: erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

Parking Lot: An off-street parking area where the principal use of the tract or lot is for vehicular parking.

Parking Space: An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public, such as shoe repair, watch repair, barber and beauty shop, and similar activities.

Public Buildings: Any structure owned and operated by a governmental agency or public school or a school which is certified by the State of Ohio.

Public Utility: Any person, firm, corporation, governmental agency, or board fully authorized to furnish and furnishing to the public, electricity, gas, steam, telephone, telegraph, transportation, water, and any other similar public utilities.

Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

Recycling Transfer Facility: A facility for the collection of waste products such as paper, glass, metals.

Regional Flood: A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency approximately 100 years as is determined by an analysis of floods in a particular stream and other streams in the same general region.

Regional Flood Plain: The area inundated by the regional flood (100-year frequency flood). This is the flood plain area which shall be regulated by the standards and criteria in this ordinance.

Sign: Any structure, whether fixed or portable, or natural object, such as a tree, rock, bush, and ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, work, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of these regulations, the word "sign" does not include the flag, pennant, badge, or insignia of any governmental agency or charitable, religious, educational, or similar organization.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and will face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

Street, Collector: A street providing for traffic movement between major arterials and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.

Street, Major or Arterial: A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity for moving traffic.

Street, Private: A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements therefrom.

Street, Public: A public or private dedicated thoroughfare or thoroughfare subject to public easements therefore, and which affords the principal means of access to abutting property.

Street Right-of-Way Lines: A dividing line between a lot, tract, or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes; or if no right-of-way is established, the right-of-way shall be assumed to be sixty (60) feet.

Strip Mining: Removal of overburden for extraction of soils or minerals.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, farmers' roadside stands, fences, or walls used as fences over twenty-four (24) inches in height.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of the building.

Swimming Pool, Family: A swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee.

Swimming Pool, Commercial: A body of water in an artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children, whether or not any charge of fee is imposed, operated by an owner, lessee, operator, licensee, or concessionnaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.

Thoroughfare: A street or alley.

Tourist Dwelling: A dwelling where overnight accommodations are provided for tourists.

Trailer or Mobile Home: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers.

Use: The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity, or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place, or thing which name indicates the use or intended use.

Variance: A modification of the strict terms of this Ordinance, where such modification will not be contrary to the public interest and owing to conditions of the property and not the result of actions by the owner, a strict enforcement of the regulations would result in an unnecessary and undue hardship.

Veterinary Hospital: A place used for care, grooming, diagnosis, and treatment of sick, ailing, or injured animals, including overnight accommodations and boarding, if incidental to the primary activity.

Yard: An open space on the same lot with a building, unoccupied and obstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Front: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot.

Yard, Rear: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

Yard, Side: A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the rear yard.

Zoning Map: The "Zoning Districts" map of the Village of Magnolia, Stark and Carroll Counties, Ohio.

Zoning Permit: Document issued by the Zoning Inspector authorizing the use of lots or structures in accordance with the Zoning Ordinance for the Village of Magnolia.

ARTICLE III

ESTABLISHMENT AND INTERPRETATION OF DISTRICTS AND BOUNDARIES

SECTION 301 ESTABLISHMENT OF DISTRICTS

The incorporated territory of the Village of Magnolia, Ohio, is hereby divided into zone districts. All such regulations are uniform for each building, structure, or use within each zone district.

SECTION 301.1 DISTRICTS

- F-P "Regional" Flood Plain District
- R-1 Single Family Residential
- R-2 Multifamily Residential
- B-1 Limited Business and Office District
- B-2 Commercial Business District
- I-1 Industrial District

SECTION 301.2 ZONING DISTRICTS MAP

The districts and their boundary lines are indicated on a map entitled "Village of Magnolia, Stark and Carroll Counties, Ohio, Existing Zoning Map," and which, together with the legends, words, figures, letters, symbols, and explanatory matter thereon, is hereby declared to be a part of this Ordinance, and shall be known as the "Zoning Map."

SECTION 301.3 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

A. Where Boundaries Approximately Follow Streets, Alleys, or Highways:

Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, the centerline or alley line of alleys, or the centerline or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

B. Where Boundaries Parallel Street Right of Way Lines, Alley Lines, or Highway Right-of-Way Lines

Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way

lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

C. Vacation of Public Ways

Whenever any street or public way is vacated in the manner authorized by law, the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations, and all area included in the vacation shall thereafter be subject to all regulations of the extended Districts.

D. Interpretation of Flood Plain District Boundaries

See Article V, Section 501.2, for further clarification of this district boundary.

ARTICLE IV

GENERAL STANDARDS AND SPECIAL PROVISIONS

SECTION 401 CONFORMANCE REQUIRED

SECTION 401.1 PERMITTED USE

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district provisions established by these regulations. Uses which are omitted from these regulations, not being specifically permitted, shall be considered prohibited, until by amendment such uses are written into these regulations.

SECTION 401.2 COMPLIANCE WITH HEALTH, SAFETY, AND BUILDING REGULATIONS

A. Sewage Disposal and Water Facilities

No zoning certificate shall be issued until the proper sewerage and water facilities have been approved and permits issued therefor by the proper Village and/or County officials.

B. Building and Subdivision Regulations

All structures shall comply with the standards and requirements of the building and subdivision regulations, as adopted and applicable to the territory within the Village of Magnolia, and administered by the Village, County, and/or State of Ohio.

SECTION 402 EXCEPTIONS AND MODIFICATIONS TO THESE REGULATIONS

SECTION 402.1 SUBSTANDARD LOTS

Any lot of record or lot for which a land contract has been issued before the effective date of these regulations, and not meeting minimum lot requirements, shall require review and approval by the Board of Appeals before a zoning permit may be issued.

SECTION 402.2 PERMITTED HEIGHT EXCEPTIONS

No structure shall exceed the height limitations as specified in each district, except for accessory and incidental parts of such structure, as listed below, which may be erected no more than fifteen (15) feet above the stated district height requirement:

- structures for housing equipment to operate and maintain building
- fire or parapet walls
- towers, steeples
- stagelofts and screens
- flagpoles, chimneys, smokestacks
- radio and television aerials, wireless masts
- water tanks or similar structures

Churches and other buildings for the purpose of religious worship may be erected to any height provided the building is set back from each lot line one (1) foot for each foot of additional building height in excess of the district limitation.

SECTION 402.3 PROJECTIONS INTO YARD AREA

The required yard area for each lot shall be free from structures, with the following exceptions:

- accessory buildings in a rear yard in accordance with Section 402.4
- ordinary projections of skylights, sills, cornices, and ornamental features which may project no more than twelve (12) inches
- fences not exceeding six (6) feet in height, provided such fence is not located within thirty (30) feet of the intersection of two streets
- ordinary projections of chimneys or flues
- paved terrace or patio may project no more than ten (10) feet into a front yard, which shall remain open and unenclosed

SECTION 402.4 LOCATION OF ACCESSORY BUILDINGS AND USES

Accessory buildings attached to the principal building shall be made structurally a part thereof, and shall comply with all requirements applicable to the principal building.

Accessory buildings, structures, and uses not attached to the principal building must be located ten (10) feet from the principal building and may be located within the required rear yard area not closer than four (4) feet to the rear lot line; however, they must conform to front and side yard setback requirements. Such accessory buildings or uses may not occupy more than thirty (30) percent of the required rear yard. Accessory buildings within residential districts shall be not more than fifteen (15) feet in height.

SECTION 402.5 CORNER LOTS

Corner lots in all districts are required to meet minimum front yard requirements, as indicated in such district, facing both streets.

SECTION 402.6 COMPLETION OF USE WHEN PERMIT PREVIOUSLY ISSUED

When a zoning permit has been issued prior to the adoption of these regulations, such building can be constructed or use begun, provided construction has started prior to the permit's expiration date, and provided that construction has been completed within two (2) years from the date of adoption of these regulations.

SECTION 402.7 TEMPORARY BUILDINGS

Temporary buildings, including construction trailers, for uses incidental to construction work, may be erected in any of the zone districts herein established; however, such temporary building or trailer shall be removed upon the completion or abandonment of the construction work.

SECTION 402.8 FENCES, WALLS, AND HEDGES

Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2½) feet in height. Zoning permits will not be required for fences; however, the maximum height shall be six (6) feet.

SECTION 402.9 SEWAGE FACILITIES

Where central sanitary sewage facilities are not available, the minimum lot size shall be twenty thousand (20,000) square feet for a single-family dwelling, unless a larger area is required by these regulations and/or the responsible health authority.

SECTION 402.10 ESSENTIAL SERVICES

Essential services, as defined by these regulations, shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Ohio, it being the intention hereof to exempt such essential services from the application of these regulations.

SECTION 403 SUPPLEMENTARY REGULATIONS

SECTION 403.1 PRINCIPAL BUILDING

No more than one (1) principal building shall be permitted on any lot in any district unless otherwise specifically stated in these regulations, or as permitted in district regulations.

SECTION 403.2 REDUCTION OF LOT REQUIREMENTS

No space which, for the purpose of a building or land use, has been counted or calculated as part of a side yard, rear yard, front yard, or

other open space required by these regulations may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other area requirements for any other use or structure.

