

PUBLIC NOTICE

Notice is hereby given pursuant to Section 713 of the Revised Code of the State of Ohio that the Council of the City of Crestline, Ohio will hold a public hearing at 7:45 o'clock P.M. on May 6, 1985 at the Council Chambers at 215 W. Bucyrus St.--on and- ordinance entitled:

"An Ordinance enacted under Chapter 713 of the Ohio Revised

Code governing the incorporated parts of the City of Crestline, Crawford and Richland Counties, Ohio, to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the area and dimensions of yards, courts and other open spaces; to regulate and limit the density of population; and to divide the City into districts, establishing the boundaries thereof', provide for changes in the regulations and boundaries of such districts; define certain terms used herein; provide for the administration and enforcement of the ordinance; and to establish a Board of Zoning Appeals and define the powers and duties of said Board of Appeals."

The text of said Ordinance is on file for public examination in the office of the Clerk of Council the City of Crestline, Ohio.

Doris Bopp
. Clerk of Council

Please publish March 20, and March 27, 1985

Zoning Rules and Regulations

Zoning Ordinance 1620 Enacted 5/6/85

Updated 1/05/06

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SCOPE AND APPLICATION

Sec. 111.01 Intent and Application

(a) Title: This Code is the "Zoning Code for the City of Crestline, Ohio."

(b) Purpose and Intent: The purpose of this Zoning Code and the intent of the legislative authority in its adoption is to promote and protect to the fullest extent permissible under Ohio laws, the public health, safety, convenience, comfort, prosperity and the general welfare of the City of Crestline, Ohio; by regulating the use of buildings, other structures and land for residences, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, percent of lot coverage and location of buildings; by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the corporate limits of the City of Crestline, Ohio, into districts of such number and dimensions in accordance with the objectives of the Comprehensive Plan; and to provide procedures for the administration and amendment of said Zoning Code.

This Zoning Code is intended to achieve, among others, the following objectives:

- (1) to protect the character and values of residential, institutional and public uses, business, commercial and manufacturing uses; and to insure their orderly and beneficial development;
- (2) to provide adequate open spaces for light, air and outdoor uses;
- (3) to prevent overcrowding of the land;
- (4) to prevent excessive concentration of population; and, on the other hand, to prevent sparse and uncoordinated development;
- (5) to regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property so as to carry out the objectives of the Comprehensive Plan of Crestline;
- (6) to regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with, and be damaged least by traffic movements, and hence result in lessened street congestion and improved public safety;

(1) to establish zoning patterns that insure economical extensions for sewers, water supply, waste disposal and other public utilities, as well as development of recreation, schools and other public facilities;

(8) to guide the future development of Crestline so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Comprehensive Plan of Crestline; and

(9) to accomplish the specific intent and goals set forth in the introduction to the respective sections.

(c) Relation to Other Laws- The provision of this Zoning Code shall supplement any and all laws of the State of Ohio, ordinances of this municipality or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of such Zoning Code.

The provisions of this Code shall not annul or in any way interfere with existing deed or plat restrictions, easements or other agreements between persons, codes, laws, rules, regulations or permits previously adopted or issued except those ordinances or sections thereof which are contrary to and in conflict with this Code.

Wherever this Code imposes greater restrictions upon the use of buildings or land, the heights or bulk of buildings, or requires larger land or building areas, yards or other open spaces than are otherwise required or imposed by other deed or plat restrictions, codes, laws, ordinances, rules or regulations, this Zoning Code shall control; and conversely, other regulations shall control where they impose greater restrictions than this Code.

(d) Interpretation: In interpreting and applying the provisions of the Zoning Code, such provisions shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare and to accomplish the objectives set forth throughout the Code. Except as specifically provided herein, it is not intended by the Zoning Code to repeal, abrogate or annul any existing provision of any law or ordinance or any rule or regulation previously adopted or issued pursuant to law relating to the use of structures and land and the design, erection, alteration or maintenance of structures thereon.

(e) Validity: Should any section or provision of this Zoning Code be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Code as a whole, or any part thereof, other than the section or provision so declared to be invalid. Nor shall the decision affect its application to different facts or circumstances.

(f) Form of Code: This Code is included as Chapter 111 under Title XI-- Land Usage--Code of Ordinances of the City of Crestline, Ohio. Chapter III is subdivided into section, commencing with the first section which shall be numbered 111.01. The two figures "01" after the decimal signify the first section. The chapter and section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provision in this Code.

Sec. 111.02 Definitions

(a) Interpretation: Words in this Code are normally used in their ordinary English usage. Certain terms are, however, defined in this section and wherever used in this Zoning Code, they shall have the meaning as set forth in the subsections of this section, except where the context clearly indicates a different meaning.

(b) General Terms :

(1) The word "shall" is to be interpreted as mandatory and shall be complied with unless waived; "may" is to be interpreted as having permission or being allowed to carry out a provision; "should" is to be interpreted as ex-pressing that the application of said criteria or standard is desired and essential unless commensurate criteria or standards are achieved.

(2) All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.

(3) The phrase "used for" shall include "arranged for", "designed for", "intended for", "maintained for" or "occupied for".

(4) "Regulation", means a rule, restriction or other mandatory provision in this Code intended to control, require or prohibit an act.

(5) "Standard", means a test, measure, model or example of quantity, extent or quality.

(6) "Criterion", means a principle by which the planning of a development area shall be guided.

(1) "City", means the City of Crestline.

{§} "Commission", means the City Planning Commission of Crestline.

(9) "Council", means the legislative body of the City of Crestline.

(10) "Board", means the Board of Zoning Appeals of Crestline.

(11) "Department", means the Building Department of the City of Crestline.

(12) "Counties" means the Counties of Crawford and Richland, Ohio.

(13) "Clerk", means the duly acting and qualified Clerk of the City of Crestline.

(14) "Engineer", means the Engineer of the City of Crestline.

(15) "Person", means an individual, firm, association, corporation, trust or any other legal entity, including his or its agents.

(16) "Developer", means a person commencing proceedings under this Code to effect the development of land for himself or for another.

(17) "Code", means the Zoning Code of the City of Crestline.

(18) "Occupancy Certificate", means an official statement certifying that a building, other structure, or parcel of land is in compliance with the provisions of all applicable codes, or is a lawfully existing nonconforming building or use and hence may be occupied and used lawfully for the purposes designated thereon.

(19) "Performance Standard", means a criterion established to control the dust, smoke, fire and explosive hazards, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.

(20) "Variance", means a modification of the zoning regulations, permitted in instances where a literal application of the provisions of the Zoning Code would result in unnecessary hardships as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question in accordance with procedures and standards set forth in Section 111.32 of the Zoning Code.

(c) Areas, Buildings and Land:

(1) "Area of Buildings", means the area at the ground level of the main building and all accessory buildings, excluding unenclosed porches, terraces and steps, measured from the outside surface of exterior walls.

(2) "Area of Dwelling Unit", means the sum of the gross floor areas above the basement level, including those rooms, and closets, having the minimum ceiling height, light, ventilation, and other features as required by the Building Code of Crestline, Ohio, and as further defined in Sec. 111.10 of this Zoning Code.

(3) "Area of Lot", means the total horizontal area within the lot boundary lines of a zoning lot.

(d) Automotive Uses:

(1) "Private Garage", means a building, accessory to a one- or two-family dwelling, used exclusively for the parking or temporary storage of passenger automobiles.

(2) "Storage Garage", means a main or accessory building, other than a private garage, used for the parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

(3) "Repair Garage", means a main or accessory building used or designed for repairing motor vehicles; a service garage if accessory to an automobile salesroom.

(4) "Accessory Parking Area", means an open or enclosed private area, other than a street, used for the free parking of passenger automobiles for occupants, their quests or customers, of a main building.

(5) "Public Parking Area", means an open or enclosed publicly owned area used for passenger automobile parking, with or without a fee.

(6) "Sales lot", means an open area used for the display, sales, or rental of new or used motor vehicles, on which no repair (except minor work) is performed.

(7) "Service Station", means a building and land including pumps, tanks and grease racks, used for the retail sales of gasoline, lubricants, batteries, tires and other automobile accessories, and performing minor services and repairs.

(8) "Loading Space", means an open or enclosed space, other than a street used for the temporary parking of a commercial vehicle while its goods are being loaded or unloaded.

(e) Building and structures:

(1) "Structure", means that which is constructed on or under the ground or attached or connected thereto, including but not limited to: buildings, barriers, bridges, bulkheads, chimneys, fences, garages, outdoor seating facilities, parking areas, platforms, pools, poles, streets, tanks, tents, towers, sheds, signs, walls and walks; and excluding mobile homes, trailers and other vehicles whether on wheels or other supports.

(2) "Building", means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animal

enclosure for property. The term shall be used synonymously with "structure" unless otherwise noted, and shall be construed as if followed by the words 'part or parts thereof',

(3) "Main Building", means the building occupied by the main use or activity on or intended for the premises, all parts of said building are connected in a substantial manner by common walls, a minimum ceiling height of seven (7) feet six (6) inches and a continuous roof.

(4) "Accessory Buildings" means a subordinate building including a private garage detached from, but located on the same lot as the main building, the use of which is incident and accessory to that of the main building or use.

(5) "Building Line", means a line established by this Zoning Code, general parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground except as may be provided in said Code.

(6) "Detached Building", means a building surrounded by open space.

(7) "Basement", means the space of a building where the floor level is more than three feet below the adjoining finished grade.

(8) "Land Coverage", means that percentage of a lot covered by the main and accessory buildings.

(9) "Height of Building", means the vertical distance measured from the highest point of the coping of a flat roof, or the vertical distance measured from the ridge of a pitched roof to the average finished grade across the face of the building containing its principal entrance.

(f) Family:

(1) "Family", means either one individual, two or more persons related by blood, marriage or adoption, or not more than three persons not related by blood, marriage or adoption, who live together in one dwelling unit and maintain a common household.

(2) "Roomer", means a person, other than a member of the family as defined above, who rents one or more rooms in a dwelling from the resident family.

(g) Dwellings and Other Living Accommodations:

(1) "Dwelling Unit", means space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well a space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

(2) "Dwelling", means a building designated or occupied exclusively for residential use and permitted accessory uses.

(3) "One-Family Dwelling", means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.

(4) "Two-Family Dwelling", means a building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.

(5) "Three-Family Dwelling", means a building consisting of four or more dwelling units with varying arrangements or entrances and party walls.

a. "Townhouse", means a multifamily building comprised of single dwelling units attached by common fireproof walls, each unit having at least two separate exterior entrances.

b. "Apartment", means a multifamily building comprised of three or more dwelling units arranged one above the other and side by side, each unit having at least one entrance connected to a common interior hall leading to the exterior.

(6) "Rooming House", means a building operated for compensation by a resident family, in which a room or rooms are provided for living and sleeping facilities to one or more persons.

(7) "Motel "., means a building or buildings, providing overnight accommodations principally for automobile travelers in which access to each rental unit is provided directly through an exterior door.

(8) "Mobile Home", means any vehicle or similar portable structure having no foundation other than wheels, jacks, supporting walls or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

(9) "Permanently Manufactured Homes", means a manufactured home that requires the structure to be affixed to a permanent foundation and is connected to appropriate facilities. The structure has a width of at least twenty-two (22) feet at one point, and meets all of the required zoning ordinances per location.

(h) Grades:

(1) "Established Street Grade", means the elevation established by the City, at the roadway, centerline or curb in front of the lot.

(2) "Natural Grade", means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

(3) "Finished Grade", means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.

(i) Home Occupations and Professional Offices:

(1). "Home Occupation", means a gainful occupation enumerated in Sec. 111.10 of this Zoning Code conducted by members of a resident family wholly within a dwelling or in a building accessory thereto.

(2) "Home Professional Office", means a secondary office in a dwelling occupied by a person practicing a profession enumerated in Sec. 111.10

(j) Lot, Parcel and Land:

(1) "Lot", means a division of land such as an "inlot" or "outlot" separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded survey map, or by metes and bounds.

(2) "Lot of Record", means land designated as a separate parcel on a plat map or deed in the records of Crawford or Richard County, Ohio.

(3) "Zoning Lot", means a parcel of land abutting a dedicated street, occupied or intended to be occupied by a main and/or accessory use or main or accessory building, as a unit together with such open spaces as required by this Zoning Code. Unless the context clearly indicates the contrary, the term lot is used synonymously with zoning lot in this Zoning Code and it may or may not coincide with a lot of record.

(4) "Corner Lot", means a lot abutting on two streets at their intersection, if the interior angle of intersection is not more than 135 degrees.

(5) "Interior Lot", means a lot other than a corner lot or through lot.

(6) "Lot Line", means the boundary of a lot separating it from adjoining public, common or private land, including a public street.

(7) "Front Lot Line", means the lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts upon a street, Unless the context clearly indicates the contrary, it shall be construed as synonymous with "street line".

(8) "Rear Lot Line", means a lot line parallel or within 45 degrees of being parallel to the front lot line,

(9) "Side Lot Line", means a lot line which is neither a front nor rear lot line.

(10) "Lot Depth", is the mean horizontal distance of a lot measured between the front and rear lot lines.

(11) "Lot Width", means the horizontal distance of a lot measured along the building line at right angle to the mean lot depth line. Width at front lot line is measured along the street line.

(13) "Private land", means land in a subdivision or development area which shall be adjoining, attached and assigned to a one-family or town-house dwelling, to be held as an open space in ownership with the dwelling in the subdivision or development area, and which shall be identified on sub-division and development plans submitted to the City.

(14) "Common Land", means land in a subdivision or development area not owned as private land or occupied by dwellings created for common usage by restrictions, easements, covenants or other conditions running with the land, and which is held for the use and enjoyment by or for the owners or occupants of the dwellings in a subdivision or development area.

(k) Maps, Plans and Plats:

(1) "Map", means a drawing showing geographic, topographic or other physical features of the land.

(2) "Plan", means a drawing of a proposed design or of work to be performed.

(3) "Plat", means a map of a lot, parcel, subdivision or development area on which the lines of each element are shown by accurate distances and bearings.

(4) "Comprehensive Plan", means the plan and statement of the objectives and recommendations for the general location and extent of desirable future land development', community facilities and street plans for the City of Crestline, duly adopted or officially accepted,

(5) "Community Facilities Plan", means the plan which shows the location and extent of existing, and planned parks, playgrounds, public land and buildings and other public facilities for the City of Crestline, duly adopted and officially accepted, separately or as a part of the Comprehensive Plan.

(6) "Major Thoroughfare Plan", means the plan which shows the general location and extent of existing and planned streets and other transportation facilities for the City of Crestline, duly adopted and officially accepted, separately or as a part of the Comprehensive Plan.

(7) "Area Plan", means a plan prepared by the City for implementing components of the Comprehensive Plan and may include, but is not limited to the design, bulk, use, height, location and arrangements of buildings in respect to streets, open spaces, other structures and natural features.

(8) "Development Area", means the minimum area of land permitted by this Code to be developed by a single owner or a group of owners, acting jointly, which may consist of a parcel or assembled parcels, and includes a related group of one-family dwellings, two-family dwellings, three-family dwellings, townhouses, and apartment dwellings planned and developed as an entity under the planned development area procedures.

(9) "Preliminary Plan", means a drawing prepared by a developer, which may include explanatory exhibits and text, submitted to the designated authority for the purpose of study of a proposed development of land, or a preliminary plan of land and buildings of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.

(10) "Final Plan", means the final plan prepared by a developer based upon the approved preliminary plan of a proposed development or development area which consists of detailed drawings, specifications, cost estimates and agreements for the construction of the site improvements and buildings for the proposed development or development area.

(1) Nonconforming Building, Lot and Use:

(1) "Nonconforming Building", means a building existing lawfully at the time this Zoning Code, or an amendment thereto, became effective but which does not conform to the area, height, or bulk of building, yard or other regulations of the district in which it is located.

(2) "Nonconforming Lot", means a lot existing lawfully at the time this Zoning Code, or an amendment thereto, became effective but which does not conform to the lot area, width, access or other requirements of the district in which it is located.

(3) "Nonconforming Use", means the use of a building or land, existing lawfully at the time this Zoning Code, or an amendment thereto, became effective but which does not conform to the use regulations, off-street parking and loading requirements, performance standards or other use regulations of the district in which it is located,

(m) Streets:

(1) "Streets" means a public way for purposes of vehicular travel including the entire area within the right-of-way. The term includes, but is not limited to, avenue, alley, boulevard, drive, highway, road and freeway. Streets shall be classified and further defined as follows:

a. "Major Street", means a public street which is primarily for moving fast or heavy traffic between large or intensively developed districts.

b. "Secondary Street", means a street supplementary to and connecting major streets to local streets.

c. "Local Street", means a street primarily for access to abutting residential properties and to serve local needs.

1. "Cul-de-Sac", means a street, one end of which connects with another street and the other end of which is a dead end which allows for turning of vehicles.

2. "Marginal Access Street", means a local street providing access to lots which abut or are adjacent to a limited-access highway or major street.

d. "Private Street", means a street held in private ownership,

e. "Street Line", means the street right-of-way line.

f. "Right-of-Way", means all the land included within an area which is dedicated, reserved by deed, or granted by easement for street purposes.

1. "Roadway", means that portion of a right-of-way available for vehicular travel, including parking lanes.

2. "Tree Lawn", means that portion of a right-of-way lying between the exterior line of the roadway and the outside right-of-way line.

g. "Other Rights-of-Way", as follows:

1. "Pedestrian Way", means a public or private right-of-way solely for pedestrian circulation.

2. "Easement", means the right of a person to use common land or private land owned by another for a specific purpose.

(n) Use:

(1) "Use", means any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any activity conducted in a building, other structure or on the land.

(2) "Main Use", means the principal use of an activity conducted in a building, other structure or on the land.

(3) "Accessory Use", means a use located on the same zoning lot with the main use of the building, other structure or land, which is subordinate, and related to that of a main building or main use,

(4) "Conditional Use", means an uncommon or infrequent use which may be permitted in specific districts subject to the compliance with certain standards and explicit conditions set forth in this Zoning Code and the granting of a Conditional Use Permit.

(o) Yards:

(1) "Yard", means that portion of the open area on a lot extending between a building and the nearest lot line, or between an accessory use of building and the nearest lot line as established in the Zoning Code.

(2) "Front Yard", means the yard extending from the front wall of the building to the front lot line across the full width of the lot.

(3) "Rear Yard", means the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.

(4) "Side Yard", means the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard; provided, that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.

(5) "Required Yard", means the minimum yard required between a lot line and building line or the line of any parking area or any other use requiring a yard in order to comply with the zoning regulations of the district in which the zoning lot is located. A required yard shall be open and unobstructed from the ground upward except for projections on buildings as permitted in the Zoning Code and except for walks, landscaping and other yard or site features.

(6) "Court", means an open space other than a yard, bounded on two or more sides by exterior walls of the building, or bounded by exterior walls of a building and lot lines.

Sec. 111.03 Establishment of Code and Maps

(a) Establishment of Districts: In order to carryout the purpose of this Code, the City of Crestline, Ohio, is hereby divided into the following districts, all of which are designated on the Zone Map by symbols and boundaries, said districts shall be known as:

<u>Title</u>		<u>Abbreviation</u>
	<u>Residential Districts</u>	
(1) One Family		R-1
(2) Two Family		R-2
(3) Three Family		R-3
(4) Multi Family		R-4
	<u>Mobile Home Districts</u>	
(5) Mobile Home		MH
	<u>Business Districts</u>	
(6) Local Business		B-1
(7) General Business		B-2
	<u>Industrial Districts</u>	
(8) Light Industrial		M-1
(9) Heavey Industrial		M-2

Whenever the abbreviated terms such as R-1, R-2, B-1, M-1, etc., are used in this Code, they shall be construed as referring to their corresponding district titles.

The above classification of districts shall not be construed as an enumeration of most restrictive to least restrictive districts except for the specific purposes set forth in this Code.

(b) Establishment of Regulations: Any building or parcel of land may be used; and the use of any building and any parcel of land may be changed or extended; and any existing building may be altered, converted, enlarged, reconstructed, moved or maintained, only for the uses specifically enumerated or referred to as permitted, or required, in the district in which the building or parcel of land is located and for no other use. The enumeration of uses within a district shall not be construed as a ranking of the most desirable to less desirable uses.

(1) Main buildings and uses enumerated in the various use regulations of this Code shall be permitted, by right, as the principal building, use or activity of a zoning lot only in a district in which it is specifically permitted.

(2) Similar uses are uncommon uses which have characteristics similar to and compatible with, those uses enumerated as permitted in a district by right, but since they occur only infrequently, it is not reasonable to enumerate all

such uncommon uses; they may, however, be added to the enumerations of permitted uses by procedures established in Sec. 111.30 of this Code.

(3) Conditional uses are certain types of main uses so classified in this Code because of their uncommon or unique characteristics, large land area requirements or for other reasons, uses which cannot be permitted by right, in specific locations in districts in which they are appropriate and compatible without certain adjustments. The uses which may be considered for conditional approval in specific districts are enumerated throughout the sections dealing with Use Regulations. The procedures and standards for evaluating and approving Conditional Uses are set forth in Sec. 111.30 (g) of this Code.

(4) Accessory buildings and uses, as enumerated in the various use regulations of this Code, shall be permitted as a subordinate building or subordinate use if it is clearly incident to and located on the same zoning lot as the main building or use, and if located in a district in which it is specifically permitted. The use, change, extension, alteration, conversion, enlargement, reconstruction, relocation or maintenance of accessory buildings and land shall be subject to all area, yard, height, off-street parking and all other regulations set forth or referred to for the district in which the accessory building or parcel of land is located and to all other applicable regulations of this Code.

(c) Establishment of Zone Map: The aforesaid districts are designated by symbols and the locations and boundaries of said districts are established on a map entitled, "Zone Map of the City of Crestline, Ohio", dated March 18; 1985. All notations, schedules, and other information shown thereon are hereby made a part of this Code as enacted on or subsequently amended in the same manner as other parts of this Code.

(d) District Boundary Lines: The district boundary lines of the Zone Map enclose an area of a designated district, and generally follow recorded lot lines, the center line of streets, railroad rights-of-way or their extensions, provided, however:

(1) Where the district boundary line is shown by dimension or relationship as being located a specific distance from and/or parallel to a street line, said distance shall control; or

(2) Where the district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way; or

(3) Where a district boundary line divides a parcel of land, the location of such boundary, unless related to fixed points on the property boundary, shall be determined by scale, and each part of the parcel shall comply with the regulations of the district in which it is located; or

(4) Where a district boundary line does not coincide with any of the aforesaid lines and where it is not located by dimensions or fixed points shown on the zone map shall be determined by the scale appearing thereon and, in cases of other uncertainties, the Planning Commission shall determine the exact location.

(e) Annexed Territory: All territory which may hereafter be annexed to the City of Crestline, Ohio, if already zoned, shall be continued in its existing zone classification until amended in conformance with the procedures outlined in this Code.

DISTRICT AND DISTRICT REGULATIONS

Sec. 111.10 Residential Districts

(a) Intent: Residential districts and their regulations are established herein in order to achieve, among others, the following purposes:

(1) to regulate the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district;

(2) to regulate the density and distribution of population in accordance with the objectives of the Comprehensive Plan to avoid congestion and to maintain adequate services;

(3) to provide for the proper location of community and shopping facilities so as to increase the general convenience, safety and amenities;

(4) to provide protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic and other objectionable influences; and

(5) to protect the desirable characteristics of existing residential development, the promotion of stability, the most desirable and beneficial use of the land and bringing about the eventual conformity with the Comprehensive Plan and other plans of the City.

(b) Permitted Buildings and Uses: Buildings and land shall be used, and buildings shall be erected, altered, moved and maintained only for the uses set forth as permitted in the following schedule:

<u>DISTRICT</u>	<u>MAIN BUILDINGS AND USES</u>	<u>ACCESSORY BUILDINGS</u>
R1	<p>One family dwellings;</p> <p>By conditional use permit: Public and private schools, library and other public buildings; parks, playgrounds and other public land uses; churches, public water supply reservoir, tower and pumping station; public sewage treatment works. With prior approval of planning commission and council, two family dwellings in accordance with section 111.10 e(1).</p>	<p>Private garages and parking areas:</p> <p>Private garden and recreational uses, structures, pools, fences and walls not more than 4 1/2 feet in height, home offices and accessory living accommodations; raising of domestic animals; name plates, bulletin boards and real estate signs.</p>
R2	<p>Main building and uses permitted in R1 District;</p> <p>Two-Family dwellings; Three-Family dwellings; By Conditional Use Permit: same uses enumerated in R1 District;</p> <p>Rooming houses, home for children, home for aging, hospitals, clinics, fraternal organizations and private clubs.</p>	<p>Accessory uses permitted in R1 District;</p> <p>Rooms for Tourists:</p> <p>Storage garages and parking areas for automobiles as accessory to two-family dwellings.</p> <p>By Conditional-Use permit auto repair service (book 12 pg. 433)</p>
R3	<p>Main building and uses permitted in R2 District;</p> <p>Apartments and Townhouses;</p> <p>By Conditional Use Permit: Same uses enumerated in R2 District.</p>	<p>Accessory uses permitted in R2 District;</p> <p>Storage garages and parking areas for automobiles, accessory to multi-family dwellings.</p>

(c) Accessory Uses:

(1) Parking and Garage Facilities: Private and storage garages and open off-street parking areas shall be permitted in residential districts if accessory to a dwelling, an institution or if the use is considered and approved as a Conditional Use in accordance with the standards and regulations set forth in Sec. 111.30 (g).

(2) Home Professional Offices: An office may be permitted in residential districts in the home of a person practicing any of the recognized professions, including accountant, architect, artist, engineer, lawyer, musician, physician, provided:

- a. No more than one assistant other than members of the resident family work therein;
- b. The residential character of the dwelling exterior shall not be changed;
- c. Equipment which will create any electrical disturbances beyond the premises shall not be utilized; and
- d. Parking facilities are provided in accordance with Sec. 111.20 of this Code.

(3) Home Occupations: Gainful home occupations may be permitted in certain residential districts including home crafts such as baking, dressmaking, millinery, weaving, home decorating; services such as beauty shop, repairing furniture and radios, sharpening tools; office space for businesses or services such as real estate, selling or taking orders for merchandise, contracting work, provided:

- a. *Only members of the family* residing within the dwelling shall work therein;
- b. The occupation is conducted wholly within a building and the space-used for production and sale
- c. No merchandise shall be sold except that which is produced or processed on the premises;
- d. No Mechanical equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot;
- e. The residential character of the dwelling exterior or accessory building shall not be changed.
- f. Parting facilities are provided in accordance with Sec, 111.20 of this Code.

(4) Renting of Rooms: The renting from a resident family, of not more than one room to not more than one person, shall be permitted in any residential district.

(d) Area, Yard and Height Regulations: Land and buildings shall be used only in accordance with the lot area regulations; and buildings shall be erected, altered, moved and maintained only in accordance with the following area, yard and building height regulations:

(1) The area of a zoning lot shall be not less than the area in square feet required for each dwelling unit as set forth in Sec. 111.10 (e) multiplied by the number of units in the building.

(2) The width of a zoning lot shall be not less than the width required for the type of dwelling or other building permitted in the district in which the lot is located as set forth in Sec. 111.10 (e), or as modified in subsequent sections, and shall be measured at the building line. Each one- and two-family zoning lot shall abut upon a dedicated street for the required lot width, except on curved streets, the width at the front line may be less provided the lot width at the building line meets the required lot width of the particular district.

(3) The front yard depth, or setback, of a zoning lot shall be not less than the depth set forth in Sec. 111.10 (e) for the type of dwelling or other building permitted in the district in which it is located.

(4) Two side yards shall be provided for every one-and two-family dwelling on a zoning lot. Widths of side yards of a lot shall be not less than the respective dimensions as set forth in Sec. 111.10 (e). In no case will the distance between detached one- and two--family, three-family, dwellings be less than 20 feet in any R-1. Residence-District, or 10 feet between detached one- and two-family, three-family dwellings in any R-2 Residence District.

(5) The rear yard depth of a zoning lot for main buildings shall be not less than the depth set forth in Sec, 111.10 (e), for the district in which it is located, or not less than 25 percent of the depth of the lot, whichever is the lesser. A detached accessory building shall be located in accord with yard regulations as set forth in Sec. 111.10 (m).

(e) Schedule of Area, Yard and Height Regulations:

District	Dwelling type	Minimum Lot Area		Minimum Yard			Maximum Height Main Buildings (stories)
		Lot Area Per Dwelling Unit (sq.ft)	Minimum Lot Width (ft)	Front Yard Depth (ft)	Side Yard Width (ft)	Rear Yard Depth (ft)	
R-1	1 Fam. Dw.	11,250	75	40	7	30	2
	2 Fam. Dw.	5,625	75	40	7	30	2
R-2	1 Fam. Dw.	7,500	50	20	5	20	2
	2 Fam. Dw.	3,750	50	20	5	20	2
R-3	1 Fam. Dw.	7,500	50	20	5	20	2
	2 Fam. Dw.	3,750	50	20	5	20	2
	Townhouse	2,500	70	20	**	**	2
	Apartment	1,250	100	20	**	**	6

* Rear yard depth, 25 Percent of the yard depth or the depth shown in this schedule.

** Yard dimensions determined by formula, Sec. 111.10 (f).

Two-family dwellings may be allowed in an R-1 Single-Family District providing the proposed dwelling is compatible with the adjacent and surrounding neighborhood housing characteristics in terms of: style of architecture, location, and definition of parking garages, compatibility with adjacent structures in terms of exterior architectural treatment, location of the dwelling on the site, access drives to the garages and such other considerations that, when the proposed dwellings are reviewed against existing neighborhood characteristics, the two-Family dwelling does not detract, but is compatible and consistent with the neighborhood in which it is located.

(f) Multi-Family Dwellings Yard Regulations: In order to encourage greater flexibility in design and more attractive arrangements of buildings and greater utilization of open spaces, yard regulations for multi-family dwellings are hereby established for single development and yard regulations for locating several buildings within a group development.

The yards of multi-family buildings shall be related to the space within the dwelling units as well as the yards. Buildings shall be arranged so as to assure privacy between adjacent buildings and intersecting wings of buildings, from streets, parking and recreation areas in accordance with the following:

(1) Definitions: The terms used in this subsection are defined as follows:

- a. "Single Development", means a development of one multi-family building on one lot coordinated with the surrounding neighborhood and fronting on a public street.
- b. "Group Development", means a development of more than one multi-family building on a parcel planned as a unit and coordinated with the surrounding neighborhood.
- c. "Main Wall", means any exterior wall of a multi-family building containing the principal windows of a living, dining and/or sleeping room or rooms.
- d. "End or Secondary Wall", means any exterior wall of a multi-family building other than a main wall and containing secondary windows required for ventilation and not intended to provide a direct view.
- e. "Overlapping Walls", means that portion of the exterior walls which are directly opposing when two buildings, parallel or within 30 degrees of being parallel, face each other across an open yard or court.