SECTION 403.3 VISIBILITY AT CORNER LOTS

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.

SECTION 403.4 INCONSISTENCIES

In the event any of the requirements or regulatory provisions of these regulations are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

SECTION 403.5 SWIMMING POOLS

Public or private in-ground or above-ground swimming, wading, or other pools containing over one and one-half (1½) feet of water shall be considered as structures for the purpose of permits and shall conform to all required yard setback lines. The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall conform to applicable codes.

The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock.

SECTION 403.6 BUSINESS DISPLAYS

In all Business Districts, displays of merchandise shall be conducted within a completely enclosed building except as otherwise provided in this Ordinance.

SECTION 403.7 PARKING AND STORAGE OF VEHICLES

Automotive or vehicles of any type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

No more than two (2) recreational vehicles, such as a trailer home, motor home, or boat, may be stored on residential lots, provided they have a current license and are stored only in the rear yard.

SECTION 403.8 MINIMUM RESIDENTIAL FLOOR AREA

A one-floor dwelling shall contain not less than 720 square feet of usable ground floor area, exclusive of open porches, garages, or steps.

A one-and-a-half-story or two-story dwelling shall contain not less than 650 square feet of ground floor area, exclusive of open porches, garages, or steps.

ARTICLE V

DISTRICT REGULATIONS

SECTION 501 F-P "REGIONAL" FLOOD PLAIN DISTRICT

SECTION 501.1 PURPOSE

The purpose of the "Regional" Flood Plain District (F-P) is to regulate development in the flood plain areas of any watercourse consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconvenience to the individual property owner and the general public resulting from flooding. This district is intended to: 1) restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or cause excessive increases in flood heights or velocities; 2) require uses which are vulnerable to floods to be protected at the time of initial construction; and/or 3) protect potential purchasers from buying lands which are unsuited for intended purposes because of flood hazard.

SECTION 501.2 ESTABLISHMENT OF FLOOD PLAIN ZONE BOUNDARIES

- A. Zone boundaries shall be shown on the Zoning Map and shall be based upon such reports and studies as available from the State of Ohio Department of Natural Resources, U.S. Army Corps of Engineers, the latest U.S. Department of Housing and Urban Development flood control and insurance mapping, and other appropriate and technically qualified information.
- B. This Ordinance relies upon a two-step process for reasonably analyzing the flood hazard affecting specific lands. The Zoning Map adopted as part of this Ordinance provides the first step by delineating a "Regional" Flood Plain District determined to be subject to flooding, based upon the above mentioned reports and/or information.
- C. When sufficient information becomes available to designate separate Floodway and Floodway Fringe Districts, this "Regional" Flood Plain District may be separated into the two districts. In areas where this designation has not yet been made, the second step involves a determination of the flood hazard at the site of any proposed use. All uses, other than open space uses, are Conditional Uses under the terms of Article IX of this Ordinance and require a case-by-case evaluation by the Board of Zoning Appeals, with expert technical assistance when necessary.

- D. The boundaries of the "Regional" Flood Plain District shall be determined by scaling distance on the Zone Map. Where interpretation is needed (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions), the Board of Zoning Appeals shall make the necessary interpretation. The person contesting the location of the district boundary shall have an opportunity to present his case to the Board and submit his own technical evidence.

SECTION 501.3 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Flood Plain District boundaries or land uses permitted within such district will be free from flooding damages. This Ordinance shall not create liability on the part of the Village officials or any officer, employee, or board member thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

SECTION 501.4 USES

A. Permitted Uses

Within the "Regional" Flood Plain District (F-P), the following open space uses shall be permitted, provided they do not include structures, fill, or storage of materials or equipment:

1. Agricultural uses, such as general farming, pasture, grazing, horticulture, forestry, and wild crop harvesting.
2. Private and public recreational open space uses, such as parks, swimming areas, boat launching facilities, wildlife and nature preserves, hunting and fishing areas, hiking and horseback riding trails.
3. Residential accessory uses, such as lawns, gardens, parkings areas, and play area.
4. Private airport landing strip.
5. Off-street parking, as permitted and regulated in Article VII.

B. Conditionally Permitted Uses

All uses other than those specified in Section 501.4, A, are permitted only upon application and approval of a Conditional Use Permit, authorized by the Board of Zoning

Appeals under requirements of Article IX. The "Regional" Flood Plain District encompasses both floodway and floodway fringe areas. Therefore, the Board, as provided in Article IX, Section 902 (146), shall determine whether the proposed Conditional Use is located within a Floodway or Floodway Fringe area.

1. Floodway Conditional Uses

If it is determined that the location of the proposed use is within the floodway, no fill shall be permitted, and only the following uses may be permitted, subject to the general requirements of Article IX, and the specific provisions of Article IX, Section 902, as referred to below:

- a. Transient amusement activities, such as circuses, side shows, carnivals, and festivals, provided all other appropriate permits have been issued, and subject to Subsections 101, 102, 103, 105, 106, 114, 120, 128, 147.
- b. Strip mining, including sand and gravel extraction, soil and peat moss removal, subject to Subsections 105, 110, 111, 112, 113, 114, 117, 124, 127, 131, 147, 148, 149, 150, 151.
- c. Uses or structures accessory to permitted open space uses, such as playground and picnic facilities, golf courses, tennis clubs, riding academies, and other similar outdoor recreational facilities and/or uses, subject to Subsections 102, 103, 104, 105, 114, 123, 127, 128, 131, 147, 148, 149, 150, 151.
- d. Parking lots, accessory to use permitted in an adjacent zoning district, subject to Subsections 103, 105, 115, 137.
- e. Oil and gas wells and their related and necessary structures, subject to Subsections 108, 113, 114, 124, 127, 133, 134, 147, 148, 149, 150, 151.

2. Floodway Fringe Area Conditional Uses

If the Board of Zoning Appeals determines that the location of the proposed use is within the Floodway Fringe area, the following uses, in addition to those listed in Section 501.4, B, 1, may be permitted, subject to the general requirements of Article IX and the specific requirements of Article IX, Section 902, as referred to below:

- a. Fill, subject to Subsection 135.
- b. Single-family dwelling, provided the lowest floor is constructed at least one (1) foot above the regional flood elevations. Fill of a proposed building site shall conform to requirements as stated above, and shall require a separate conditional use permit.
- c. Accessory uses clearly incidental to the dwelling, subject to Subsections 147, 148, 149, 150, 151.

SECTION 501.5 LOT REQUIREMENTS

- A. Minimum lot area shall be one (1) acre.
- B. Minimum lot width shall be one hundred (100) feet.
- C. Minimum lot frontage shall be fifty (50) feet.

SECTION 501.6 YARD REQUIREMENTS

- A. Minimum front yard depth shall be forty (40) feet.
- B. Minimum rear yard depth shall be forty (40) feet.
- C. Minimum side yard width on each side shall be fifteen (15) feet.

SECTION 501.7 STRUCTURE HEIGHT

- A. Maximum structure height shall be forty (40) feet.

SECTION 502 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 502.1 PURPOSE

This district is established to provide for single-family residential development at a density of five (5) dwelling units per acre when served by central sewer facilities.

SECTION 502.2 USES

Within an R-1 Single Family Residential District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

- A. Permitted Uses
 - 1. Single-family dwelling.
 - 2. Public buildings.
 - 3. Churches and other buildings for the purpose of religious worship.

4. Accessory buildings or uses incidental to the principal use, which do not include any activity conducted as a business.
5. Signs, as permitted and regulated by Article VI.
6. Off-street parking, as permitted and regulated in Article VII.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Article IX and to the specific requirements of Article IX, Section 902, referred to below:

1. Parking lots, accessory to a use permitted in an adjacent zoning district, subject to Subsections 103, 105, 115, 137.
2. Oil and gas wells and their related and necessary structures, subject to Subsections 108, 113, 114, 124, 127, 133, 134.
3. Cemetery, subject to Subsections 103, 106, 121, 127.
4. Home occupation, subject to Subsections 116 and 126.
5. Institutions for human medical care--hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions, subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 127, 129, 131.
6. Institutions for education, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 129, 131.
7. Mobile home, subject to Subsection 136.

SECTION 502.3 LOT REQUIREMENTS

- A. Minimum Lot Area - Eight thousand (8,000) square feet
- B. Minimum Lot Width at Building Line - Sixty-five (65) feet
- C. Minimum Lot Frontage - Forty (40) feet.

SECTION 502.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Forty (40) feet
- B. Minimum Rear Yard Depth - Thirty-five (35) feet
- C. Minimum Side Yard Width - Ten (10) feet

SECTION 502.5 MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet

SECTION 503 R-2 MULTIFAMILY RESIDENTIAL DISTRICT

SECTION 503.1 PURPOSE

The purpose of this district is to provide for development at a density of up to twelve (12) dwelling units per acre in areas that are provided with central sewer facilities. Development should consist primarily of townhouse and garden apartments to efficiently utilize community facilities.