(2) Front yard depth, or setback, for multi-family buildings, in single development or group development, shall be not less than 20 feet measured from the street line or as established otherwise on the Zone Map.

(3) Distance between facing and overlapping buildings or parts thereof, in a group development or multi-family buildings shall vary in direct relation to the length and height of buildings. Such minimum distance shall be determined by the formula:

$$\text{Minimum Distance} = \frac{LA + LB + HA + HB}{F}$$

The elements of the formula are illustrated on page 23 of this Code and defined as follows:

- a. "Minimum Distance", means the required minimum horizontal distance between any wall of building "A" and the nearest wall of building "B", or the vertical prolongation of either,
- b. "LA", means the total length of building "A" which, for the purposes of the formula, is defined as the maximum length of the portion or portions of any wall or walls of building "A" from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building "B",
- c. "LB", means the total length of building "B" which, for the purposes of this formula, is defined as the maximum length of the portion or portions of any wall or walls of building "B" from which lines drawn perpendicular to the face of such wall or walls will intersect any wall of building "A".

- d. "HA", means the height of building "A".
- e. "HB", means the height of Building "B"
- f. "F", means the divisor factor. "F" is "4" provided, however, the minimum distance between any main wall of any other building shall not be less than 20 feet.

(4) Distance in angular arrangements of 30° to 60°, such minimum distances are determined by the formula:

$$\text{Minimum Distance} = \frac{2LB + HA + HB - k}{F}$$

The elements of the formula are defined in Sec. 111.10 (f) (3) and illustrated on page 23 of this Code. "k" in the formula varies as the sin of 2n where "n" is the angle from building "B" to building "A" or extensions thereof.

Where "n" is:	30° to 34° - K=10'
	35° to 39° - K=20'
	40° to 50° - K=25'
	51° to 55° - K=20'
	56° to 60° - K=10'

(5) Distance between walls of court arrangements, such as minimum distances shall be determined by applying the formula set forth in Sec. 111.10 (f) (3) of this Code, to each set of facing walls. In arrangements of parallel walls with offset sections, the distance between the corresponding parallel walls shall be determined by said formula. The elements of the formula are illustrated on page 23 of the Code.

(6) Distance between nonoverlapping walls, where walls of two buildings do not directly face each other or do not overlap--that is where lines drawn perpendicular from the face of any wall or any one building will not intersect the face of any wall of another building--the minimum horizontal distance between such buildings shall be not less than one-half of the combined height of the two buildings. Such minimum distances shall be determined by the formula:

$$\text{Minimum Distance} = \frac{HA + HB}{2}$$

The elements of the formula are defined in Sec. 111.10 (f) (3) and illustrated on page 23 of this Code.

(7) Distance between building and boundary lines of a multi-family building, or part thereof, in a single development or group development and any side or rear lot line of the parcel of a development area shall vary in direct relation to the length and height of the building. Such minimum distance shall be as determined by the formula:

$$\text{Minimum Distance} = \frac{2(LL) + HA}{4}$$

The elements of the formula are illustrated on page 23 of this Code, and defined as follows:

- a. "Minimum Distance", means the minimum required horizontal distance between **any wall** of a building and the nearest side or rear lot line, or boundaries of the parcel or development area.
- b. "LL", means the maximum length of the side or rear lot which can be intersected by lines drawn perpendicular from the face or faces of any wall or walls of the building.
- c. "HA" means the height of the building "A".

Where any multi-family development abuts a one- or two-family residential district along any rear property line, the minimum distance from any property line in such districts and any main building shall be not less than the height of the Main building.

(8) Townhouse Dimensions: A unit of a townhouse shall be not less than 20 feet in width and any main, or longitudinal, wall of a sequence of townhouse units shall not exceed 130 feet in length without a 90 degree offset of at least 10 feet, and the aggregate length of any wall, including its offsets, shall not exceed 170 feet in length.

(9) Use and Design of Yards: The required yards, set forth in Sec. 111.10 (f) of this Code shall be landscaped and may be used for pedestrian walks and passive recreation areas. If, however, yards between buildings are used for parking areas, driveways or playgrounds, the distance between buildings shall be increased by the dimensions of such intermediary facilities.

(10) Development plans for multi-family dwellings, shall be submitted to the Planning Commission for review and recommendations. Until found to comply with the provisions of this Code and approved by the Planning Commission and Council, building permits shall not be issued.

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(g) Required Yards to be Maintained: The required yards surrounding an existing building shall not be separated in ownership from that portion of the lot upon which the building is located, and no part shall be considered as providing a required yard for any other existing building on the same or on an adjacent lot. A yard shall not be reduced to less than the required dimensions for the district in which it is located by enlarging an existing building, and a yard of less than the required dimensions shall not be further reduced in any manner. Every required yard shall be open and unobstructed from the ground upward except for accessory buildings as set forth in Sec. 111.10 (m) and projections into yards as set forth in Sec. 111.10 (n).

(h) Front Yards of Partially Built-Up Blocks: where a building line has not been established, and where 50 percent or more of the aggregate street frontage between two successive intersecting streets is occupied by buildings of the type and use permitted in the district before the effective date of this Code, or any amendments thereto, the minimum front yard for new buildings shall be the average setback distance of existing buildings located within 100 feet on either side of a given lot provided, however, the depth of the front yard resulting therefrom shall be not less than one-half of the dimensions specified in Sec. 111.10 (e).

(i) Side Yards of Insufficient Width: Where side yards are narrower than required for the district in which the building and lot are located and which was owned separately from all other tracts of land on the effective date of this Code or any amendment thereto, and is still so owned, the building may be maintained or altered but may not be enlarged in width unless the total width of the side yards complies with the regulations of this Code,

(j) Yards on Corner Lots: The depth of the front yard on a corner lot shall be not less than the required setback from the front lot line, and the width of the side yard on the side street shall be not less than one-half of the depth of the front yard required for the adjoining lot which abuts said side street, unless shown otherwise on Zone Map.

(k) Yards for Irregular Lots, The specific yard regulations set forth in this Section may be modified by, the Board of Zoning Appeals in accordance with standards established in, Sec. 111.32 where the regulations cannot be complied with reasonably as a result, of irregular shape of lot or for topographical reasons.

(1) Yards for Institutions in Residential Areas: Front yards shall be provided for institutional buildings permitted in certain residential districts in accordance with requirements for residential buildings as set forth in Sec. 111.10 (e) or as set forth on the Zone Map. Side and rear yards shall be determined by the Planning Commission in consultation with the Design Review Committee for each institution; however, in general, the yards shall be not less than, or the building coverage of the lot shall not exceed, the requirements set forth in the following schedule:

<u>Main Building and Uses:</u>	<u>Minimum Yard Side and Rear (Ft.)</u>	<u>Maximum Land Coverage by Building (Percent)</u>
Public schools, parochial schools, except nursery schools	20	25
Churches, home for aging	20	50
Hospitals, clinics, home for children	30	50
Libraries and other public buildings	30	50

(m) Yards for Accessory Buildings and Uses: Any accessory use permitted in a residential district may occupy a part of the main building, occupy a separate accessory building or constitute an accessory land use.

Any accessory building shall be located not less than 10 feet from any dwelling on an adjacent residential lot and shall not project into a front or a side yard. An accessory building may, however, be located in a rear yard but not less than five feet from a rear or side lot line. On corner lots, an accessory building shall be set back from the side street line not less than required for the adjacent main building of the abutting lot.

(n) Projections into Yards: A projection is that part or feature of a building which extends or projects outside of the enclosing walls. It is intended that certain building features may project into required yards but they shall be regulated so as not to substantially interfere with the reception of sun, light, air and the use of adjacent lots as follows:

(1) Architectural feature, a belt course, balcony, cornice, gutter, or chimney may project into a front and side yard for a distance of six feet provided no part is less, than three feet to any side lot line.

(2) Entrance feature, an open platform, landing, steps, terrace or other feature not extending above the first floor level of a building, may extend eight (8) feet into a front yard and three (3) feet into a side yard.

(3) Enclosed shelters, an enclosed entry or porch shall not project into any required yard area.

(4) Unenclosed shelters, an entrance hood, or open but roofed porch may project eight (8) feet into a front yard and three feet into a side yard.

(o) Buildings Permitted on Zoning Lot in R-1, R-2, or R-3 District: There will not be more than one one-family or one two-family dwelling permitted on a zoning lot. There may be more than one multi-family building on a zoning lot. In addition, there may be one or more accessory buildings on the same zoning lot with a main building however, the total lot coverage by the main building and its accessory buildings (either on permanent or temporary foundations) shall not exceed twenty five (25%) percent. No accessory building shall exceed the height of the main building on any contiguous zoning lot.

No one- or two-family dwelling shall be located to the rear of any building on the same lot or on another lot which does not have the required frontage on a dedicated street, however, a group of multi-family buildings may be arranged in groups and not directly front on a dedicated street.

(p) Required Lot Area to be Maintained: A parcel of land may be subdivided into two or more parcels, provided all lots resulting from such division shall conform to all the lot area and width regulations of the district in which it is located. A lot of record which conformed to the provisions of this Code and which was owned separately from adjoining lots on the effective day of this Code or an amendment thereafter which affected its conformity shall not be reduced in any manner which would make it non-conforming.

The lot area, or any part thereof, required for a dwelling or other use shall not be considered as providing any part of the required lot area for another dwelling or use.

(q) Lots of Record of Insufficient Area: A lot of a record which does not comply with the area or lot width regulations of the district in which it is located on the effective date of this Code or any amendment thereto which made it nonconforming, may be used as follows.

1) If occupied by a building, such building may be maintained, repaired or altered, provided, however, the building may not be enlarged in floor area unless the depth of front yard, total width of side yards and the rear yard regulations are complied with.

2) If vacant, the lot may be used provided that:

- a. no adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this Code;
- b. not owning adjoining land, other vacant land cannot be equitably acquired adjoining the lot; and
- c. all other regulations of this Code, except the lot area and lot width regulations, shall be complied with.

(r) Dwelling Unit Area Requirements: In order to provide healthful living conditions and to preserve the character of the neighborhood, dwellings shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum areas of dwelling units.

(1) Area of a dwelling unit shall be the sum of the gross floor areas above the basement level, and not more than three feet below finished grade; rooms above the first floor may be included which are directly connected by a permanent stairs and hall, and spaces under pitched roofs having a minimum knee wall height of four feet if one-half of the room area has a minimum ceiling height of seven feet.

The area for frame buildings shall be measured from the exterior face of the enclosed walls at the respective floor line. For brick veneer building no more than four inches of exterior wall thickness may be included in the area calculation. For two-family and multi-family dwellings, where applicable, measurements will be made to the centerline of party walls. All areas within garages and porches, public halls and general storage rooms in multi-family dwellings shall be excluded in this measurement.

(2) Minimum Area of a Dwelling Unit shall be not less than established in the following schedule:

Dwelling Type	<u>1 Story</u>		<u>1 1/2 Story</u>		<u>2 Story</u>	
	<u>With Bsmt.</u>	<u>W/out Bsmt.</u>	<u>With Bsmt.</u>	<u>W/out Bsmt.</u>	<u>With Bsmt.</u>	<u>W/out Bsmt.</u>
One Family Dwelling						
Ground floor Area (sq. ft.)	900	1,000	780	880	600	700
Total floor Area (sq. ft.)	900	1,000	930	1,030	1,200	1,300
Two Family Dwelling						
Ground floor Area (sq. ft.)	750	850	N/A	N/A	450	500
Total floor Area (sq. ft.)	750	850	N/A	N/A	900	1,000
Town House						
Ground floor Area (sq. ft.)	750	850	N/A	N/A	450	550
Total floor Area (sq. ft.)	750	850	N/A	N/A	900	1,000
Apartment						
	(Minimum Area Per Apartment Unit sq. ft.)					
	No Bedroom unit- 500					
	1 Bedroom unit - 600					
	2 Bedroom unit - 750					

(s) Location of Utilities: Public utility uses and distributing equipment for a public utility, if essential in a district shall be permitted in any zoning district. However, where such public utility uses are proposed to be located across, or on unplanted lands, such uses shall be subject to the issuance of Conditional Use Permits in accordance with the provisions of Sec. 111.30 (g) of this Code.

The regulations herein governing lot size shall not apply to any lot designed or intended for a public utility and public service use when the area involved is deemed appropriate for such use by the Planning Commission.

(t) Open Storage Prohibited: Boats, tractors, airplanes, trucks, mobile homes, trailers, snow plows and other equipment and supplies may be permitted on a residential lot provided they are stored in an enclosed structure.

(u) Removal of Soil-Protection of Drainage Course: Soil, sand or gravel shall not be stripped, or removed in a residential district except excess soil, sand or gravel resulting from excavations or grading operations in connection with the construction or alteration of a building for which a permit has been issued.

No building or; structure shall be erected within any area herein described as a drainage course. For the purpose of this Code, a drainage course shall include any area such as drainage ways, channels, streams and creeks, designated as such on geodetic topographic maps, City topographic maps and shall further include any area designed or intended for use in drainage purposes as shown in a recorded subdivision.

No filling of land or excavation of land shall be permitted within a drainage course, or on any lands within 100 feet, or more than 100 feet when so designated on the Zone Map, of the center line of such drainage course, except upon issuance of a certificate by the Engineer that such filling will not obstruct the flow of water or otherwise reduce the water carrying capacity of such drainage course, or impair the design and character of such drainage course.

(v) Temporary Buildings and Enclosures:

(1) Permitted Buildings and Uses: Temporary structures may be permitted in any residential district if such structures are deemed necessary for construction operations of the dwellings and accessory buildings of the area for which a building permit has been issued, provided:

- a. such structures shall be limited to offices, yards and buildings for the storage of lumber, equipment and other building material, workshops for prefabricating building components;
- b. the operations and activities carried on within such structures shall not adversely affect the use of nearby dwellings by reason of noises, smoke, dust, odors, fumes, vibrations, electrical disturbances or glare to a greater extent than normal in a residential district that is being developed; and
- c. a Conditional Use Permit for such temporary structures has been applied for, and approved along with special conditions that may be required in accordance with the provisions of Sec, 111.00 (g) of this Code.

(2) Removal of Structures: All temporary structures shall be removed within 30 days after the completion of work on the premises for which a permit has been issued or if construction is not pursued diligently.

(w) Parking: Parking in any residential district shall be in accordance with regulations set forth in Sec. 111.20 of this Code.

(x) Signs: Signs in any residential district shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with regulations set forth in Sec. 111.21 of this Code.

(Y) FENCES:

1) No fence or similar screening device shall be permitted without a permit first being obtained from the City of Crestline through the Building Department.

2) No fence or similar screening device in excess of six (6) feet in height.

3) No fence or screening device which fences the front yard shall be in excess of four (4) feet in height.

4) In front yards, screening devices and/or fences shall be constructed with openings which constitute not less than 80% of the total fence surface in any square section to be determined by height and width.

5) All such fences and/or screening devices shall be constructed of materials which are durable, weather resistant, rust proof and shall be properly maintained.

6) No fence or screening device shall be constructed without the fence side facing the outside of the property being fenced.