SECTION 503.2 USES

Within an R-2 Multifamily Residential District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Single-family dwelling.
2. Two-family dwelling.
3. Multifamily dwelling, including townhouse, row house, and garden apartments, subject to site plan requirements of Section 503.6.
4. Public buildings.
5. Churches and other buildings for the purpose of religious worship.
6. Accessory buildings incidental to the principal use, which do not include any activity conducted as a business.
7. Signs, as permitted and regulated by Article VI.
8. Off-street parking, as permitted and regulated in Article VII.
9. Lodging or boarding houses.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Article IX and to the specific requirements of Article IX, Section 902, referred to below:

1. Parking lots, accessory to a use permitted in an adjacent zoning district, subject to Subsections 103, 105, 115, 137.

2. Home occupation, subject to Subsections 116 and 126.
3. Child day care centers, subject to Subsections 102, 103, 104, 109, 114, 124, 127, 128, 138, 139.
4. Institutions for human medical care--hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions, subject to Subsections 101, 102, 103, 105, 106, 107, 109, 114, 127, 129, 131.
5. Institutions for education, subject to Subsections 101, 102, 103, 104, 105, 106, 109, 127, 129, 131.
6. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, subject to Subsections 101, 102, 103, 104, 105, 108, 114, 123, 125, 127, 128.
7. Group dwellings, subject to Subsections 105, 107, 109, 118, 129, 130, 131.

SECTION 503.3 LOT REQUIREMENTS

A. Minimum Lot Area

Single-Family Dwelling - Seven thousand (7,000) square feet

Two-Family Dwelling - Ten thousand (10,000) square feet

Multifamily Dwelling - Twelve thousand (12,000) square feet plus three thousand (3,000) square feet for each dwelling unit over three (3)

B. Minimum Lot Width at Building Line

Single-Family Dwelling - Sixty (60) feet

Two-Family Dwelling - Eighty-five (85) feet

Multifamily Dwelling - One hundred (100) feet

C. Minimum Lot Frontage - Forty (40) feet

SECTION 503.4 YARD REQUIREMENTS

A. Minimum Front Yard Depth - Thirty (30) feet

B. Minimum Rear Yard Depth - Thirty (30) feet

C. Minimum Side Yard Width - Ten (10) feet

D. Minimum Useable Open Space - Twenty-five (25) percent for multifamily dwellings

SECTION 503.5 MAXIMUM BUILDING HEIGHT - Forty (40) feet

SECTION 503.6 SITE PLAN REQUIREMENTS

All multifamily uses under Section 503.2 shall be permitted only after the review and approval of site plans by the Zoning Inspector and upon finding that:

- A. All required open space, lot area, and parking facilities conform to requirements.
- B. Driveways and parking areas are so located to minimize adverse effects on adjacent development and safe ingress and egress is provided.
- C. Grading and surface drainage provisions are reviewed and approved by the Village Engineer or a total plan is prepared by a registered engineer.
- D. Adequate access by safety vehicles is provided.

SECTION 503.7 OFF-STREET PARKING AND LOADING

As regulated by Article VII.

SECTION 510 B-1 LIMITED BUSINESS AND OFFICE DISTRICT

SECTION 510.1 PURPOSE

This district is established to provide for office building sites and to accommodate the sale of convenience retail goods and personal services which are purchased frequently for daily or weekly needs.

SECTION 510.2 USES

Within a B-1 Limited Business and Office District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Any use permitted in an R-2 District and subject to the requirements of that district.
2. Administrative or executive offices.
3. Professional offices.
4. Financial institutions, not including drive-in facilities.
5. Radio and television broadcasting station, not including transmission towers.
6. Convenience retail uses and personal service stores, being defined as food sales, drug store, barber shop, beauty shop, shoe repair shop, and other similar uses, having a maximum floor area of five thousand (5,000) square feet devoted to any such use.
7. Restaurant, not including drive-in facilities, carry-out services, or curb services.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Article IX and to the specific requirements of Article IX, Section 902, referred to below:

1. All uses conditionally permitted in an R-2 District and subject to those requirements.
2. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those used by the YMCA, YWCA, scouting groups, or community service groups, subject to Subsections 101, 102, 103, 104, 105, 106, 107, 109, 128, 129.
3. Drive-in banking facilities, subject to Subsections 119, 131.

4. Planned office or business complex for two or more uses as permitted in this district, subject to Subsections 122, 130.

SECTION 510.3 LOT REQUIREMENTS

- A. Minimum Lot Area - none provided all other requirements are met
- B. Minimum Lot Width at Building Line - none provided all other requirements are met
- C. Minimum Lot Frontage - Fifty (50) feet

SECTION 510.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Twenty-five (25) feet
- B. Minimum Rear Yard Depth - Ten (10) feet, except adjacent to a residential district, twenty-five (25) feet
- C. Minimum Side Yard Depth - Ten (10) feet, except adjacent to a residential district, twenty-five (25) feet

SECTION 510.5 MAXIMUM BUILDING HEIGHT - Forty (40) feet

SECTION 510.6 PARKING AND LOADING REQUIREMENTS - As regulated by Article VII hereof

SECTION 511 B-2 COMMERCIAL BUSINESS DISTRICT

SECTION 511.1 PURPOSE

The purpose of this district is to provide for a variety of retail, service, and office facilities which serve a large trading population and are best located on major thoroughfares and outlying areas of the community.

SECTION 511.2 USES

Within a B-2 Commercial Business District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

- A. Permitted Uses
 1. Uses specifically permitted in a B-1 Limited Business and Office District and subject to the requirements of that district, but not including residential uses.
 2. Retail stores, including, but not limited to clothing, stationery, home furnishings, drugs, jewelry, and sporting goods.

3. Indoor and outdoor recreational facilities, including, but not limited to theaters, tennis and racquet clubs, health spas, physical exercise facilities.
4. Drive-in establishments for food sales and banking facilities.
5. Off-street public parking lot.
6. Veterinary hospital and animal clinic.
7. Automobile service station and service shop, to include motor tuneups, muffler shop, tire repairing, sales, and services.
8. Car wash.
9. Commercial greenhouse and garden supply sales.
10. Hotel, motel, tourist home.
11. Public or private transportation agency and terminal, including bus, taxi, rail stations, and airport terminals.
12. Automobile, truck, trailer, and farm implement sales, service, and storage.
13. Funeral home and mortuary.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Article IX and to the specific requirements of Article IX, Section 902, referred to below:

1. Planned Commercial Complex for two or more uses as permitted in this district, subject to Subsections 122, 130.
2. Mini-storage or mini-warehouse facilities, subject to Subsections 105, 106, 108, 109, 113, 114, 120, 124, 140, 141, 142, 143, 144.
3. Drive-in theaters, subject to Subsections 105, 145.
4. Recycling and/or transfer station, subject to Subsections 114, 124, 127, 131, 141.

SECTION 511.3 LOT REQUIREMENTS

- A. Minimum Lot Area - None provided other requirements are met

B. Minimum Lot Width at Building Line - None provided other requirements are met

C. Minimum Lot Frontage - Forty (40) feet .

SECTION 511.4 YARD REQUIREMENTS

A. Minimum Front Yard Depth - Twenty-five (25) feet

B. Minimum Rear Yard Depth - Ten (10) feet, except adjacent to a residential district, twenty-five (25) feet

C. Minimum Side Yard Width - Four (4) feet, except adjacent to a residential district, twenty-five (25) feet

SECTION 511.5 MAXIMUM BUILDING HEIGHT - Sixty-five (65) feet

SECTION 511.6 PARKING AND LOADING REQUIREMENTS - as regulated by Article VII hereof

SECTION 511.7 OUTDOOR DISPLAY AREAS

Merchandise to be sold at retail on the premises may be displayed out of doors except that no such display area shall be within fifty (50) feet of any residential (R) district. Display areas shall be screened from abutting residential uses by landscaping sufficient to minimize undesirable visual effects of such display area; such landscaped buffer shall be maintained in a neat and orderly fashion.

SECTION 520 I-1 INDUSTRIAL DISTRICT

SECTION 520.1 PURPOSE

The purpose of this district is to provide an environment conducive to the development and protection of industrial activities, such as manufacturing, storage, wholesaling, processing, and distribution. Such uses may require extensive community facilities and access to major thoroughfares.

SECTION 520.2 USES

Within an I-1 Industrial District no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Uses as specifically permitted in a B-1 and B-2 District, but not including residential uses.
2. Creamery, bottling, ice manufacturing, and cold storage plant.
3. The manufacturing, compounding, processing, packaging, and treatment of the following products:
 - a. Baking and dairy goods, candy, and other food products except fish and meat processing plants or processes which manufacture sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
 - b. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs, and household appliances.
 - c. Musical instruments, novelties, and other similar small rubber, plastic, or metal products.
 - d. Products from previously and elsewhere prepared materials, such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax, textiles, yarns, fur, tobacco, or wood, provided that all equipment and operation is located within a completely enclosed building, and no operation shall create a nuisance beyond the confines of the building. Presses used in such manufacturing and processing shall not exceed twenty (20) tons rated capacity.
 - e. Professional and scientific instruments; clerical and office equipment.

4. Experimental testing and research facilities, provided no testing or experimentation creates a hazard beyond the confines of the building.
5. Motor freight garage, truck or transfer terminal, including office, warehouse, and storage.
6. Distributors' warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packaging.
7. Printing and publishing operations.
8. Mini-storage and warehouse facilities.
9. Automobile assembly and major repair.
10. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities:
 - a. Pottery and figurines or similar ceramic products using previously pulverized clay and kilns fired only with gas or electricity.
 - b. Electric and neon signs, billboards, and other commercial advertising structures.
 - c. Laboratories and processing--experimental, film, or testing.
 - d. Light sheet metal products, including heating and ventilating equipment.
 - e. Blacksmith, welding, or other metal shop, including machine shop operations of the tool, die, and gauge types.
 - f. Bag, carpet, and rug cleaning, provided necessary equipment is installed and operated for the effective recovery of dust.
11. The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six-foot (6') solid painted fence with openings no greater than fifteen (15) percent:
 - a. Building materials and lumber yard, including mill work when within a completely enclosed building.
 - b. Contractors' equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.

- c. Fuel, food and goods distribution station, warehouse and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located more than three hundred (300) feet from any residential district.
 - d. Public storage garage and yards.
- 12. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, and other similar establishments.
 - 13. Foundry - casting lightweight nonferrous metals, not causing noxious fumes or odors.
 - 14. Laundry, cleaning, and dyeing plant.
 - 15. Repair services for machinery and equipment, including repair garages and specialty establishments, such as motor, body, and fender, radiator, and tire services involving retreading and vulcanizing.
 - 16. Stone or monument works, if employing power tools within a completely enclosed building.
 - 17. Accessory uses incidental to the uses permitted on the same premises.
 - 18. Signs, as permitted and regulated by Article VI hereof.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Article IX and to the specific requirements of Article IX, Section 902, referred to below:

1. Strip mining, including sand and gravel extraction, soil and peat moss removal, subject to Subsections 105, 110, 111, 112, 113, 114, 117, 124, 127, 131.
2. Oil and gas wells and their related and necessary structures, subject to Subsections 108, 113, 114, 124, 127, 133, 134.
3. Sanitary landfill sites, subject to Subsections 101, 103, 104, 108, 113, 124, 132.

SECTION 520.3 LOT REQUIREMENTS

- A. Minimum Lot Area - None
- B. Minimum Lot Width - None
- C. Minimum Lot Frontage - Fifty (50) feet

SECTION 520.4 YARD REQUIREMENTS

- A. Minimum Front Yard Depth - Forty (40) feet, except as otherwise provided in Section 520.4 (D)
- B. Minimum Rear Yard Depth - Twenty-five (25) feet, except as otherwise provided in Section 520.4 (D)
- C. Minimum Side Yard Width - Twenty-five (25) feet, except as otherwise provided in Section 520.4 (D)
- D. Yards Adjoining Any Residential District

When the boundary of an Industrial District adjoins the boundary of and Residential (R) District, the minimum front, side, or rear yard, as the case may be, shall be one hundred (100) feet. NOTE: A fifty-foot (50') depth abutting the residential district shall be landscaped and maintained to minimize any undesirable effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

SECTION 520.5 MAXIMUM BUILDING HEIGHT - Eighty (80) feet

SECTION 520.6 PARKING AND LOADING REQUIREMENTS - As regulated by Article VII hereof

ARTICLE VI
SIGN REGULATIONS

SECTION 601 SIGNS

SECTION 601.1 PURPOSE

The purpose of the following regulations is to protect property values, create a more attractive economic and business climate, enhance and protect physical appearance of the community, and promote the safety of travelers on roadways by regulating the use, location, and size of outdoor advertising and signs of all types.

SECTION 601.2 GOVERNMENTAL SIGNS EXCLUDED

Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation are exempt from these regulations.

SECTION 601.3 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A ZONING PERMIT

The following signs are permitted in any district of the Village of Magnolia without obtaining a zoning permit:

1. One name plate not exceeding four (4) square feet in area shall be permitted for each dwelling.
2. One unlighted real estate sign not exceeding sixteen (16) square feet in area pertaining only to the sale, lease, or rent of the particular building, property, or premises upon which displayed, which shall not be located closer to the street right-of-way line than ten (10) feet. Such signs shall be removed immediately after the sale or rent of the property in question.
3. Signs denoting the architect, engineer, or contractor, placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed sixteen (16) square feet in area and which shall not be located closer than ten (10) feet from any street right-of-way line. Such signs shall be removed upon completion of work.
4. Signs directing and guiding traffic shall be permitted on private property; however, such sign shall not contain any advertising material.

SECTION 601.4 GENERAL REQUIREMENTS FOR ALL SIGNS IN ANY DISTRICT

The following regulations shall apply to all signs in all use districts:

1. Any illuminated sign or lighting device shall employ only an emitting light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights, with the exception of a message center (consisting of time, temperature, or public information).
2. No sign shall be erected or maintained which projects from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
3. No sign shall be placed on the roof of any building except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of any building.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises except as provided in these regulations, Section 601.8.
5. No sign shall project over or obstruct any windows or doors of any building, or attach to or obstruct a fire escape.
6. All signs hung and erected shall be plainly marked with the name of the responsible person, firm, or corporation for maintenance.
7. Signs shall not be constructed so as to obstruct traffic sight lines or control lights at street intersections or signals at railroad crossings. Signs shall not in any way resemble traffic or directional signals.
8. No sign shall be located within any public right-of-way except as indicated in Section 601.2 above.
9. No sign shall be located closer than ten (10) feet to any side or rear property line.

SECTION 601.5 MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of one side of the sign and including all elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

Where a sign consists of individual letters affixed to the wall of a structure, the surface area of such sign shall be the sum of the surface areas of the rectangles formed by each individual letter and shall not include the wall space between the individual letters.

SECTION 601.6 PERMITTED SIGNS IN ANY USE DISTRICT REQUIRING A ZONING PERMIT

The following signs are permitted in any district provided a zoning permit is obtained and subject to the following requirements:

1. One announcement sign or bulletin board of not more than thirty-two (32) square feet in area shall be permitted for any church, school, community center, or other public or institutional building. Such sign shall be located on the premises of such institution and shall not be located closer than ten (10) feet from any street right-of-way line.
2. One unlighted name plate not more than four (4) square feet in area announcing the name and occupation shall be permitted for a "home occupation." Such sign shall not be located closer than ten (10) feet from any street right-of-way line.
3. Two signs shall be permitted for any real estate development or subdivision. Each sign shall not exceed one hundred (100) square feet in area and shall be located within such development and shall not be located closer than ten (10) feet from any street right-of-way line.

SECTION 601.7 SIGNS PERMITTED ONLY IN BUSINESS AND INDUSTRIAL DISTRICTS REQUIRING A ZONING PERMIT

1. One exterior business sign may be erected which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises. Such sign may be affixed flat against the wall of buildings or may project therefrom not more than two (2) feet. The bottom of a projecting sign shall be at least ten (10) feet above the ground or pavement level adjoining the building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to two (2) square feet of sign area for each lineal foot of building width, or part of a building occupied by such enterprise, but shall not exceed a maximum area of three hundred (300) square feet.
2. One pole-type business sign which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises may be permitted, provided such sign shall not exceed an area of one hundred (100) square feet and shall not be more than fifty (50) feet in height. Such sign shall be located not closer than ten (10) feet from all street right-of-way lines.

3. Billboards and outdoor advertising signs shall be located so as to maintain the minimum front yard, side yard, and rear yard as required for buildings located in the same district. However, such signs shall not be located closer than fifty (50) feet from any building located upon the same lot or adjacent premises. Such sign shall not exceed a gross area of six hundred seventy-five (675) square feet. No billboard or outdoor advertising sign shall be permitted which faces and is within five hundred (500) feet of any entrance to any public park, public or parochial school, library, church, or similar institution.

SECTION 601.8 TEMPORARY AND PORTABLE SIGNS

All temporary and portable signs may be granted a temporary permit for a period not to exceed sixty (60) days, subject to the following regulations:

1. Such signs shall not be attached to fences, trees, utility poles, or the like, and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
2. No more than one (1) temporary sign permit shall be issued for any one property within a one-year period.
3. Temporary signs shall not be more than forty (40) square feet in area and shall not be placed closer than ten (10) feet from any street right-of-way line.

SECTION 601.9 FEES FOR SIGNS - As regulated by Article XI hereof.

ARTICLE VII

PARKING AND LOADING REQUIREMENTS

SECTION 701 OFF-STREET PARKING

In all districts, in connection with every building or part thereof hereafter created, sufficient parking facilities shall be provided off street to meet all the parking needs; the edge of such facilities shall be within five hundred (500) feet of the principal permitted use or building.