7) No fence or screening device is permitted if constructed of injurious material such as barbed wire, spikes or charged with an electrical current.

8) No fence or screening device shall be placed upon the neighboring property line without two (2) feet set back.

(Z) Garage, porch, and yard sales: may be permitted on a residential lot provided that:

1. No garage, porch or yard sale shall continue for more than four (4) days in any week.

2. No more than sixteen (16) garage, porch or yard sale days shall be held on any residential lot in any year.

3. All material which is openly displayed and offered for sale be immediately removed from public view at the end of each permitted four (4) day weekly period.

(AA) Pools:

1) A swimming pool is any pool, pond or open tank not located within a completely enclosed building and containing water to a depth at any point greater than one and one-half feet, and intended for the use of swimming or wading by residents and their guests.

2) No such swimming pool; exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed, except as an accessory use to a resident and unless it complies with the following conditions and requirements.

a) A permit for the installation of a swimming pool must be obtained from the City of Crestline through the Superintendent of the Building Department and payment of a fee of ten and no/100 dollars (\$10.00) or such other fee as may be stated in the codified ordinances of the City Crestline (1329.01)F.

b) The pool is intended and is to be used solely for the enjoyment of the occupants and guests of the resident occupant of the premises.

c) The swimming pool and any accessory structure adjacent thereto, may not be located closer than five (5) feet to any property line of the property on which it is located.

d) The swimming pool shall be so walled or fenced to a height of not less than five (5) feet and shall be maintained in good condition, with a gate and a lock.

Sec. 111.11 Mobile Home Districts

(a) Intent: Mobile home districts and their regulations are established herein in order to achieve, among others, the following purposes:

(1) to regulate the location of mobile homes in relation to the land in order to obtain proper light, air, privacy and usable open spaces;

(2) to regulate the density and distribution of population in accordance with the objectives of the Comprehensive Plan to avoid congestion and to maintain adequate services;

(3) to provide for the proper location of community shopping facilities so as to increase the general convenience, safety and amenities;

(4) to provide protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic and other objectionable influences; and

(5) to protect the desirable characteristics of existing residential development, the promotion of stability, the most desirable and beneficial use of the land and bringing about the eventual conformity with the Comprehensive Plan and other plans of the City.

(b) Permitted Uses: Main buildings, accessory buildings and land shall be used and buildings shall be erected, altered, moved and maintained only for the uses permitted in any R-1 Residential District. Mobile homes may be occupied and the use of mobile home spaces permitted only in accordance with Sec. 111.11 of this Code and subject to the issuance of Conditional Use Permits in accordance with provisions of Sec. 111.30 (g) of this Code.

(c) Definitions: The terms used in this section are defined as follows:

(1) "Dependent mobile home", means a mobile home which does not have a flush toilet and a bath or shower,

(2) "Independent mobile home", means a mobile home which has a flush toilet and a bath or shower.

(3) "Mobile home", means any vehicle or similar portable structure having no foundation other than wheels, jacks, supporting walls, or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

(4) "Mobile home park", means any lot or ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

(5) "Mobile home space" means a lot of ground within a mobile home park designed for the accommodation of one mobile home.

(6) "Natural or artificial barrier", means any river, pond, canal, railroad, levee, embankment, fence or hedge.

(7) "Park", means mobile home park.

(d) Location: Each boundary of the park must be at least 200 feet from any permanent residential building located outside the park, unless separated there from by a natural or artificial barrier, or unless a majority of the property owners according to area within said 200 feet, consent in writing to the establishment of the park.

(e) Area and Yard Regulations: Mobile homes shall be so harbored on each space that there shall be at least a 15 foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than 15 feet but shall not be less than 10 feet. No mobile home shall be located closer than 10 feet from any building within the park or from any property line bounding the park.

(f) Water Supply: An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.

(g) Sanitary Facilities: Each park accommodating dependent mobile homes shall be provided with toilets, baths or showers slop sinks and other sanitary facilities which shall conform to the following requirements.

(1) Toilet facilities for males shall consist of not less than one flush toilet and one urinal for the first 15 dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of 15, not less than one additional flush toilet and one additional urinal for every 15 additional dependent mobile homes or fractional number therefore.

(2) Toilet facilities for females shall consist of not less than one flush toilet for the first 14 dependent mobile homes or any less number

thereof, and for dependent mobile homes in excess of 10, not less than one additional flush toilet for every 10 additional dependent mobile homes or fractional number thereon.

(3) Each sex shall be provided with not less than one lavatory and one shower or bath tub with individual dressing accommodations for the first 10 dependent mobile homes or any less number thereof, additional lavatory and one additional shower or bath tub with individual dressing-accommodations for every 70 additional dependent mobile homes or fractional number thereof.

(4) Each toilet- and each shower or bathtub with individual dressing accommodations, for which provision is made in this subsection shall be in a private compartment or stall.

(5) The toilet and other sanitary facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall.

(6) There shall be provided in a separate compartment or stall not less than one flush toilet bowl receptacle for emptying bed pans or other containers of human excreta and an adequate supply of hot running water for cleansing such bed pans or containers.

(h) Service Buildings

(1) Service buildings housing sanitation and laundry facilities, or any of such facilities, shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

(2) The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 58 degrees Fahrenheit during the period from October 1st to May 1st. The floors of the service buildings shall be of water impervious material.

(3) Service buildings housing sanitation facilities shall be located not closer than 20 feet or farther than 200 feet from any mobile home space upon which a dependent mobile home is harbored. -

(4) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

(i) Sewage and Refuse Disposal:

(1) Waste from showers, bath tubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.

(2) Each mobile home space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of such facilities. The trapped sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances.

(j) Garbage Receptacles: Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 200 feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

(k) Fire Protection: Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations and codes of the City, County and State. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

(l) Parking: Parking in any mobile home district shall be in accordance with regulations set forth in Sec. 111.20 of Code.

(m) Signs: Signs in any mobile home district shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with regulations set forth in Sec. 111.21 of this Code.

Sec. 111.12 Business Districts

(a) Intent: Business districts and their regulations are established herein in order to achieve, among others, the following purposes:

(1) to provide in appropriate and convenient locations, zoning districts of sufficient size for the exchange of goods and services and other business activities;

(2) to provide Local Business Districts to serve the needs for convenience goods in proximity to the immediate neighborhood which do not attract large volumes of traffic;

(3) to provide General Business Districts which require larger land areas, which may be open in evenings and which generate large volumes of traffic serving the needs for shopping and convenience goods and services of the entire community;

(4) to establish criteria and procedures for Planned Business Areas so they may be coordinates with surrounding developments;

(5) to protect adjacent residential neighborhoods by regulating the types and spacing of business uses, particularly at the common boundaries, which would create hazards, noise, odors, or other objectionable influences; and

(6) to promote the most desirable land use and traffic patterns in accordance with the objectives of the Comprehensive Plan.

(b) Local Business District Use Regulations: Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part in any Local Business District only for the uses set forth in the following regulations:

(1) Main Buildings and Uses Permitted

- a. Building and uses of the type permitted and as regulated in the nearest adjacent residential district.
- b. Office buildings and offices: professional, financial, governmental, public utility, sales, executive and administrative.
- c. Retail stores and services conducted wholly within enclosed buildings and devoted to supplying neighborhood needs to the following limited extent;

1. the sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products, packaged beverages;
2. the sale, serving and consumption of food, ice cream, and beverages;
3. the sale of drugs, gifts, antique and art goods, flowers, periodicals, musical instruments and supplies, sporting and athletic goods, provided no loudspeakers broadcast onto the streets;
4. the sale of wearing apparel, shoes, hats, clothing, fabrics;
5. the sale of hardware, tools, paint, garden supplies and household appliances;
6. personal services, such as beauty and barber shops, interior decorating;
7. laundry agencies and Laundromat, tailor, pressing and dry cleaning shops in which only non-explosive and non-flammable solvents are used; provided that no work shall be done on the premises for retail outlets elsewhere;
8. repair services, such as shoe and hat, radio and television, household appliances; and
9. the sale of new and used automobiles and other motor vehicles, service stations, auto repair limited to minor repair, tires, batteries, ignition, car wash and video sales provided a conditional use permit is granted in accordance with the standards set fourth in sec. 111.30(g) of this code.

(2) Retail sales in open yards shall be permitted to the following limited extent: Garden equipment and supplies, garden furniture, nursery stock, and monuments may be sold on an open lot provided the operation is in connection with an established related business conducted within a store building or retail greenhouse, not more than 150 feet there from and provided the sales its open yards comply with the setbacks established in Sec. 111.12 (f) of this Code.

(3) Similar Main Uses Permitted: Any other neighborhood retail store, shop or service not listed above or in any subsequent use classification, and determined as similar by the Planning Commission in accordance with the standards set forth in Sec. 111.30 (h) of this Code. Main uses enumerated in a General Business District except motels, assembly halls, mortuaries, bus passenger stations and hotels may be permitted in a Local Business District provided a Conditional Use Permit is granted in accordance with the standards of Sec. 111.30 (g) of this Code.

(4) Accessory Uses Permitted: Any accessory use such as storage of goods or processing operations which are clearly incidental to conducting a retail business, office, or service establishment, which is permitted as a main use, provided such a use has no injurious effect on adjoining residential district.

(c) General Business District Use Regulations: Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part of any General Business District only for the uses set forth in the following regulations:

(1) Main Buildings and Uses Permitted

- a. Offices, stores, services, dwellings and other use classifications as permitted in any Local Business District;
- b. Motels and Mortuaries
- c. Additional retail business stores and services conducted wholly within enclosed buildings and devoted to supplying the retail business needs of the community to the following extent:
 1. the sale of all food, frozen food lockers;
 2. the sale and serving of all beverages, and eating places of all types including dancing and live entertainment; places selling and serving alcoholic beverages, state liquor stores; drive-in establishments if a Conditional Use Permit is granted by the Planning Commission in accordance with the standards set forth in Sec. 111.30 (g) of this Code.
 3. the sale of all general merchandise, dry goods, variety and department stores;
 4. the sale of all hardware, appliances, china, furniture, floor and wall covering, business equipment, music, radio and television provided no loud speakers broadcast onto the streets;
 5. the sale of bicycles, motorcycles, boats, outboard motors, sport and athletic equipment, pet shops;
 6. wholesale offices and show rooms, with storage limited to samples;
 7. automotive sales and services, repair and service garages, and used automotive sales lots by conditional use.
 8. shops for custom work for the making of articles to be sold only at retail on the premises;

9. all personal service establishments without limitations on the number of persons engaged in such work;
10. Photographic developing, blue printing, letter, job and newspaper printing, radio or television stations, transmittal towers, telephone exchanges and transformer stations;
11. bus passenger stations, taxi stations;
12. hotels;
13. amusement and recreational services such as assembly and meeting halls, billiard halls, bowling alleys, dance halls, indoor theaters, ice and roller skating rinks, and other social, fraternal, sport or recreational establishments, provided they are conducted within an enclosed building and sufficiently sound-insulated to confine the noise to the premises.
14. Sexually oriented business (see ord. 2237 bk. 13pg. 479).
15. Recycling centers by conditional use (see ord. 1995 bk. 13 pg. 45).

(2) Retail sales in open yards shall be permitted to the following extent: By Conditional Use: automotive sales of new and used. motor vehicles, provided that all vehicles and advertising be located behind a concrete curb or pre-cast barrier at least ten feet from the front lot line, and provided the front yard between the, aforesaid barrier, and front lot line is landscaped and maintained attractively.

(3) Similar Main Uses Permitted: Any other general business store, shop or service not listed above or in any subsequent use classification and determined as similar by the Planning Commission in accordance with the standards set forth in Sec. 111.13

(4) Accessory Uses Permitted: Any accessory use such as storage of goods or processing operations which are clearly incidental to conducting a retail business, office, or service establishment or other permitted main use, shall be permitted provided such an accessory use has no injurious effect on the adjoining residential districts.

(5) Conditional Uses Permitted.: Same uses as enumerated in B-1 District. (a) apartments and townhouses as a permitted conditional use.

(d) Area Regulations: In any business district, buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part only in accordance with the following schedule:

<u>Main Use</u>	<u>Business District</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
Dwelling	All	In accordance with adjacent Residential District	In accordance with adjacent Residential District
Motel	General Business	400 Sq. Ft. /rental unit	150 ft.
Service Station	All	15,000 Sq. Ft.	100 ft.

(e) Land Coverage: In any Local Business District, notwithstanding any other provisions of this Zoning Code, the land area occupied by main and accessory buildings shall not exceed 50 percent of the total area of the parcel being developed. In any General Business District, such percentage of building coverage may be increased if the Planning Commission finds that by providing the required number of accessory parking spaces on an adjacent parcel within a walking distance of 250 feet from the main building, the Off-Street Parking and Loading Facilities requirements set forth in Sec. 111.20 of this Code will be satisfied.

Whenever the required accessory off-street parking facilities are proposed to be located on a parcel other than the one occupied by the main building served, the Planning Commission may require a copy of the agreements covering such an arrangement as set forth in Sec. 111.20 of this Code.

(f) Yard Regulations: In any business district, buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part only in accordance with the following schedule and regulations:

(1) Yards for Dwellings: The yard requirements established for the adjacent residential districts shall apply to the buildings, or the parts there-of, used for dwelling purposes; however,

dwellings which are nonconforming in regard to the area or yard regulations on the effective date of this Code, may be continued to be used in accordance with the provisions of Sec. 111.22 of this Code.

(2) Schedule of Yards and Setbacks for Business Uses: In any business district, the yards shall be not less than set forth in the following schedule:

District	Main & Access. Building Use	Front Yard Depth (ft)	<u>Side Yard</u>		<u>Rear Yard</u>	
			Abutting Resident Dist. (ft)	Abutting Non- Resident Dist. (ft)	Abutting Resident Dist. (ft)	Abutting Non- Resident Dist. (ft)
Local Business B-1	Offices, Stores & Service	20	10	None or minimum 6 ft. between buildings	10	10
	Sales in Open Yards	5	5	—	5	—
	Parking Areas	5	5	—	5	—

General Business B-2	Offices, Stores & Services, Mortuaries, Amusement & Recreation	10	15	None or minimum 6 ft. between buildings	20	10
	Sales in Open Yards	10	5	—	5	—
	Parking Areas	5	5	—	5	—

(3) Supplementary Yard Regulations: Yards may be used for off-street parking, loading, traffic circulation, illumination, landscaping and signs as regulated in other sections of this Code.

- a. Front Yards, for buildings and uses shall not be less than set forth in Sec. 111.12 (f) of this Code, and no structure shall be erected in front of such line unless shown otherwise on the Zone Map or specifically modified in supplementary regulations.

1. Wherever parking areas are proposed in front yards, the Planning Commission may require as a condition of approval, that a front yard depth greater than set forth above is deemed proper to relate the proposed structures to surrounding developments. If parking or sales are permitted in front yards, a concrete curb or pre-cast barrier shall be erected along the parking area or sales area, and the front yard between such line and the public right of way shall be landscaped and

maintained attractively.