SECTION 701.1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

- A. Auditorium, Stadium, and Similar Uses - One (1) for each four (4) seats, based on maximum seating capacity.
- B. Business and Professional Offices, Banks, and Studios - One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.
- C. Churches and School Auditoriums - One (1) for each three (3) seats in principal auditorium, based on maximum seating capacity.
- D. Clubs and Lodges - One (1) per one hundred fifty (150) square feet, or fraction thereof, of floor area or one (1) for each three (3) seating spaces in the assembly room.
- E. Dwelling - Two (2) for each dwelling unit, plus one additional for each five dwelling units in multifamily dwellings or developments. One-half ($\frac{1}{2}$) the required off-street parking spaces shall be located within an enclosed garage or carport.
- F. Hospitals - One (1) parking space for each two (2) beds, plus one (1) space for each three (3) employees.
- G. Hotels, Motels, and Tourist Homes - One (1) parking space for each one (1) sleeping room.
- H. Medical and Dental Offices and Clinics - Six (6) for each physician or dentist.
- I. Restaurants - One (1) for each one hundred fifty (150) square feet of floor area.
- J. Retail Stores and Personal Service Shops - One (1) for each one hundred (100) square feet, or fraction thereof, of floor area.
- K. Indoor Theaters - One (1) for each three (3) seats.

- L. Lodging Houses, Boarding Houses - One (1) for each three (3) guest rooms but not less than two (2) in any case.
- M. Libraries and Museums, Warehouses, Industrial and Manufacturing Facilities - One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- N. Health and Recreational Facilities, and Automobile Repair Garages - One (1) for each two hundred (200) square feet, or fraction thereof, of floor area.
- O. Mini-Storage Facilities - One (1) for each ten (10) storage units, plus two (2) located by manager's quarters.
- P. Car Washes

- 1. Automatic Car Wash

Car washes in which vehicles are mechanically moved through the production line shall have and maintain ten (10) paved off-street parking spaces on the premises for each twenty (20) lineal feet of production line within the confines of the building. In addition, there shall be provided at the exit at least two and one half ($2\frac{1}{2}$) off-street parking spaces per exit lane; said parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of vehicles entering or exiting the washing facility.

- 2. Semi-Automatic Car Wash

Car washes in which automatic machinery is used to wash the vehicle, but the vehicle provides the power through the production line shall have and maintain on the premises at least eight (8) paved off-street parking spaces for each stall for the use of vehicles entering the facility. In addition, there shall be provided at the exit at least one and one half ($1\frac{1}{2}$) off-street parking spaces per exit lane; said parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of the vehicles entering or exiting the washing facility.

3. Manual Car Wash

Car washes in which vehicles are manually washed and provide their own power through the stall shall have and maintain on the premises at least five (5) paved off-street parking spaces for each parking stall. In addition, said parking spaces shall be available at all times during the operation of the washing facility for the vehicular storage of vehicles entering or exiting the washing facility.

SECTION 701.2 GENERAL REGULATIONS

- A. Floor Area - For the purposes of this section, "floor area" in offices, merchandising, and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes, such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. In measurement for parking space, a fraction thereof shall require one (1) parking space.
- B. Parking Space - Off-street accessory parking areas shall provide parking spaces, each of which shall not be less than one hundred sixty-two (162) square feet in area exclusive of access drives or aisles.
- C. Parking Area Design - Such parking areas shall be of useable shape, improved with bituminous, concrete, or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area, in accordance with the Subdivision Regulations. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources, such as the stringing of light bulbs, shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) acres or more, and shall be constructed so as to confine the storm water surface drainage to the premises, to contain the cars on sloping surfaces, and to prevent bumper overhang.
- D. Entrances and Exits - Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than two (2) accessways abutting on any one (1) street. Such accessways shall be not less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street. Residential uses may have accessways of not less than eight (8) feet.

- E. Yard Restrictions - Off-street parking facilities shall not occupy any part of any required front or side yard in all "F-P" and "R" District areas, but where open may be included as part of a required open space for a rear yard. In all "B" and "I" District areas, open off-street parking facilities may be located in the required front yard provided that at least a ten-foot (10') wide landscaped strip is located between the parking area and the street right-of-way line. In all "B" and "I" District areas, open off-street parking facilities may occupy the required rear or side yard provided that all parking shall be located a distance of five (5) feet from such lot line. These yard restrictions are intended to prevent all bumper overhang into driveway and street areas.
- F. Location - The parking spaces required for dwelling units shall be located on the lot, and parking spaces for other uses shall be located on the lot or within five hundred (500) feet of the main use measured along lines of public access to the property. These parking spaces shall not be allowed in residential districts except as specifically permitted in these regulations.

SECTION 702 LOADING AND UNLOADING SPACE REQUIREMENTS

SECTION 702.1 MINIMUM SPACES REQUIRED

- A. Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading, unloading, and service purposes on the basis of the following minimum regulations:
1. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance. An additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet, or fraction thereof, of gross floor area in the building.
 2. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any public or private right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks and other vehicles.
 3. Loading space as required under this section shall be provided as area additional to off-street parking spaces as required under Section 701 and shall not be considered as supplying off-street parking space.

SECTION 703 PARKING AND LOADING REQUIREMENTS FOR USES NOT SPECIFIED

Where the off-street parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be developed so as to be sufficient to meet all the parking and loading needs of the proposed use; no parking, loading, or servicing shall be on the right-of-way of any publicly dedicated thoroughfare.

ARTICLE VIII

NONCONFORMING USES

SECTION 801 PURPOSE

The purpose of this section is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Ordinance or amendments thereto.

SECTION 801.1 REGULATIONS

The lawful use of any building or land existing at the effective date of this Ordinance or amendments thereto may be continued, although such use does not conform with the provisions of this Ordinance.

A. Provisions for Changes in Nonconforming Use

1. A nonconforming building, structure, or use existing at the time this Ordinance takes effect may be altered or enlarged as to extend such use or structure not to exceed an additional twenty-five (25) percent in square foot area, upon application and determination of the Board of Zoning Appeals.

2. Nonconforming to Nonconforming Use

A nonconforming use may be changed to another nonconforming use provided that the changed nonconforming use is identical or in less conflict with character and use of the district than the existing nonconforming use, as determined by the Board of Zoning Appeals.

3. Reconstruction

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming buildings or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Ordinance, provided such replacement or repair does not extend the nonconforming use in square foot area, except as permitted in Section 801.1 (A)(1).

4. Displacement

No nonconforming use shall be extended to displace a conforming use.

5. Discontinuance or Abandonment

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with the provisions of this Ordinance.

6. Unsafe Structures

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

B. Completion of Nonconforming Uses

Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a zoning permit has been issued prior to the effective date of this Ordinance, or any amendment thereto, provided that construction is commenced within ninety (90) days after the issuance of such permit, that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days, and that the entire building shall have been completed within one (1) year after the issuance of said zoning permit.

C. Certificate of Nonconforming Use

Within one (1) year of the effective date of this Ordinance the Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all known owners of legal nonconforming use property.

1. In accordance with the provision of this section, no use of land, buildings, or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless said use shall be in conformance with the provisions of the use zone in which the property is located.
2. A copy of each "Certificate of Nonconforming Use" shall be filed in the office of the Zoning Inspector.

D. District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

ARTICLE IX

CONDITIONAL ZONING CERTIFICATES

SECTION 901 PURPOSE

The purpose of this section is to provide for issuance of conditional zoning certificates where conditionally permitted uses are provided for in this Ordinance.

SECTION 901.1 PROCEDURES FOR MAKING APPLICATION

Any application for a Conditional Zoning Certificate for any land, structure, or use permitted under this Ordinance shall be submitted in accordance with the following procedures:

A. Application Submitted to the Zoning Inspector

Application for a Conditional Zoning Certificate shall be filed with the Zoning Inspector and submitted to the Board. Each application shall be accompanied by the applicable filing fee, which shall not be refundable. In addition, the Board, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant.

B. Data Required with Application

1. Form supplied by Board of Zoning Appeals completed by applicant.
2. Site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing adjacent and proposed structures, the types of buildings, their uses, and the acreage or area involved, including that for parking.
3. Sufficient plans and specifications for all proposed development and construction, and where appropriate, reclamation.
4. Specifications and plans as necessary for determination by the Board for a proposed permit involving the use of fill or structures within the Flood Plain District, including information for determination of the Floodway and Floodway Fringe areas of a watercourse, when such determination is not already available.

C. Review by the Board of Zoning Appeals

The Board shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Ordinance. Such review and determination shall be completed within forty-five (45) days of the date of submission, and shall be made at a public hearing.

D. Hearing

After adequate review and study of any application, the Board shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.

E. Issuance and Revocation of Conditional Zoning Certificates - Violation and Penalty

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Ordinance.

F. Resubmission of Application for Conditional Use Permit

No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board should be resubmitted except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration. Any new application shall require an additional filing fee.

G. Termination

The Conditional Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless the structure, alteration, or land use has begun.

H. Continuation of Existing Uses Conditionally Permissible

All known uses existing at the time of passage of this Ordinance and conditionally permissible in their respective districts shall be issued Conditional Zoning Certificates by the Zoning Inspector within one (1) year after the passage of this Ordinance.

SECTION 901.2 BASIS OF DETERMINATION

The Board shall determine beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Board may also impose such additional conditions and safeguards deemed necessary for the general welfare and protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.