2. Gasoline pumps if constructed and operated as a part of a service station or garage may, however, be erected in front of the established building line, but not less than 10 feet from the front lot line. All drive-ways, platforms and curbs of the service stations, whether located on a City street, County road or State highway, shall be designed in accordance with the latest revision of the "Regulations Governing Ingress and Egress at Gasoline Service Stations Fronting on all Highways under State Jurisdiction in Ohio" adopted by the Ohio Department of Transportation.

b. Side Yards: Whenever a business building is located adjacent to another business building having one or more party walls and a common roof with one or more similar buildings, but individually owned, there shall either be no side yards provided or the buildings shall be separated not less than six feet from the nearest business building.

c. Yard Screening and Landscaping: Wherever a business building is located on a lot which adjoins a residential district, a side or rear yard of not less than set forth in Sec. 111.12 (f) of this Code shall be provided, on the business lot, and the Planning Commission require a wall or fence inside the Business District boundary line to shield adjacent residential areas from parking lot illumination, headlights, fumes, heat, blowing papers and dust, and to reduce the visual encroachment of business buildings, signs and activity. The area between such wall or fence and the property line shall be treated with plantings to form a permanent landscaped area.

(g) Height Regulations, The height of any main or accessory building in any Local Business District shall not exceed 35 feet. The height of any main or accessory building in any General Business District shall not exceed 50 feet.

(h) Parking: Parking in any business district shall be in accordance with the regulations as set forth in Sec. 111.24 of this Code.

(i) Sign Regulations: Signs in any business district shall be designed, erected, altered, moved, or maintained in whole or in part, in accordance with the regulations as set forth in Sec. 111.21 of this Code.

(j) Business Area Plans: In order to implement the Comprehensive Plan and supplement the regulations and criteria of the Zoning Code, the Planning Commission may prepare Area Plans for the Construction, completion or rehabilitation of any business area or for coordinating the proposed development with surrounding areas.

Such designs may include, but are not limited to the use, location, bulk and general design of buildings; the relationship of buildings to each other, yards and other open spaces; the location and width of streets and pavements; the location, width and control of access ways to major streets, parking and loading area; pedestrian ways, paved areas, landscaped planting, exterior lighting, signs, street furniture and other exterior and landscape features.

Such Area Plans shall be developed in accordance with the objectives of the Comprehensive Plan and criteria set forth in this Section and any other applicable provisions of the Zoning Code. After such plans duly adopted by the Planning Commission and Council, they shall be construed as being a part of this Zoning Code and any new construction, additions to, or rebuilding of such a Business Area, or parts thereof, shall be in substantial compliance therewith.

Industrial Districts

(a) Intent: Light and Heavy Industrial Districts and their regulations are established herein in order to achieve, among others, the following purposes:

(1) to provide in appropriate and convenient districts sufficient areas for carrying on research, providing commercial services, manufacturing and distributing goods to serve the community, to promote employment and to strengthen the economy of the community;

(2) to provide Light Industrial Districts in appropriate and convenient areas for business, contracting, storage and distribution services, and related types of minor production processes;

(3) to provide Heavy Industrial Districts for those products and processes which normally require a large amount of motor vehicle trucking for transportation of the raw materials and finished products, but in which dust, smoke, fumes, glare, odors or other objectionable influences can be controlled;

(4) to improve the general environment by prohibiting dwellings, institutions and public facilities in the industrial districts, and by doing so, make land more readily accessible for industry;

(5) to protect adjacent residential districts by restricting the types of manufacturing uses in the surrounding areas to only those not creating objectionable influences beyond their district boundaries and by separating and insulating them from the most intense manufacturing activities;

(6) to protect manufacturing and related development against congestion in so far as is possible and appropriate in each area by limiting the bulk of buildings in, relation to the land and by providing off-street parking and loading facilities; and

(7) to promote the most desirable use of land in accordance with the objectives of the Comprehensive Plan.

(b) M-1 Light Industrial District Use Regulations: Buildings and land shall be designed, erected, altered, moved and maintained, in whole or in part, in any bight Industrial District only for the uses set forth in the following regulations:

(1) Main uses Permitted:

- a. Office uses as permitted in any Local Business District (all other business, service, institutional and residential uses are not permitted);
- b. laboratories: experimental, research and testing all types of basic and applied research of product design and development, including but not limited to the construction and operation of small-scale experimental and pilot plant operations;
- c. Metal production: cutting, electric, gas and ultrasonic welding; grinding, machining and finishing as incidental component operations, (but not as a single operation) only in the production and/or assembly of products which have a high value in relation to bulk, such as automotive and aircraft parts; electrical and electronic equipment, motors, lamps, fixtures and clocks; hardware, cutlery and kitchen utensils; musical and scientific instruments; medical, orthopedic and photographic instruments and equipment; machine tools, lathes, presses, stamping machines, woodworking machines and screw machines; and sporting goods, athletic equipment, toys;
- d. non-metal production: clothing and other textile products; compounding of pharmaceutical products, cosmetics, drugs and toiletries; plastic extrusion, molding and fabricating of panels, sheets, tubes and rods; printing, publishing and engraving; fabrication of wood furniture, cabinets and other wood products limited to sash, doors, cabinets, wall boards, partitions and prefabricated house panels;
- e. distribution operations: the storage and distribution of those products which may be produced in any Light Industrial District, and the storage and distribution of foods and beverages; postal stations; telephone ex-change; electrical distribution sub-station; and
- f. general services, sales and storage establishments if conducted wholly within enclosed buildings to the following extent:
 1. cleaning establishments: laundries, dyeing, dry cleaning, carpet cleaning, towel supply and auto trash provided entire waiting line is accommodated on lot.

2. food and drink preparation: bakeries, canning, freezing, refrigeration, roasting, ice manufacturing; bottling works and creameries;
3. repair establishments: automobile engines, body and paint; electrical and household appliances;
4. repair and sale of buses, trucks and machinery;
5. shops and offices of contractors: carpentry, electrical, masonry, plumbing, heating, ventilating, air conditioning, painting, ornamental iron, roofing and sheet metal; packing and crating, and monument works;
6. storage yards and sale of new lumber and other building materials; public utility materials and equipment;
7. warehouses, other storage establishments, and parcel delivery stations provided loading and off-loading facilities are entirely within an enclosed building;
8. veterinarians' offices, animal hospitals, and kennels; and
9. Commercial greenhouses.

(2) Similar Main Uses Permitted: Any other office, research, service, wholesale, storage or product use not listed above or in any industrial district if considered and found similar by the Planning Commission according to standards set forth in Sec. 111.30 (h) of this Code.

(3) Accessory Uses Permitted: Storage of materials and products within buildings and processes clearly accessory to the main use, provided such a use has no injurious effect on adjoining residential districts.

(c) M-2 Heavy Industrial District Use Regulations: Buildings and land shall be used, and buildings shall be designed, erected, altered, moved and maintained, in whole or in part, in any Heavy Industrial District only for the uses set forth in the following regulations:

(1) Main Uses Permitted:

- a. office, laboratories, production, distribution and service uses permitted in any Light Industrial District (all other business, service, institutional and residential uses are not permitted);

- b. manufacturing processes conducted wholly within an enclosed building; cutting, forging, stamping, casting, extrusion, drilling, machining, welding, brazing, soldering, sawing, cleaning, shot and sand blasting, grinding, enameling, painting, galvanizing, finishing, heat-treating and rust-proofing, as a component process in connection with the production and assembly of products;
- c. other industrial processes and uses including blending, mixing and packaging of disinfectants, insecticides, fungicides, ink, soap, detergents, and related household and industrial chemical compounds, but excluding the preparation of any primary acids or other primary chemicals; making of ferrous metal and metal alloy products from brass, bronze, pewter, tin, lead or aluminum and the smelting or founding of such metals; and
- d. bulk distribution station for gasoline and oil and reclamation of ferrous metal products may be permitted provided a Conditional Use Permit is granted in accordance with the standards set forth in Sec. 111.30 (g) of this Code.

(2) Similar Main Uses Permitted: Any other manufacturing use not listed above or in any industrial district if considered and found similar by the Planning Commission according to standards as set forth in Sec. 111.30 (h) of this Code.

(3) Accessory Uses Permitted:

- a. storage of materials and products, and processes clearly accessory to the main use;
- b. off-street parking and loading facilities as required and set forth in Sec. 111.20 of this Code;
- c. signs; industrial, project, real estate, identification and directional, as set forth in Sec. 111.21 of this Code.

(d) Area and Land Coverage Regulations: No minimum lot area or lot width is required in Light and heavy Industrial Districts. Buildings, including accessory building, shall not cover more than 50 percent of any lot in a Light Industrial District and 75 percent of any lot in a Heavy Industrial District.

(e) Yard Regulations: Yards shall be provided for every main and accessory building in industrial districts in accordance with the following schedule:

District	Main & Acces. Building Use	Front Yard Depth (ft)	<u>Side Yard</u>		<u>Rear Yard</u>	
			Abutting Resident Dist. (ft)	Abutting Non- Resident Dist. (ft)	Abutting Resident Dist. (ft)	Abutting Non- Resident Dist. (ft)
Light Ind. M1	Offices	20	20	10	10	10
	Production	30	20	10	10	10
	Distribution	30	20	10	10	10

Heavy Ind. M2	Offices	20	20	10	10	10
	Manufacturing	30	30	20	20	20

(f) Height Regulations: Main and accessory building in any industrial district may be erected to a height not exceeding the width of the side or rear yard adjoining a one-or two-family residential district or mobile home district, or to a height not exceeding two times the width of the side or rear yard adjoining a multifamily residential or business district.

Chimneys, spires, cupolas, domes, towers, flag poles, water tanks, radio or television antennae, monuments, and other mechanical appurtenances located upon or constituted as an integral part of a main building shall not exceed a height of 100 feet above finished grade.

(g) Performance Standards: Any use established in any industrial district after the effective dates of this Code shall comply with the performance standards set forth hereinafter for the district in which such use shall be located as precedence to occupancy and use. Any use already established in such districts shall not be altered, added to or otherwise modified so as to conflict with, or further conflict with the performance standards set forth hereinafter for the district in which such use is located as a Precedence to further use. Statements may be required by the Planning Commission from the owner that such uses comply or will comply. In cases of doubt, the City shall select and arrange for an independent survey by a Professional Engineer qualified in the particular field and the costs for the services shall be paid by the owner.

(1) Enclosure: All permitted main and accessory uses and operations except off-street parking shall be performed wholly within the limits established in this section. All raw materials, finished products, mobile and other equipment shall be stored within said units.

(2) Eire and Explosive Hazards: The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved.

(3) Dust-Smoke: The emission of smoke, soot, fly "ash" fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and quantity deposited at any other district shall not be detrimental to or endanger the public health, safety, comfort, welfare or adversely affect property values.

(4) Odorous Matter: The emission of odorous matter in such quantities as to produce a public nuisance or hazard beyond the lot occupied by the use shall not be permitted.

(5) Noxious Toxic or Matter: The emission of toxic, noxious or corrosive fumes or gasses which would be demonstrably injurious to property, vegetation, animals, or human health at or beyond the boundaries of the lot occupied by the use shall not be permitted.

(6) Noise: The sound pressure level of any operation on a lot, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the nearest residential district, and no sound shall be objectionable due to intermittence, beat, frequency or shrillness.

(7) Vibration: Vibrations shall not be permitted beyond the lot line occupied by the use which would be perceptible without the aid of instruments.

(8) Radioactive or Electrical Disturbances: Radioactive or electrical disturbances shall not be created which would adversely affect any form of life or equipment at or beyond the boundaries of the lot occupied by the use.

(9) Incineration Facilities: Incineration facilities emitting neither excessive smoke nor odor shall be provided, located within the main building. No garage, rubbish, waste matter, or empty containers shall be permitted outside of limits established in this section.

(10) Waste Materials: Liquid wastes shall not be discharged into an open reservoir, stream or other open body of water or a sewer unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkaline and other chemicals shall not exceed the amount permitted by other codes of the State, County or City.

(h) Parking : Parking in any industrial districts shall be in accordance with regulations set forth in Sec. 111.20 of this Code.

(i) Sign Regulations: Signs in any industrial district shall be designed, erected, altered, moved or maintained, in whole or in part, in accordance with the regulations set forth in Sec. 111.21 of this Code.

(j) Industrial Area Plans: In order to carry out the intent and purpose of this section, the Planning Commission may prepare Area Plans for specific areas in any industrial districts showing its recommendations which may include, but is not limited to the locations and width of street right-of-way and pavements; the location and width of controlled accessways to major streets, interior marginal service roads, parking areas and loading areas; the minimum yard dimensions for buildings, accessways to major streets, interior marginal service roads, parking areas and loading areas; the minimum yard dimensions for buildings, accessory uses and permitted yard uses. Such Area Plans shall be developed in accord with the criteria set forth in this Section and any other applicable provisions of the Zoning Code.

Such plans may designate locations for temporary streets or accessways for a limited period until streets or accessways will be constructed at locations to comply with the traffic control requirements of this Code. After such plans are duly adopted by the Planning Commission and Council, they shall be construed as being a part of this Zoning Code and compliance therewith required.

REGULATIONS APPLYING TO ALL DISTRICTS

Sec. 111.20 Parking and Loading Facilities

(a) Intent: Off-street parking and loading requirements and regulations are established in order to achieve, among others, the following purposes:

- (1) to relieve congestion so the streets can be utilized more fully for movement of vehicular traffic;
- (2) to promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic
- (3) to protect adjoining residential neighborhoods from on-street parking;
- (4) to promote the general convenience, welfare, and prosperity of business, service, research, production and manufacturing developments which depend upon off-street parking facilities; and
- (5) to provide regulations and standards for the development of accessory off-street parking and loading facilities in accordance with the objectives of the Comprehensive Plan.

(b) Scope of Regulations: Accessory off-street parking and loading facilities shall be provided as a condition precedent to occupancy of all residential, institutional, business, office, research, production, service and industrial uses in conformance with the provisions of this section:

- (1) whenever a building is constructed or a new use established;
- (2) whenever an existing building is altered and there is an increase in the number of dwelling units, seating capacity, the floor areas of buildings; and
- (3) whenever the use of an existing building is changed to a more intensive use which requires more off-street parking facilities, except certain nonconforming uses may continue as provided in Sec. 111.22 of this Code.

(c) Measurement of Parking and Loading Units: For the purpose of determining the off-street parking and loading facilities required as accessory to a use, definitions and standards are established as follows:

- (1) Off-Street Parkino Space, shall mean an open or enclosed area directly accessible from a public street for parking of automobiles of owners, occupants, employees, customers or tenants of the main use. Each space shall be directly accessible from a drive or aisle, and not less than 8 feet wide by 20 feet long, exclusive of all drives, aisles, ramps and turning space.

(2) Floor Area, used in determining parking requirements shall mean the total, area of all the floors of the building used by the principal activity as specified in Sec. 111.20(e), measured from the exterior faces of the building. The areas used for storage or otherwise not occupied by people may be excluded from the floor area calculation if approved by the Planning Commission.

(3) Gross Floor Area, used in determining loading requirements means the total floor area used for the main and accessory activities, and storage areas of the building served.

(4) Seating Capacity, means the number of seating units installed or indicated on plans for places of assembly; where not indicated on plans it shall be assumed that a seating unit will occupy six square feet of floor area exclusive of all aisles.

(5) Employees, wherever the parking requirement is based on employees, it shall mean the maximum number of employees on duty on the premises at one time or on any two successive shifts, whichever is the greater.

(6) Off-Street Loading Space, shall mean an open space or enclosed area as part of a building, directly accessible to a public street and available whenever needed for the loading or unloading of goods and products to the main use.

(d) Application and Design: Any application for a permit to construct a building or parking area, or for a certificate of occupancy for a change in use of land or a building shall include a site plan drawn to scale and fully dimensioned, showing the proposed design of the parking area and loading facilities to be provided in compliance with the provisions of this section.