A. General Standards

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

1. will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
2. will not be hazardous or disturbing to existing or future neighboring uses;
3. will not be detrimental to property in the immediate vicinity or to the community as a whole;
4. will be served adequately by essential public facilities and services, such as highway, streets, police and fire protection, drainage structures, refuse disposal, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
5. will be in compliance with state, county, and municipal regulations;
6. will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

SECTION 902 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN SECTIONS 501.4(B); 502.2(B); 503.2(B); 510.2(B); 511.2(B); 520.2(B)

- 101 All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.

- 103 All points of vehicular entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares, or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- 104 There shall be no more than one (1) advertisement located on each abutting road identifying the activity.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Such development should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the village.
- 108 Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- 109 Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- 110 No sand or gravel shall be removed or stored or overburden stored within one hundred (100) feet of any lot line not owned or controlled by the developer or operator of said business or his agent nor shall such mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent thereto do not have adequate lateral support.
- All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.
- 111 No rehabilitated slope shall exceed an angle with the horizontal of forty-five (45) degrees.
- 112 All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. Such operations shall be conducted so as not to leave or cause to exist spoil banks.

- 113 Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- 114 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- 115 The area of use shall be completely screened from adjacent residentially zoned properties by a six- (6) foot fence (open or closed) and approximately landscaped to be harmonious with surrounding properties.
- 116 Such uses shall be permitted subject to the following conditions:
- a. Such use shall be conducted entirely within the dwelling unit, and no use of any accessory building or yard space shall be permitted.
 - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - c. Such use shall be conducted only by persons residing in the dwelling unit.
 - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
 - e. No newspaper, radio, or television service shall be used to advertise such home occupation.
 - f. One (1) unlighted name plate not more than four (4) square feet in area announcing the name and home occupation shall be permitted.
 - g. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.
 - h. Parking spaces shall be provided off-street for any traffic generated by such use.
- 117 The restoration, rehabilitation, and reclamation of mined-out areas shall be in accordance with State of Ohio requirements, and a copy of the approved reclamation plan shall be filed with the Village.

118 Special provisions for group dwellings:

- a. Group dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements; the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district.
- b. Each two (2) or two and one-half ($2\frac{1}{2}$) story group dwelling development shall have a minimum court of forty (40) feet in width and forty (40) feet in length, in addition to its required yards, and each one (1) story group dwelling development shall have a minimum court of thirty (30) feet in width and thirty (30) feet in length, in addition to its required yards.
- c. In a group dwelling development no two (2) separate dwelling structures shall be closer to each other along the sides or end of a court than twenty (20) feet.
- d. The court shall be unoccupied by any vehicles, buildings, or other structures, except utilities.

119 Such facilities shall be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district.

If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.

120 Such uses should be located on a major thoroughfare, adjacent to nonresidential uses, such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.

121 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:

- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
- b. Minimum area required for a cemetery site is to be ten (10) acres.
- c. Pavement width of driveways shall be at least twenty (20) feet.
- d. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.

- e. Area drainage and/or sanitary facilities are subject to approval by the Village Engineer prior to the issuance of a conditional use permit.
 - f. Only signs designating entrances, exits, traffic direction, and titles shall be permitted and must be approved by the Board.
 - g. Adequate screening with shrubs, trees, or hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings.
 - h. Location of cemetery buildings and all other structures shall conform to front, side, and rear yard building lines of the particular district in which it is located.
 - i. No grave sites shall be located within one hundred (100) feet of the right-of-way lines of any public road nor within fifty (50) feet of an adjacent property line.
- 122 An integrated planned commercial development, which is a grouping of two (2) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
 - b. The minimum setback building line shall be fifty (50) feet measured from the street right-of-way line.
 - c. There shall be twenty (20) feet between buildings.
 - d. Side yards and rear yards shall be required only on the perimeter of the planned development and shall be twenty-five (25) feet except where the business development is adjacent to a residential zone, the side and/or rear yard shall be fifty (50) feet on the side(s) abutting the residential zone only.
 - e. All points of entrance and/or exit shall be located no closer than two hundred (200) feet to the intersection of two (2) streets.
- 123 Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted, and shall include such uses as refreshment stands, souvenir stands, and concession stands.

- 124 Such Conditional Zoning Certificate shall be issued for a three- (3) year period.
- 125 Camp sites may be provided to accommodate tents and/or camping trailers provided such facilities are used on a temporary basis only.
- 126 Only customary home occupations, such as handicraft, dressmaking, millinery, laundering, baking, and operation of a small beauty shop, and the professional offices of a physician, surgeon, dentist, lawyer, engineer, or real estate, insurance or C.P.A., shall be permitted.
- 127 All facilities and structures shall meet all county and/or State of Ohio health, building, electrical, and other applicable codes.
- 128 All activities, programs, and other events shall be directly related to the Conditional Use Permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- 129 The proposed project shall conform to all requirements and/or conditions as the Board may deem necessary to meet the following criteria:
- a. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
 - b. On-site circulation shall be designed to make possible adequate fire and police protection.
 - c. Paved, off-street parking and service areas shall be required. All parking and service areas shall be paved with concrete, asphalt, or equivalent, and shall be located no closer than twenty (20) feet from any residential structure. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
 - d. The property must be served by central sewer facilities approved by the appropriate agencies and operated and maintained according to the inspection and rules of said departments.

- 130 No zoning certificate shall be issued until final site plans have been submitted and approved in accordance with the Village Subdivision Regulations, where applicable, and the Board of Appeals.
- 131 The design and construction of all access drives, access points to public streets, and parking and service areas shall be approved by the Village Council.
- 132 All sanitary landfill sites shall be subject to approval by the county and state health departments and subject to their requirements governing landfills. All work connected with such operations shall be conducted between the hours of 7:30 a.m. and 5:00 p.m.
- 133 A separate permit shall be required for each oil or gas well, and its location shall be at least four hundred (400) feet from any recorded subdivision or residential property line unless permission is granted in writing from such adjacent property owners. If an exception to this provision (400') is granted under state regulations, proof must be submitted to the Board.
- 134 At the completion of drilling and operation of such well, all structures, machinery, sludge or open pits, or other substances shall be removed within thirty (30) days.
- 135 No fill shall be made within the Flood Plain District without a Conditional Use Permit from the Board of Zoning Appeals and finding that:
- a. Such fill, when combined with all other existing and anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot at any point.
 - b. Such fill does not constrict a normal water course.
 - c. Any fill proposed to be deposited in the flood plain shall not be greater in volume than is necessary to achieve a purpose, as demonstrated by a plan submitted by the owner showing the final dimensions of the proposed fill and the proposed use of the filled land.
 - d. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or other suitable materials.
 - e. The above findings (a through d) are based on appropriate hydraulics information submitted by the applicant.

- 136 A mobile home for residential purposes may be permitted after a public hearing by the Board of Zoning Appeals under a conditional permit and subject to the following conditions:
- a. All mobile homes shall have adequate health facilities available, including running water inside and toilet facilities connected to an approved septic system.
 - b. Such mobile homes shall be permitted for the purpose of providing housing for the members of the immediate family (father, mother, children, or grandparents) of those residing in a dwelling already constructed on the lot, and under the following circumstances (as determined by the Board) only:
 - 1. In case of fire, flood, storm, or any similar act of God which destroyed the present dwelling, a mobile home may be permitted for a period of time determined by the Board.
 - 2. For the purpose of permitting the members of the family to reside in a mobile home for the duration of sickness or disability and must be substantiated by a doctor's statement of the necessity for care from others.
 - c. All mobile homes must have a minimum of five hundred (500) square feet of floor space and be limited to a single family unit.
 - d. The mobile home shall be permitted in the rear yard, directly in back of the permanent residence.
 - e. The location of the mobile home must meet existing setback provisions of accessory buildings.
 - f. All mobile homes must be enclosed from ground to floor level of the mobile home with a solid or lattice type enclosure in order to eliminate any unsightly storage areas.
 - g. A Conditional Use Permit for a mobile home shall be for a period of not more than one (1) year, but the Board of Zoning Appeals may renew such permit upon application and hearing. The Board may issue such Conditional Use Permit for a period of less than one (1) year.

- 137 The following requirements shall be met:
- a. The parking lot shall be accessory to and for the use in connection with one (1) or more permitted or conditionally permitted uses in an adjoining business or industrial district.
 - b. Such parking lot shall abut at least fifty (50) feet, either directly or across an alley or street, on the property for which the parking is provided.
 - c. Such parking lot shall be used solely for the parking of passenger vehicles, and no commercial repair work or service of any kind shall be conducted on such parking lot.
 - d. No sign of any kind, other than those designating entrances, exits, and conditions of use shall be maintained on such parking lot.
 - e. Entrances and exits shall be at least twenty (20) feet distance from any adjacent property located in any Residential District.
- 138 Outside play areas shall be enclosed by a six- (6) foot fence.
- 139 Sufficient parking and "drop off and pick up" areas shall be provided off the public roadway.
- 140 The proposed mini-storage facility shall be limited to only rental of storage facilities and not as a transfer and storage business where the use of vehicles is part of such business.
- 141 There shall be no outside storage adjacent to any residential district or uses.
- 142 Storage of explosive or hazardous materials shall be prohibited.
- 143 Outside storage areas shall be completely enclosed by walls, fences, building, landscaping, or a combination thereof.
- 144 A minimum lot size of three (3) acres shall be required, and no individual compartment or unit shall be more than five thousand (5,000) square feet in area.
- 145 The movie screen shall be set back two hundred (200) feet from property lines and shall not be located to face any public streets.

- 146 When technical reports and studies are available for an area which designates the floodway and floodway fringe boundaries, the Board shall base its decision on the proper report.

In areas where this designation has not yet been determined, the applicant shall provide such technical information as is deemed necessary by the Board for determining the regional flood protection elevation and designation of the Floodway or Floodway Fringe area. Assistance may be provided by the Stark County Subdivision Office, the Stark County Regional Planning Commission, or may require private engineering consultation.

Such technical and expert evaluation shall be submitted to the Board for its determination in evaluating the proposed conditional use. Such evaluation shall determine the specific flooding threat at the site of the proposed conditional use and determine whether the use is located in a floodway or floodway fringe area by:

- a. Calculation of water surface elevations and flood protection elevations based upon hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regional flood. Flood protection elevations shall be one (1) foot above the water surface elevations of the regional flood.
 - b. Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Generally, any increase in flood stages attributed to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet in any one reach or for the cumulative effect of several reaches.
- 147 The Board shall evaluate the effects of the proposed use upon the public health, safety, and general welfare and may therefore require additional safeguards or limitations such as:
- a. Modification of waste disposal and water supply facilities in conjunction with agencies responsible for such facilities.
 - b. Limitation on periods of use and operation.
 - c. Operational controls, sureties, and deed restrictions.

- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
 - e. Floodproofing measures. Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area. The Board shall require that the applicant submit a plan or document certified by a registered professional engineer that the flooding measures are consistent with the flood protection elevation and associated flood factors for the particular area. The following floodproofing measures may be required:
 - 1) Anchorage to resist flotation and lateral movement.
 - 2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
- 148 Structures, if permitted, shall be constructed and placed on the site so as to offer the minimum obstruction to the flow of floodwaters.
- a. Whenever possible, structures shall be placed with the longitudinal axis parallel to the direction of flood flow, and
 - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- 149 Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings, and other narrow sections of the stream or river.
- 150 Service facilities, such as electrical and heating equipment, shall ordinarily be constructed at or above the flood protection elevation for the particular area.
- 151 The storage or processing of materials that in time of flooding are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

Storage of other material or equipment may be allowed upon issuance of Special Exceptions if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

ARTICLE X

BOARD OF ZONING APPEALS

SECTION 1001 A BOARD OF ZONING APPEALS IS HEREBY CREATED AND SHALL HAVE ALL THE POWERS AND DUTIES PRESCRIBED BY LAW AND BY THIS RESOLUTION.

SECTION 1001.1 COMPOSITION AND APPOINTMENT

Members of the Planning Commission as appointed by the Village Council in accordance with Ohio Revised Code, Section 713.01 shall also compose the Board of Zoning Appeals.

SECTION 1001.2 ORGANIZATION

The Board shall elect a chairman from its membership, shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

SECTION 1001.3 QUORUM

Three (3) members of the Board shall constitute a quorum at all meetings. A majority vote shall be necessary to effect an order, take action, make decisions, or act on any authorization.

SECTION 1001.4 MEETINGS

The Board shall meet at its regularly scheduled meetings and at the call of its chairman. All meetings of the Board shall be open to the public.

SECTION 1001.5 WITNESSES

The Board Chairman or Acting Chairman shall administer oaths, and the Board may compel the attendance of witnesses in all matters coming within the purview of the Board.

SECTION 1001.6 PROCEEDINGS

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Village offices and shall become public record.

SECTION 1001.7 POWERS AND DUTIES

The Board of Zoning Appeals shall have the following powers:

- A. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Ordinance.
- B. The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Ordinance.
- C. The Board shall have the power to grant Conditional Zoning Certificates for the use of land, buildings, or other structures as specifically provided for elsewhere in this Ordinance and review such plans and nonconforming uses as specifically provided in this Ordinance. NOTE: The Board of Zoning Appeals shall have no authority to permit a use when such use is not permitted by this Ordinance.
- D. The Board shall have the power to revoke an authorized variance or conditional zoning certificate if any condition of the variance or certificate is violated. The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate and of his right to a hearing before the Board within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing.

SECTION 1001.8 APPEALS TO THE BOARD

Appeals to the Board may be taken by any person aggrieved or by any municipal department affected by any decision of the administrative office. Such appeal shall be taken within twenty (20) days after the decision by filing a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

SECTION 1001.9 APPLICATIONS

An application, in cases in which the Board has original jurisdiction, shall be filed with the Secretary of the Board, who shall transmit the same to the Board.

SECTION 1001.10 PROCEDURE

The Board of Zoning Appeals shall act in accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefor. Every appeal or application shall refer to the specified provision of the Ordinance involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings:

Interpretation; Variances; Conditional Zoning Certificate; Revocation of Variance or of Conditional Zoning Certificates; together with all documents pertaining thereto.

SECTION 1001.11 NOTICE OF HEARINGS

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, and other property owners of interest, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last tax assessment roll. Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation at least ten (10) days before the date of such hearing. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

SECTION 1001.12 DECISIONS

A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. 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 zoning certificate or Conditional Zoning Certificate to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall become final when such decision is made.

ARTICLE XI

ADMINISTRATION FEES AND ENFORCEMENT

SECTION 1101 ADMINISTRATION

SECTION 1101.1 ZONING INSPECTOR

For the purposes of enforcing the zoning regulations, the Village Council shall establish and fill the position of Village Zoning Inspector. The term of employment, rate of compensation, and other such conditions shall be set by the Village Council.

SECTION 1101.2 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the power to administer Article IX, Conditional Zoning Certificates, and shall have the powers as specified in Article X of this Ordinance.

SECTION 1101.3 SUBMISSION OF APPLICATIONS

All applications for zoning permits shall be submitted to the Zoning Inspector, who may issue zoning permits when all applicable provisions of this Ordinance have been complied with.

SECTION 1101.4 ZONING PERMITS REQUIRED

- A. Before constructing or altering any sign, structure, or building, including accessory buildings, application shall be made to the Zoning Inspector for a zoning permit. The applications shall include the following information:
 1. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
 2. The location, dimensions, height, and bulk of structures to be erected (construction plans).
 3. The intended use.
 4. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
 5. The yard, open area, and parking space dimensions.
 6. Appropriate sewage disposal certificate.

7. Required permit fee.
 8. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Ordinance.
- B. Within ten (10) days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Ordinance and the application is accompanied by the proper fee as indicated in Section 1101.5.
 - C. The zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use is changed within one (1) year of date of permit, a new permit is required upon proper application. All construction shall be completed within two (2) years of date of issuance of the zoning permit.
 - D. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 901.1 shall be followed in lieu of the above regulations.

SECTION 1101.5 FEES

A. Zoning Certificate Fee Schedule

1. Residential Uses

- a. Single-family Dwelling - \$25.00 plus 2½¢ per square foot of outside dimensions of the structure.
- b. Two-family Dwelling - \$35.00 plus 2½¢ per square foot of outside dimensions of the structure.
- c. Three-family Dwelling - \$40.00 plus 2½¢ per square foot of outside dimensions of the structure.
- d. Four-family Dwelling Units or More (Multifamily) - \$25.00 per unit plus 2½¢ per square foot of outside dimensions of the structure.

2. Accessory Uses to Residential Structures

- a. Accessory Buildings and alterations, additions, or modifications: There shall be a minimum fee of \$5.00 for any building up to and not exceeding 150 square feet, then 2½¢ per square foot over the 150 square feet.
- b. Above ground or inground private swimming pools - \$10.00.

4. Commercial and Industrial Uses

a. Zoning Permit - \$50.00 for any valuation up to and not exceeding \$50,000.00 and an additional fee of \$1.00 per \$2,000.00 or fraction thereof of valuation over \$50,000.00.

b. Occupancy Permit - A fee of \$10.00 shall be required upon application for permit for a new commercial or industrial structure or land use and/or the occupancy of a new tenant of an existing business or industrial use, building, or land use.

5. Mobile Home Park - \$100.00, plus an additional \$10.00 for each trailer space.

6. Recreational, institutional, governmental, and miscellaneous structures and/or accessory building or additions - a minimum of \$50.00 plus 2¢ per square foot of area within the outside dimension of the foundation.