(e) Schedule of Parking Requirements: Accessory off-street parking facilities shall be provided in quantities not less than set forth in the following schedule:

BUILDING & USE	MINIMUM SPACES REQUIRED
(1) <u>Residential</u> a. One-Family dwellings b. Two-Family dwellings c. Townhouse d. Apartment e. Rented Rooms f. Hotels, motels, tourist home	1 space per dwelling unit 1 space per dwelling unit 1½ spaces per dwelling unit 1½ spaces per dwelling unit 1½ spaces per dwelling unit 1 space per resident family 1 space for guest room plus 1 space for each employee
(2) <u>Mobile Homes</u> Mobile Homes	1½ spaces per mobile home space
(3) <u>Community Facilities</u> a. <u>Governmental</u> : Municipal, County State and Federal buildings, principally administrative functions b. <u>Civic</u> : Libraries, museums, churches, club and community centers c. <u>Educational</u> : Primary and secondary public; private schools d. <u>Places of assembly</u> : Auditoriums, lodge halls, gymnasiums and stadiums e. <u>Health and Welfare</u> : 1. General and special hospitals 2. Institutions for children and for the aged, nursing homes, sanitariums 3. Medical Clinics f. <u>Recreation</u> : 1. Skating rink, swimming pools 2. Playfields	1 space per 300 sq. Feet of floor area used by the public, plus 1 space for each 2 employees. 1 space per 500 sq. Feet (*) 1 space per 1000 sq. Feet (*) 1 space per 4 seats 1 space per 500 sq. Feet 1 space per 1000 sq. Feet 1 space per 200 sq. Feet plus 1 space per each doctor and 1 space for each employee 1 space per 50 sq. Feet or area devoted to the activity or 1 space per two members 1 space per 4,000 sq. Feet or playfield area plus 1 space per 4 seats in assembly room
(4) <u>Business and Offices</u> (Including Home professional Offices and Home Occupations) a. Retail stores, services and first floor offices: 1. Less than 4,000 sq. Feet per unit 2. 4,000 to 10,000 sq. Feet or greater 3. 10,000 sq. Feet or greater b. Offices: 1. Medical and dental offices 2. Other offices: first floor and above c. Mortuaries d. Places of assembly; theatres, halls, arenas e. Commercial Recreation 1. Open commercial amusement 2. Bowling Alleys	7 spaces per 1,000 sq. Feet 6 spaces per 1,000 sq. Feet 5 spaces per 1,000 sq. Feet 1 space per 200 sq. Feet 1 space per 250 sq. Feet 20 spaces plus 1 space per 200 sq. Feet 1 space per 4 seats 1 space per 500 sq. Feet or lot area 5 spaces per lane
(5) <u>Service and Manufacturing</u> a. Wholesale, distribution, laboratories, general services, machine shops and similar establishments b. Manufacturing plants	1 space per 2 employees 1 space per 2 employees
(5) <u>Other Buildings or uses</u>	For specific building or uses not scheduled above, the planning commission shall apply the unit of measurement set forth in the above schedule which is deemed to be most similar to the proposed building or use.

(*) For the assembly parts of the building, 1 space per each 4 seats or 1 space for each 6 square feet of assembly floor area shall be added.

(f) Modifications of Requirements:

(1) Public Facilities Available: The required spaces as determined by the above schedule and standards may be modified by the Planning Commission in the Crestline Central Business District area where free parking areas or publicly-owned parking areas are rapidly accessible and where land is not available for development of accessory off-street parking as required herein.

(2) Parking for Single and Mixed Uses: A building occupied by one use shall provide the off-street parking spaces as required for the specific use. A building, or group of buildings, occupied by two or more uses, operating normally during the same hours, shall provide spaces for not less than the sum of the spaces required for each use. For a large unit development of business uses, such as a shopping center, spaces shall be provided for the total area of the building or buildings as set forth in Sec. 111.20 (e) instead of the requirements based on each separate use.

(3) Joint Use of Parking Facilities: Churches, civic clubs, community centers, auditoriums, lodge halls, gymnasiums and stadiums may make arrangements with business establishments which normally have different hours of operation for sharing up to, but not more than 50 percent of their requirements in adjacent parking areas which are accessory to such business uses, provided, however, where there is a sharing of facilities by different owners or tenants, there shall be an agreement covering a *period of time* as may be required by the Planning Commission, and provided further that, should any of the uses be changed or the facilities discontinued, then the required spaces for the use or uses remaining shall be profited elsewhere as a condition precedent to the continued use of said building or buildings.

(g) Continuation of Facilities: Off-street parking and loading facilities accessory to an existing use on the effective date of this Code, and those required as accessory to a use created or a building constructed or altered thereafter, shall be continued and maintained in operation, and shall not be used for automobile sales, service or repair of motor vehicles, and shall not be reduced below the requirements of this Code during the period that the main use is maintained, unless an equivalent number of spaces shall be provided for said use in another approved location.

Wherever parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such ownership shall be by deed or a long-term lease agreement, whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the office of the County Recorder of Crawford or Richland County, requiring each such owner, his heirs, or assigns to maintain the required number of parking facilities for the duration of the use served as a precedent to the continuation of such use.

(h) Location of Parking Facilities: Accessory parking facilities shall be provided at locations as yet forth herein except as may be modified by Sec. 111.20(f) and Sec. 111.20(8) of this Code.

(1) Residential Districts and Uses: Accessory, enclosed or open parking facilities as required shall be provided on the same lot as the dwelling unit served.

In multi-family districts, parking facilities shall be provided within a walking distance of 200 feet of the building entrance of the unit to be served, and at least one-third of the spaces required for each apartment building shall be provided in an enclosed garage.

In one- and two-family residential districts one truck, which is used solely by the occupant and does not exceed three-quarter tons in rated capacity, may be stored on the lot.

(2) Civic Uses and Places of Assembly: Where churches, civic clubs, community centers, auditoriums, lodge halls, gymnasiums and stadiums share parking facilities with adjacent business establishments, such parking facilities shall be located within a walking distance of not more than 250 feet from the entrance of the main building of said use.

(3) Business and Office Uses: Accessory parking facilities shall be provided on the same lot as the main use served in a General Business District, except where modified by the Planning Commission in accordance with the provisions of Sec. 111.20(f) of this Code. In such cases, the nearest point of the parking lot shall be located within a walking distance of not more than 250 feet from the main entrance of the building served.

A parking area serving the uses covered in this sub-section shall be further regulated in relation to any adjoining residential district lines as set forth in Sec. 111.12(f) of this Code.

(i) Loading Facilities: Accessory loading and unloading facilities shall be provided as condition precedence to occupancy of all business, service and industrial buildings hereafter erected and altered, and shall be maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this section.

(1) Allocation of Use: Space required and allocated for any off-street loading facility shall not, while so allocated be used to satisfy the space requirements for off-street parking. An off-street loading space shall not be used for repairing or servicing of motor vehicles.

(2) Location of Facility: All required accessory loading facilities shall be related to the building and use to be served to provide for loading and off-loading of delivery trucks and other service vehicles and shall be so arranged that they may be used without blocking or otherwise interfering with the use of access ways, parking facilities, public streets or sidewalks. A required loading space shall not be located in a required front yard, or a required side or rear yard if adjoining a residential district. If a loading space is entirely enclosed, it may be located in such side or rear yard if approved by the Planning Commission.

(3) Access Driveways: Each required off-street loading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which will least interfere with adjacent traffic movements and interior circulation. The access drive of an off-street loading facility shall be located so that the driveway center line shall be not less than 50 feet from the nearest intersecting street right-of-way line.

(4) Minimum Size Criteria: A required off-street loading space shall be at least 10 feet wide by at least 30 feet in length. The above area shall be exclusive on the maneuvering space, and each loading facility shall have a vertical clearance of at least 10 feet.

(j) Schedule of Required Facilities: Accessory off--street loading spaces shall be provided as required for the following uses:

<u>Use</u>	<u>Gross Floor Area of Building (Sq. Ft.)</u>	<u>Required Number of Spaces</u>
Retail Store, All types	3,000 to 20,000 square feet	1
	20,000 to 50,000 square feet	2
	50,000 to 100,000 square feet	3
Printing, publishing warehouses, storage establishments	3,000 to 40,000 square feet	1
	40,000 to 100,000 square feet	2
Servicing, cleaning, repairing, testing or manufacturing establishments	3,000 to 40,000 square feet	1
	40,000 to 100,000 square feet	2
	Each additional 100,000 square feet	1 additional space

(k) Approval of Facilities: Detailed drawings of accessory off-street parking and loading facilities shall be submitted in accordance with all the provisions of this section for review by the Planning Commission. The Planning Commission may require structural or landscape features such as bumper guards, curbs, walls, fences, shrubs, ground cover, or hedges to further carry out the objectives of the Comprehensive Plan and of this Code before an application is approved and a building Permit or certificate of occupancy may be issued.

Towers

SECTION 1. That no tower, antenna, or other device used for the distribution or reception of any type of communication system be permitted in any zoning district designated as residential, mobile home, or business located within the Village which is in excess of one hundred (100) feet in height.

SECTION 11. That no tower, antenna, or other device as described by Section 1 be placed nearer than five hundred (500) feet from any residential dwelling, public, institutional or business building except those structures located on the same lot of use and serving the primary use of the tower or antenna erected.

Section III That every lot of use for any tower, antenna or other device as described by Section I be surrounded by a security fence not less than six (6) feet in height and located not less than ten (10) feet more than the total height of the entire tower or antenna or other device or combination thereof from the center of the base of the same.

SECTION IV. PENALTY

Any person, firm, partnership, association or corporation or other entity who violates any provision of this ordinance shall be guilty of a misdemeanor of the first degree, and in the event of such violation or imminent threat thereof, upon the request of the Mayor or Council, the Village Solicitor shall, on behalf of the Village, institute a suit for injunction to prevent and terminate such violation..

Sec. 111.21 Sign Regulations

(a) Intent: Sign regulations, including provisions to control the type, design, size, location, motion, illumination and maintenance thereof, are established in order to achieve, among others, the following purposes:

(1) to maintain high value residential districts and promote attractive public facilities, by permitting only nameplates, bulletin boards and signs related to the development, rental or sale of properties in such districts;

(2) to provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type and size of establishments;

(3) to eliminate any conflict between advertising signs and traffic control signs which would be hazardous to the safety of the motoring public or the pedestrian;

(4) to control the design of signs so that their appearance will be esthetically harmonious with an overall urban design for the area; and

(5) to promote the most desirable developments and economic activity in accordance with the objectives of the Comprehensive Plan.

(b) Establishing Regulations: Signs shall be designed, erected, altered, reconstructed, moved, and maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this section.

The construction, erection, safety and maintenance of all signs shall be in accordance with the Building Code. The provisions of this section shall not amend or in any way interfere with other codes, rules or regulations governing traffic signs within the City

The display of official public notices, and the flag, emblem or insignia of an official governmental body shall not be governed by the provisions of these regulations.

(c) Classification of Signs:

(1) "Sign", means any display, figure, painting, drawing, placard, poster or other device visible from a public way which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organized, activity, place, object or product. It may be a structure or part thereof painted on or attached directly or indirectly on a structure.

(2) Classification by Use Types:

- a. "Nameplate" means a sign indicating the name, address or the profession of the person or persons occupying the lot or a part of a structure or building.
- b. "Bulletin Board", means an announcement sign which directs attention to and is located on the lot of a public or semi-public institution.
- c. "Identification Sign", means a sign, indicating the name, owner, or manager of an existing project, structure, or building.
- d. "Real Estate", means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed.
- e. "Project Sign", means a sign which directs attention to the promotion, development, and construction of the property on which it is located and which identifies the architects, engineers, contractors and other individuals or firms involved with the construction.
- f. "Business Sign", means a sign which directs attention to the name of the business or establishment, the goods or commodities sold, or services rendered, on the lot on which the sign is located.
- g. "Industrial or Service Sign", means a sign which directs attention to the name, service or industrial establishment, goods produced or sold, or service rendered, on the lot on which the sign is located.
- h. "Directional Sign", means a sign; indicating the direction to which attention is called either on the lot on which the sign is located or which directs attention to another location.
- i. "Informational Sign", means a sign which is designed to give general information to the public concerning the location of places for lodging or eating, vehicle service, natural phenomena, weather, time, historic sites, areas of natural scenic beauty or outdoor recreation facilities and similar information.
- j. "Temporary Sign", means a sign of any type to announce special events or sales, to announce the sale, lease, or rental of property, and designed for use for a limited period of time.

(3) Classification by Structural Types-

- a. "Wall or Panel Sign", means a sign integrated with the exterior face of an exterior wall of a structure or building, or attached to the wall or parallel with the wall and projecting not more than 12 inches therefrom.

b. "Window Signs", means a sign painted, attached or affixed to the interior or exterior surface of windows or doors of a structure or building.

c. "Projecting Sign", means a sign, other than a wall sign, erected on the outside wall of a building and which projects out at an angle therefrom.

d. "Canopy Sign", means a sign attached to the soffit or fascia of a canopy, of a covered entrance or walkway, or -to F, permanent awning or marquee.

2e. "Ground Sign", means a freer-standing sign which is supported by one or more poles, posts or braces in or upon the ground.

f. "Pole Sign", means a sign which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic thereunder.

(d) Measurement Standards: Signs are regulated in this Code by relating the gross area of signs to the building or use of a lot, or to the size of the building unit to which the sign is accessory.

(1) The "gross area of signs" for a building or use shall include all the surfaces visible from a public way and shall be measured as the area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure if such structure does not form a part of the advertisement of the sign proper.

The area of a sign composed of characters or words attached directly to a large, uniform structure or building wall surface shall be the smallest rectangle which encloses the entire group.

(2) Whenever the gross area of the signs are related to the size of the structure, building or lot:

a. The "frontage of a building" shall be the width of the facade of the structure, building, store, service or office unit which faces the principal street, or the facade containing the main entrance of a store, office, service or manufacturing building; for corner buildings half of the building depth facing the side street may be included in the frontage width factor.

b. The "frontage of a lot" not occupied by a building shall be the number of lineal feet the lot abuts on the principal street.

(3) Buildings or lots having frontage on a second street or secondary entrance to a parking area, may be permitted additional signs along such secondary streets which shall, however, not exceed 20 percent of the area of the signs permitted along the main facade.

(e) Design Standards: Signs, as permitted in the various use districts shall be designed so as to be similar in character with regard to materials, color and size to signs designed or located on the same building and on adjoining buildings in order to equalize the attention they are meant to attract, and to produce an overall unified effect and in accordance with the standards set forth in this section.

(1) Wall or panel sign, shall not project more than 12 inches from the structure or building wall to which it is attached and shall be setback from the end of the building and party wall lines for a distance of at least two feet and shall not project beyond any corner or above the coping or eaves of any structure or building..

(2) Projecting signs may be attached to the structure or building wall or canopy and project at an angle of approximately 90 degrees for a distance of not more than five feet or project over the cornice line more than one-third of the total height of the sign. Projecting signs shall be located not less than five feet from a party wall line and the lowest member of a projecting sign shall be at least eight feet above a public sidewalk and fifteen feet above any drive. Signs shall not project into any dedicated right-of-way.

(3) Pole signs. Pole signs shall not exceed 50 feet in any district where such signs are permitted.

(4) Permanent ground signs, shall not extend higher than five feet above the finished grade.

(5) Vertical Dimension: The lowest member for all signs which project or are supported on posts, shall be not less than eight feet above the finished grade of a sidewalk or any other pedestrian way, and if located over a pavement used for vehicular traffic or within 18 inches of the vertical projection of the edge of such pavement, the lowest member of the sign shall be not less than 15 feet above the finished pavement.

(6) Relation to Openings: Signs shall not project over or obstruct the required windows or doors of any structure or building, shall not be attached to or obstruct a fire escape or interfere with other safety provisions as may be further regulated in other codes.

(7) Relation to Traffic Devices: Signs shall not be erected so as to obstruct "sight lines" along any public way, traffic control lights, street name signs at intersections, or street sight lines or signals at railroad grade crossings. Signs visible from the sight lines along a street shall not contain

an arrow or words such as "stop", "go", "slow", etc., and the movement, content, coloring or manner of illumination shall not resemble highway traffic signs. Flashing or moving illumination shall be permitted only by approval of the Planning Commission.

(f) Illumination of Signs: Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or auto drivers or so as to cause reasonable objection from adjacent residential districts. No. sign shall have direct lighting without prior consent of council.

(g) Residential District: Accessory signs in any residential district shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the regulations as follows:

(1) The types of signs permitted as to use, structure, size and number for each dwelling or lot shall be regulated as follows:

a. One nameplate indicating the occupant's name, and house number, not exceeding 10 square feet in area may be located on any structure or building or lot but not less than 10 feet from any lot or street right-of-way line. In a multi-family district, one permanent identification sign indicating the name, owner or manager of the multi--family project, not exceeding 20 square feet in area shall be permitted facing each major street but not less than 10 feet from a side lot line and 10 feet from any street right-of-way line.

b. One directional or no trespassing sign not exceeding five square feet in area shall be permitted on any building or lot located not less than 10 feet from any lot line or street right-of-way.

c. One real estate sign, advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed, not exceeding 10 square feet in area or five feet in height, shall be permitted for each dwelling or lot, provided, said sign shall be located not less than 10 feet from any lot or street right-of-way line; illumination shall not be permitted.

d. Subdivision project signs not exceeding 100 square feet in total area may be permitted while a subdivision is under construction provided said sign is located not less than 50 feet from any occupied residence and not less than 10 feet from the nearest street right-of-way line. Permits for such signs shall be for a period not exceeding one year; however, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within 30 days of the commencement of the intended use.

e. One bulletin board or announcement sign not exceeding 20 square feet in area or five feet in height may be located on the premise of a public charitable or religious institution in any residential district but not less than 10 feet from any residential lot line or less than 10 feet from the nearest street right-of-way line; indirect illumination shall be permitted.

(h) Business District Signs: Accessory signs in Local and General Business Districts shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with regulations as follows:

(1) Use Types Permitted:

- a. Business signs, directing attention to the business establishment.
- b. Directional signs, to direct pedestrians and vehicles.
- c. Professional nameplates and identification signs.
- d. Real estate and project signs of a temporary nature.

(2) Structural Types Permitted: Wall or panel, canopy, ground, projecting and pole signs, shall be permitted in accordance with regulations set forth in this section in any Local or General Business District.

(3) Maximum Area and Number Permitted: The maximum gross area of all permanent signs permitted for each separate use occupying a structure or building, unit of a building or lot not occupied by a structure or building shall be related to the width of the structure or building, unit-thereof or lot not occupied by a structure or building, adjusted, however, so that the smaller establishments may be permitted reasonable sign areas and so that the larger establishments may not have excessive sign areas. Signs accessory to a structure or building or unit thereof shall be determined by the following formulas:

a. Local Business District:

Maximum gross area of signs = $(W \times 1.5) + 40$ square feet.

b. General Business Districts:

Maximum gross area of signs = $(W \times 1.5) + 40$ square feet.

The elements of said formula being defined as follows:

"Maximum Gross Area", means the "total area of all permanent signs"; and "W", means the "frontage of a structure or building" as defined in Sec. 111.21(d) of this Code.

c. Lot Not Occupied by Structure of Building:

Signs permitted for each separate use of a lot not occupied by a structure or building shall be determined by the formula:

Maximum gross area of sign = $(W \times .75)$

Example: Assume a 30-foot wide store facing one street
in a Local Business District: maximum gross
area of signs equals $30 \times 1.2 + 30 = 66$ square
feet.

(i) Business Sign Location and Supplementary Area Regulations: Accessory signs in any business district shall be also controlled by location and supplementary area regulations as follows:

(1) Wall signs, a single wall sign shall not exceed 1501 square feet in total area.

(2) Projective signs shall be limited to not more than one for each establishment or store unit and shall not exceed 50 square feet in total area for each face visible from any location on a public way. Projecting signs shall be located not less than five feet from a side lot line and not less than 10 feet from any residential district boundary line. Signs shall not project into any dedicated right-of-way.

(3) Canopy or covered walk ways, may be attached to the soffit or fascia of a canopy or roof over a walkway structural member; however, the vertical dimension of such signs, including the fascia, shall not exceed five feet and the lowest member shall be not less than eight feet above the sidewalk grade.

(4) Ground signs, shall not be located within required yards unless approved by the Planning Commission. Any ground sign shall not be less than 10 feet from another business lot or street right-of-way line and not less than 20 feet from any residential district boundary line.

(5) Canopy signs for indoor theaters, the Planning Commission shall determine the size, area, and design of signs for each indoor theater in accordance with Conditional Use Permit procedures set forth in Sec. 111.30(g) of this Code.

(6) Permanent directional signs, indicating traffic routes and similar functions shall be permitted in addition to the other limitations of this section provided each sign does not exceed five square feet in area and is not closer than 10 feet of any lot or street right-of-way line.

(7) Temporal project signs, not exceeding 100 square feet in total area for each street frontage shall be permitted if located on the lot which is occupied by the building or use promoted or if announcing a proposed structure or building or a structure or building under construction. Such project signs shall be located not less than 50 feet from the nearest residential lot line and not less than 10 feet from the nearest street right-of-way line. Permits for

such signs shall be for a period not exceeding one year; however, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within 30 days of the commencement of the intended use.

(8) Other temporary signs, announcing sales, new products or special business events may be permitted in addition to the maximum gross area of a permanent business sign, and may be placed on the inside of windows and doors and on the exterior of any structure or building, provided said signs are not displayed more than 60 consecutive days.

(j) Industrial District Signs: Accessory signs in Light and Heavy Industrial Districts shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with the schedule and regulations as follows:

(1) Use Types Permitted

- a. Directional signs of the type permitted and as regulated in business districts;
- b. Service and industrial signs, nameplates and identification signs; and
- c. Real estate and project signs of a -temporary nature.

(2) Structural Types Permitted: Wall or panel canopy, ground, projected and pole signs.

(3) Maximum Area and Number Permitted: The maximum gross area of all permanent signs permitted for each separate use occupying a structure or building, or a unit of a structure or building in any industrial district shall be directly related to the width of the structure or building or unit thereof as follows:

a. Light Industrial District: The maximum gross area of signs shall not exceed two square feet for each lineal foot of structure or building frontage; and

b. Heavy Industrial District: The maximum gross area of signs shall not exceed three square feet for each lineal foot of the building frontage, provided, however, the maximum area of any permanent identification sign shall not exceed 500 square feet on the lot occupied by the structure or building to which the sign is accessory.

(k) Industrial District Sign Locations Signs shall be located so as to maintain the same setback and yards as required for structures or buildings except one commercial or industrial ground or pole sign may be permitted within the required yards if approved by the Planning Commission.

Ground and pole signs shall be located not less than 20 feet from any adjacent residential district in a light Industrial District and 50 feet in any }heavy Industrial District.

A permanent ground or pole sign shall not be located closer than 10 feet to a public street right-of-way in and industrial district. The design of wall or panel, canopy, ground, projected and pole signs in any industrial district shall be in accordance with the standards set forth in Sec. 111.21 (e) of this Code.

(1) Application for Permits: Application for permits to erect, place, paint, illuminate, or alter a sign shall be made by the owner or lessee of the property for which a sign is proposed. The application shall be made either separately or with the application for a building permit.

(1) A sign permit shall be required for all permanent signs as follows:

- a. Residential districts, if the sign exceeds 20 square feet in area.
- b. Business districts, if the total area of the sign exceeds 100 square feet in area.. A permit shall not be required for placing permanent signs on the surface of windows or doors.
- c. Industrial districts, if the total area of the signs exceeds 300 square feet.

(2) Each application shall be accompanied by drawings to scale, showing:

- a. the design and layout proposed including the total area of the sign, the size, character, materials, and color of letters, lines and symbols;
- b. the method of illumination, if any;
- c. the exact location of the sign in relation to the structure or building and property; and
- d. details and specifications for construction, erection and attachment as may be required the Building Code.

In the development of a group of stores and services in any business district, a plan for the signing of said development shall be submitted to the Planning Commission in accordance with the provisions set forth in Sec. 111.12 of this Code.

(m) Maintenance of Signs: All signs and sign structures shall be maintained in a safe and attractive condition. Signs which no longer serve the purpose for which they were intended, or which have been abandoned or are not maintained in accordance with this Code and other applicable regulations of the City shall be removed by the latest permit holder or by the City at the expense of such permit holder.

(n) Nonconforming Signs: A sign conforming as to the regulations prevailing on the effective date of this Code but which does not conform to the regulations of this Code or subsequent amendments shall be construed as a legal nonconforming sign.

Nonconforming signs may be maintained and structural parts repaired or restored to a safe condition if required and if a Permit is issued provided, however, that any sign or parts thereof which has been blown down, destroyed or otherwise taken down for any purpose shall not be rebuilt, re-erected or re-located unless it shall be made to comply with the provisions of this Code and the Building Code.

(o) Removal of Signs: Whenever the removal or maintenance of any permanent sign has been ordered by the Building Department, the person, firm or corporation who erected such a sign or on whose premises such sign or display structure has been erected, affixed or attached shall remove or maintain such sign within 30 days after receiving such notice. In the event of noncompliance, the Building Department may remove or cause to be removed or maintain such sign at the expense of the person, firm or corporation who erected such sign on whose premises it was erected, affixed or attached and each such person, firm or corporation shall be individually and separately liable for the expense incurred in the removal of said sign.

Sec. 111.22 Nonconforming uses

(a) Intent: Regulations for the continuance, maintenance, repair, restoring, moving and discontinuance of nonconforming structures, buildings, land uses are established in order to achieve, among others, the following purposes:

- (1) to permit the continuance but control nonconformity so as to minimize any adverse affect on the adjoining properties and development;
- (2) to regulate their maintenance and repair;
- (3) to restrict their rebuilding if substantially destroyed;
- (4) to require their permanent discontinuance if not operated for certain periods of time; and
- (5) to require conformity if it is discontinued, to bring about eventual conformity in accordance with the objectives of the Comprehensive Plan and Zoning Code.

(b) Lawful Nonconformance: The lawful use of any dwelling, building or structure and of any land or premises as existing and lawful at the time of enacting this Code may be continued, although such use does not conform to the provisions of this Code. The completion, restoration, reconstruction, extension, or substitution of nonconforming uses shall be subject to the provision and conditions as set forth in this Section.

(c) Discontinuance and Abandonment: Any nonconforming use of land or building shall be considered abandoned when the owner, lessee or tenant has discontinued such use for one year or more, or when the nonconforming use has been replaced by a conforming use.

(d) Maintenance and Repair: A nonconforming building or structure may be continued to be used and normal repairs and improvements may be made. For the purpose of this Code, normal repairs shall include the ordinary maintenance of a building or structure, and the replacement of equipment which is required for safety of operation and the replacement or subs intuitions of machinery or equipment. It shall not include the replacement of the structure or structural parts in any nonconforming building or structure except when required by law to re-store same to a safe condition, or to make the building, use or structure conforming.

(e) Restoration of Damaged Structure: Any nonconforming building or structure which has been destroyed or damaged by fire, other casualty, act of God or by a public enemy to the extent of 50 percent or more, of its cost of restoration to the condition in which it was before the occurrence, shall thereafter conform to all the provisions of this Code,

The total structural repairs, improvements, and alterations including repairs occasioned by fire, other casualty, act of God or by a public enemy to the extent of less than 50 percent of its cost of restoration, shall not, during the life of the structure or use after the enactment of this Code, exceed 50 percent of the reproduction value of the structure as of the date of enactment of this Code, unless the structure or use be permanently changed to a conforming use.

Determination of the reproduction value shall be made by three practicing building construction contractors, one to be appointed by owner, one to be appointed by the City, and the third to be selected by the mutual consent of the two parties.

In the case of repair or replacement of partial destruction of the structure, a building permit must be applied for within six months of the

destruction and repairs must be completed within six months of the issuance of the permit or the nonconforming structure or use shall be considered to be abandoned.

(f) Extension Prohibited: Any nonconforming Building or structure shall not be enlarged or structurally altered except to make it a conforming building or a structure. A nonconforming use may not be enlarged or structurally altered except to make it a conforming building or a structure. A nonconforming use may not be extended within a building or structure enlarged or added to in any manner.

(g) Nonconforming Change Prohibited: The use of a non-conforming building or structure may be changed only to a use conforming to the district in which the building or structure is located. Thereafter it shall not be changed back to the former nonconforming use.

(h) Moving Nonconforming Structure: A nonconforming building or structure may be moved to a different location on the same lot or other parcel of land within the district provided proper and adequate alterations are secured to make the building or structure conform to the regulations of the district where it is to be located.

(i) Nonconforming Parking Facilities: A building, use or structure existing lawfully at the time this Code or any amendment thereto became effective, but which does not conform with the off-street parking or off-Street loading regulations, may be occupied by the existing use without such parking and/or loading facilities being provided; however, any parking spaces that may be provided thereafter shall comply with the regulations set forth in Sec. 111.20 of this Code. Furthermore, if the existing building use, or structure is altered so that there is an increase of the number of dwelling units, seating capacity or floor area, or if the use is changed to a use requiring more off-street facilities, then off-street parking and loading facilities shall be provided at least equal to the number of spaces required for the entire building, use or structure in accordance with all provisions of Sec. 111.20 of this Code.

(j) Nonconforming Due to Amendments: The foregoing provisions of this Section shall also apply to buildings, structures, land or other uses hereafter becoming nonconforming as a result of future reclassification of districts or of other amendments made to this Code.

Sec. 111.30 Administrative Procedures

(a) Intent: Procedures for administering, interpreting and enforcing this Code are herein established in order to achieve, among others, the following purposes:

- (1) to provide for the review of an application for a building permit;
- (2) to provide for the inclusion of necessary facilities, services and other uncommon uses through Conditional Use Permits;
- (3) to provide for the inclusion of uses which are uncommon but which have characteristics similar to permitted main uses;
- (4) to assure that in the construction of new buildings, alterations or change of use, all required provisions have been complied with by requiring a certificate before occupancy;
- (5) to provide supplementary administrative procedures in conformity with the objectives of the Comprehensive Plan and the Zoning Code.

In administering this Code, the provisions shall be regarded as establishing minimum requirements and shall be used specifically to further the underlying purposes, objectives and intent set forth in the preamble to each section.

The relationship of this Code to other laws, rules and regulations and the relationship if two or more specific provisions of this Code apply to the same subject are set forth in Sec. 111.01 of this Code.