7. Parking Lots - Private and public, \$25.00.

8. Signs

a. Signs advertising a business or service, other than a home occupation, being operated on the premises:

less than 20 square feet - \$10.00

20 square feet but less than 50 square feet - \$15.00

50 square feet but less than 100 square feet - \$20.00

100 square feet and larger - \$25.00

b. Signs advertising a home occupation - \$2.00

c. Announcement sign or bulletin - \$5.00

d. Subdivision or development sign:

Temporary - \$5.00

Permanent (under 20 square feet) - \$5.00

Permanent (over 20 square feet) - \$25.00

e. Outdoor advertising signs (billboards) pertaining to businesses, services, and/or activities not carried on upon the premises upon which sign is located:

less than 50 square feet - \$25.00
50 square feet but less than 100 square feet - \$50.00
100 square feet but less than 200 square feet - \$100.00
200 square feet but less than 300 square feet - \$200.00
300 square feet but less than 400 square feet - \$300.00
400 square feet but less than 500 square feet - \$400.00
500 square feet and larger - \$500.00

9. Other Permitted Uses not specified above

The fee for a land use not otherwise covered in this fee schedule shall be \$50.00.

10. Application for Board of Appeals Action -- \$50.00

When the Board finds it necessary to maintain a strict record of public hearing procedures, or when the Board deems it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

11. Zoning Amendment Fee

The fee for filing application to the Zoning Commission for a change in zoning classification or a text amendment shall be \$75.00.

12. Conditional Use Permit Fees

The fee for a Conditional Zoning Certificate as authorized by the Board of Appeals shall be:

Cemeteries - \$50.00

Junkyards - \$50.00

Sanitary Landfills - \$100.00

Extraction of Mineral Deposits - \$5.00 per acre

Other permitted conditional uses - \$25.00

A separate permit shall be required for each oil or gas well. The fee for each permit shall be \$20.00

Home occupation - \$10.00

Mobile Home as a Hardship - \$10.00

B. Failure to Obtain a Permit Before Construction or Use has Commenced

The zoning certificate required herein shall be obtained BEFORE any location, erection, construction, reconstruction, enlargement, or structural alteration is commenced. Any zoning certificate issued in conflict with the provisions of this Ordinance shall be null and void.

Where construction is commenced prior to obtaining a zoning certificate, the Zoning Inspector is authorized to make a special preliminary inspection of the premises prior to issuing a zoning certificate, in order to ensure that the construction already commenced fully complies with the requirements of this Ordinance. Where such special preliminary inspection is necessary, an additional fee of ten (10) dollars shall be charged for such zoning certificate and special inspection.

SECTION 1102 VIOLATIONS AND PENALTIES

SECTION 1102.1 VIOLATIONS

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of any provisions of this Ordinance or supplements or amendments thereto, the Village Council, the Prosecuting Attorney of the County, the Village Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

SECTION 1102.2 PENALTIES

Any persons violating any provision of this Ordinance or supplements or amendments thereto shall be fined not more than one hundred (100) dollars. Each day of continuation of a violation of this Ordinance shall be deemed a separate offense. This shall be in addition to all other remedies which are provided by law.

1891

1892

1893

1894

ARTICLE XII

VALIDITY AND SEPARABILITY

If any section, subsection, or any provision or provisions of this Ordinance, or amendments thereto, are held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or amendments thereto.

ARTICLE XIII

REPEALER

All existing Zoning Ordinances of the Village of Magnolia, Stark and Carroll Counties, Ohio, inconsistent herewith, are hereby repealed.

ARTICLE XIV

EFFECTIVE DATE

This amended Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Recommended by the Village Planning Commission

Date: October 20, 1982

Fred Loomis Jr.

Chairman of the Village Planning Commission

Adopted by the Magnolia Village Council

Date: DECEMBER 15, 1982

Robert Leach, Mayor

David P. Loomis, Council Pres.

Wendy G. Loomis, Clerk-Treas.

Attest by the Clerk of the Village:

Wendy Loomis, Clerk
Clerk

VILLAGE OF MAGNOLIA

ORDINANCE #3-96-8

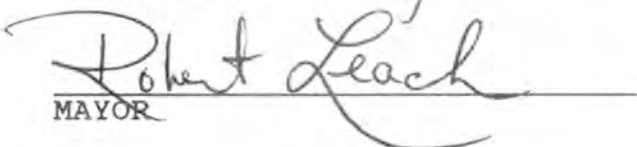
ORDINANCE TO CHANGE THE ZONING
OF A TRACT OF LAND FROM R-2 TO
R-1, ITS PREVIOUS ZONING

Village of Magnolia, Ohio

WHEREAS, the Council of the Village of Magnolia has requested a change of zoning for a tract of land on the North side of Harrison Avenue from R-2 Multi-Family Residential to R-1 Single Family Residential amending Ordinance 9-89-9.

NOW, THEREFORE, be it enacted that the area set forth more particularly in attached Exhibit "A" being a site 448 by 826 feet located on the North side of Harrison Avenue in the Village of Magnolia be zoned R-1 Single Family Residential. This Ordinance amends Ordinance #9-89-9.


CLERK OF COUNCIL


MAYOR

This Ordinance passed on First reading on the 13th day of March, 1996, by a vote of 5 to 0.

This Ordinance passed on Second reading on the 10th day of April, 1996, by a vote of 5 to 0.

This Ordinance passed on Third reading on the 8th day of May, 1996, by a vote of 5 to 0.

This Ordinance passed by the vote of 5 to 0 on the 8th day of May, 1996.

Published on: 5/23, 5/30/96

VILLAGE OF MAGNOLIA

ORDINANCE # 8-04-13

PROPOSED ZONING ORDINANCE – AMENDMENT TO SECTION 402.7

SECTION 402.7 TRAILERS, MOBILE HOMES AND TEMPORARY BUILDINGS

A trailer or mobile home, as defined in Article II, shall not be a permissible use as an accessory building or principal building

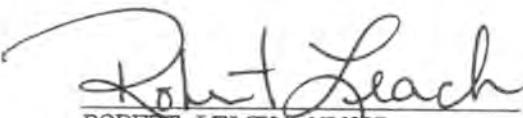
A mobile home or trailer may be used as a temporary office or building incidental to construction or a development in any zoning district. The trailer or mobile home must be on the premises where the construction work is being performed, but may remain only during the time construction or development is actively underway. Such a trailer or mobile home shall be removed upon completion or abandonment of the construction work.

Temporary buildings, for uses incidental to construction work, may be erected in any zoning district, however the temporary building shall be removed upon completion or abandonment of the construction work

Passed on the First Reading on the 18th day of August, 2004,
by a vote of 6 to 0.

Passed on the Second Reading on the 8th day of September, 2004,
by a vote of 6 to 0.

Passed on the Third Reading on the 13th day of October, 2004,
by a vote of 6 to 0.


ROBERT LEACH, MAYOR


LORRIE CLEVINGER, CLERK

Published on _____

VILLAGE OF MAGNOLIA

ORDINANCE #3-96-8

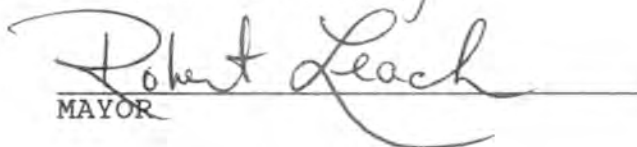
ORDINANCE TO CHANGE THE ZONING
OF A TRACT OF LAND FROM R-2 TO
R-1, ITS PREVIOUS ZONING

Village of Magnolia, Ohio

WHEREAS, the Council of the Village of Magnolia has requested a change of zoning for a tract of land on the North side of Harrison Avenue from R-2 Multi-Family Residential to R-1 Single Family Residential amending Ordinance 9-89-9.

NOW, THEREFORE, be it enacted that the area set forth more particularly in attached Exhibit "A" being a site 448 by 826 feet located on the North side of Harrison Avenue in the Village of Magnolia be zoned R-1 Single Family Residential. This Ordinance amends Ordinance #9-89-9.


CLERK OF COUNCIL


MAYOR

This Ordinance passed on First reading on the 13th day of March, 1996, by a vote of 5 to 0.

This Ordinance passed on Second reading on the 10th day of April, 1996, by a vote of 5 to 0.

This Ordinance passed on Third reading on the 8th day of May, 1996, by a vote of 5 to 0.

This Ordinance passed by the vote of 5 to 0 on the 8th day of May, 1996.

Published on: 5/23 5/30/96

Stark County Law Library Association

PHONE (216) 456-2330

RONALD K. BENNINGTON, PRES.
RAYMOND E. GRIFFITHS, VICE PRES.
STEPHEN T. YOST, SEC. & TREAS.

FOURTH FLOOR - COURT HOUSE
CANTON, OHIO 44702

July 12, 1990

Village of Magnolia
181 S. Brady Street
Magnolia, Ohio 44643

Attn: Mr. John Herstine, Jr.

In Re: Current Zoning, Building, and Subdivision Regulations

Dear Mr. Herstine:

We are requesting that you contact us in accordance with Ohio Revised Code Section 731.23.1, 731.231, wherein a complete and current copy of Code and/or Zoning Ordinances should be on file in the law library of the county or counties in which the municipality is located.

We currently have the following available at the library:

NONE

If there are any amendments to this volume we have on file, we would appreciate your sending the same to us. Otherwise, we would appreciate a telephone call or letter stating that what we do have is current and up-to-date, if that is the case.

Thank you for your kind and considerate attention to this matter. We look forward to hearing from you.

Very truly yours,

STARK COUNTY LAW LIBRARY ASSOCIATION



Martha M. Cox,
Director

MMC:kc