(b) General Procedures:

(1) The administration of this Code is vested in the following officials, Commissions and Boards of the City of Crestline:

Planning Commission
Building Department
Board of Zoning Appeals

(2) Compliance with the provisions of this Code shall be obtained by:

a. Applying for the issuance of a building permit including the following, if applicable:

Application for a Conditional Use Permit
Application for Determination of Similar Use
Application and approval of a Development Plan
Appeals for an interpretation or a request for a variance.

b. Application for Certificate of Occupancy issued upon completion of the building or the land improvement.

(3) Enforcement of the provisions of this Code shall be obtained by inspection and order for removal of violations. Failure to comply with such order shall constitute an offense which may be followed with civil action.

(c) Building Permit: Excavations for buildings or site improvements shall not be started, or buildings or structures, or parts thereof, shall not be erected, altered, or moved until a building permit has been applied for and issued by the Building Department. Provided, however, no building permit shall be issued for any business or industrial use without prior approval of the Planning Commission. The Planning Commission, in addition to all other requirements under this ordinance, shall determine whether or not there is compliance with the various urban renewal plans, community development plans and neighborhood development programs, whichever, if any, is applicable.

(1) Approval of Development Plans, whenever such a plan has been submitted by the developer as required by this Code, the preliminary plan and final plan of the development area shall be approved by the Planning Commission before a building permit may be issued by the Building Department.

(2) Compliance to Zoning Regulations, permits for the construction of a building or land improvements or change in use may be issued by the Building Department only if the work described in an application clearly complies with all provisions of the Zoning and other codes of the City of Crestline. If the proposed building or use does not clearly comply, the Building Department shall not have the power to grant variances or make exceptions unless specifically so empowered.

(3) Conditional Use Permit, whenever a determination for a "Conditional Use" is required, a building permit for the building or use requiring a Conditional Use Permit shall not be issued until such permit has been applied for and issued by the Planning Commission.

(4) Determination of Similar Use, whenever a determination for a "Similar Use" is required, a building permit for the building or use shall not be issued until the inclusion of said use as a permitted use has been made by the Planning Commission and confirmed by Council.

(d) Withholding Permits:

(1) Amendment Pending: No building permit or certificate of occupancy, shall be issued during the period in which an amendment which would affect the building or use applied for has been recommended by the Planning Commission or introduced by the Council, provided, however, an application for a permit or certificate shall not be withheld for more than 90 days after the application was officially submitted.

(2) Nonconforming Lot: No building permit shall be issued for a one- or two-family building unless the residential lot shall abut upon a public street; the utilities, pavement and all other required improvements have been constructed, or their construction guaranteed; the lot be located in a duly recorded subdivision or approved by the Planning Commission and no plat required; or resubdivided in accordance with the provisions of Sec. 111.10(q) so as to conform with the requirements of this Code.

(e) Required Drawings: In addition to drawings required by the provisions of the Building Code, application for a building permit shall be accompanied by:

(1) A plat showing dimensions of the lot to be developed, lot number, a topographic survey or adequate topographic data, and evidence that the lot has been surveyed and certified by a Registered Surveyor or Engineer.

(2) A site plan, drawn to scale showing the location of proposed and existing buildings, driveway and parking areas, and proposed finished grades; also the location and use of buildings on adjoining lots within distances specified in other sections of this Code. For residential developments, the size and location of a garage shall be shown.

(3) Such other drawings and information as may be required by the provisions of Sec. 111.10 for residential districts, Sec. 111.11 for mobile home districts, Sec. 111.12 for business districts, Sec. 111.13 for industrial districts, Sec. 111.20 for parking and loading facilities and Sec. 111.21 for signs.

(f) Applications for Permits:

(1) Application for building permits, and accompanying drawings, shall be submitted to the Building Department. After processing same, as to general conformance to the Building Code, the Building Department shall submit to the Planning Commission those applications which require its approval, and to the Board of Zoning Appeals if the application involves any interpretation required by it.

(2) Approval: The Building Department, having received a report of approval from the Council, Planning Commission and Appeals Board, as may be applicable, and finding the drawings, specifications and all documents comply with this Code and other relevant Codes of the City, may issue upon payment of required fees a building permit.

(3) Disapproval: If the Council, Planning Commission, Board of Zoning Appeals or the Building Department do not recommend approval of the application, they shall suggest changes in the drawings as may be necessary to accomplish the

purpose of this Code. In such instances, conferences with applicants may be held and the application revised or resubmitted, as may be required.

(g) Conditional Use Permits: Conditional Use Permits shall be required for certain types of main uses as defined in Sec. 111.03, generally publicly operated or a facility which affects the public interest. Such use may be permitted and desirable in certain districts but not without consideration in each case of the affect of the use upon neighboring land and the public need for the particular use at the particular location. The application of the planning standards for determining the location and extent of such use is a planning function and not in the nature of a variance or appeal.

Enumerated throughout this Code are certain uses and the districts in which conditional uses may be permitted provided the following standards are fulfilled and a Conditional Use Permit is granted by the Planning Commission.

(1) Application for such permits received from the proponent shall be submitted by the Building Department to the Planning Commission. The Planning Commission shall hold a hearing thereon notice of which may be published in a newspaper of general circulation, or mailed to the owners of property contiguous to and across the street from the parcel for which a Conditional Use Permit is requested at least 15 days before the hearing. The Planning Commission shall take action upon such application within 30 days from the date of receiving said application; failure to act within such period shall be deemed approval.

(2) Standards for Evaluating Conditional Use Permits: An application for a Conditional Use Permit shall not be approved unless the following conditions and standards are complied with as set forth for the following districts:

a. Residential Districts:

1. that the proposed use is property located in relation to any adopted Land Use or Area Plan, particularly to the secondary and local streets and pedestrian circulation;
2. that when located on a local street, the proposed use will generate the least possible traffic through a residential neighborhood;
3. that the proposed use is necessary to serve the surrounding residential areas which cannot be served satisfactorily if the same use is located in a nearby less restrictive district where it may be permitted by right;
4. that the location, design and operation of such use will not discourage the appropriate development or impair the value of the surrounding residential district; and

5. that for temporary structures every Conditional Use Permit shall be reviewed every six months and may be renewed only while the construction operations are pursued diligently.

b. Business and Industrial Districts:

1. that the proposed use be necessary to serve the community needs and that existing similar facilities located in a less restrictive, or more remote districts in which the use may be permitted by right, are inadequate;
2. that the proposed use be not closer than appropriate in the particular situation to schools, churches and other places of assembly;
3. that the location, extent and intensity of the proposed use, shall be such that its operation will not be objectionable to nearby dwellings by reason of noise, smoke, dust, odors, fumes, vibrations or glare than is normal or is permitted by the performance standards of the district;
4. that the proposed use will form a harmonious part of the business, or industrial district, taking into account among others, convenience of access and relationship of one use to another;
5. that the proposed use will be permitted in a more restrictive district than in which it is permitted by right only because of its limited extent, modern equipment and processes; and
6. that the hours of operation and concentration of vehicles in connection with the proposed use will not be more hazardous or dangerous than the normal traffic of the district.

c. Safeguards and conditions, in addition to complying with the general standards set forth in this subsection, conditions appropriate to each particular application, may also be set forth in the permit.

d. The approval of a Conditional Use Permit shall become null and void if the construction of the building or site improvements are not started within a six-month period after the date of approval.

(h) Determination of Similar Uses: The determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the district and not as a variance applying to a particular situation. Any use found "similar" shall thereafter be included in the enumeration of uses permitted by right.

All applications for permits for a building or use listed in any of the permitted building or use classifications in any of the districts shall be submitted to the Planning Commission and, after approval by it, confirmed by the Council in compliance with the following standards:

(1) that such use is not listed in any other classification of permitted buildings or uses;

(2) that such a use is more appropriate and conforms to the basic characteristics of the classification to which it is to be added than to any other classification;

(3) that such a use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added; and

(4) that such a use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.

(i) Certificate of Occupancy

(1) A Certificate of Occupancy shall be applied for by the owner or his agent and shall be issued by the Building Department as a condition precedent to the occupancy and/or uses of a building and land as follows:

a. Occupancy of a Building Erected or Altered: A Certificate of Occupancy shall be required before occupancy of a new building, or before occupancy of an existing building which has been altered, moved, changed in use or increased in off-street parking requirements. Said Certificate shall only be issued after the erection or alteration of said building or a component thereof or a required accessory use has been provided and found by inspection to be in conformity with the provisions of this Code and the Building Code of the City.

b. Change In Use or Occupancy of Conforming Building Or Land: A certificate of occupancy shall be required before occupancy of a conforming structure, building or land by a new owner or tenant in a B-1, B-2, M-1 and M-2 District, and shall be issued when found by inspection, to be in conformity with the provisions of this code.

c. Change in Use of Nonconforming Building or Land Use: A Certificate of Occupancy shall be required whenever a nonconforming structure, building or land is changed, and shall not be issued until the Planning Commission has approved the change in accordance with the provisions set forth in Sec. 111.22 of this Code.

(2) Record of Existing Building and Land Use: Upon application by the owner, or his agent, the Building Department shall inspect a building or tract of land existing on the effective date of this Code and shall issue a Certificate of Occupancy therefore certifying:

- a. the present use of the building or land;
- b. if such use conforms to all the provisions of the Code; and
- c. if it is a lawfully existing nonconforming use.

(3) Application for Certificate:

a. Applications for a certificate of occupancy may be submitted separately or may accompany an application for a building permit. Accurate information shall be furnished by the owner or his agent, as to size and location of the lot, buildings or structures occupying the lot, the dimensions of all yards and open spaces, the use of land or building, and all such information as may be included on a form to be furnished by the City.

b. A record of all applications and certificates issued shall be kept on file in the office of the Building Department and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or land affected.

(j) Enforcement: The duty of administering and enforcing the provisions of the Zoning Code is hereby conferred upon the Building Department. The Department may promulgate rules and regulations as he may determine as necessary to supplement the administration of the Code. After certification by the Council, such rules of the Building Department shall have the same force and effect as the other provisions of this Code.

(1) Inspection and Order for Removal of Violation: The Building Department is hereby empowered to enter any premises at a reasonable time to inspect a reported violation of the Code, examine and to order, in writing, the remedying of any condition found to be existing in violation of any provisions of this Code. After such an order is served or posted on the premise, no work, except to correct or comply with said violation, ~~shall proceed on a building or tract of land until said violation is corrected.~~ shall proceed on any building or tract of land until said violation is corrected.

(2) Offense for Noncompliance: A person or corporation shall be guilty of a misdemeanor, where any violation of any of the provisions of this Code exists in any structures, building or tract of land; where an order to remove any such violation has been served on the owner, agent, lessee, or tenant of the structure, building or tract of land, or part thereof, or upon the

architect, building contractor or any person who commits or assists in any such violation; and where such person shall fail to comply with such order within 90 days after the service of notice thereof.

(3) Civil Action: In the event any building or structure is being erected, constructed, altered, repaired or maintained in violation of the provisions of this Code, or there is an imminent threat of violation, the City or the owner of any contiguous or neighboring property who would be especially damaged by such violation may institute and maintain, in addition to any other remedies provided by law, a suit in the court of Common Pleas of Crawford or Richland County, for injunction to terminate or prevent such violation as a public nuisance.

(4) Records and Reports: The Building Department shall keep, or cause to be kept, a record of any decisions, determinations or conclusions reached by the Department in connection with the enforcement of the Zoning Code. Such records shall be open to public inspection during regular business hours.

Sec. 111.31 Organization of Planning Commission

(a) Establishment: There is established a Crestline Planning Commission of five (5) members consisting of the Mayor, Safety Service Director and three electors of the municipality appointed by the Mayor subject to the approval of a majority of the members elected to Council, serving for terms of six years each.

(b) Officers and Rules: The Planning Commission shall elect a chairman and secretary from its members. It shall adopt rules or bylaws for the holding of regular and special meetings, the transaction and disposition of its business and the exercise of its powers; where either the general laws of Ohio or by ordinance of the Council have provided for the manner of the exercise of the powers of the Commission, such procedure shall be followed.

(c) Quorum: All meetings of the Planning Commission shall be open to the public. A majority of its members shall constitute a quorum at any meeting. No action of the Commission shall be deemed taken unless concurred in by a majority of its members.

(d) Powers: The Planning Commission shall have such powers as are conferred by the general laws of Ohio or by ordinance of the Council.

(e) Employment of Consultants: The Planning Commission may control, appoint, or employ professional services and may appoint a secretary, clerks, draftsmen, and other subordinates as it finds necessary in connection with the performance of its functions and duties. Expenditures for such service and employment shall be within the amount appropriated for such purpose by the Council.

(f) Access to Property: For the purpose of making necessary surveys, engineers, agents and representatives of the Planning Commission may enter upon all property within the limits of the City. Members, agents and representatives of the Commission shall have access to all property in making any survey in connection with any matter being considered by the Commission.

(g) Planning Commission Approval Required: No public building or structure, street, park, playground, public ground, bridge or other public way, ground, works, or utility, whether publicly or privately owned, or a part thereof, shall be constructed or authorized to be constructed within the limits of the City unless and until it shall have been submitted to the Planning Commission for report and recommendation. In the case of disapproval, the Commission shall communicate its reasons therefor to the Council and to the head of the department which has control of the construction of the proposed improvement or utility. The Council, by a vote of not less than two-thirds of its members, may overrule such disapproval. If such public way, ground, works, building, structure or utility is one of the authorization or financing of which does not, under the law, fall within the province of the Council, the submission to the Commission shall be by the state, school, county, district, board, commission or body having jurisdiction and the Commission's disapproval may be overruled by such official, board, commission or body by a vote of not less than two-thirds of its membership. The opening, widening, narrowing, relocating, vacation or change in the use of streets and other public ways, grounds and places, shall be subject to similar approval and this approval may be similarly overruled.

Sec. 111.32 Board of Zoning Appeals

(a) Intent: A Board of Appeals is hereby established to assist in the administration of this Code, particularly to decide and interpret provisions which require impartial adjustments of conflicting interests and to grant variances from the strict letter of the Code in instances of unnecessary hardship. Such a Board is herein established to achieve, among others, the following purposes:

(1) to provide a method for alleviating unnecessary hardship by allowing a reasonable use for individual parcels of property which, because of unusual or unique circumstances, may be denied a reasonable use by a literal application of the terms of the Code;

(2) to review or appeal any order, requirement, decision or determination made by the Building Department;

(3) to provide an administrative board, independent from all other municipal boards or commissions, to act only pursuant to and in accordance with the standards established by the legislative body to hear and decide appeals which are to be tried over again from the beginning, (de novo); and

(4) that decisions and the granting of variances will sustain the constitutionality of the Code and to be in compliance with the objectives of the Comprehensive Plan.

(b) Membership: The Board of Zoning Appeals shall consist of five members appointed by the Mayor with the approval of a majority of members elected to Council serving for a term of five years.

(c) Officers, Duties and General Powers: The Board shall elect from among its members, a Chairman and a Vice-Chairman. The Board shall adopt rules and regulations not inconsistent with this Code, as may be necessary to carry into effect the duties, powers and responsibilities conferred herein. The powers, duties and responsibilities of the Board shall be:

(1) to hear appeals pertaining to any issues involving the application of impartial considerations and judgements in regard to decisions made by the Building Department or any other administrative officer on matters relating to this Code, for relief from any order, requirement, decision or determination, including the refusal, granting or revocation of permits;

(2) to hear and decide upon applications for variations from the terms provided in this Code subject to the standards set forth in Sec. 111.32(h); and

(3) to hear and decide all matters specifically referred to it for decisions in other sections of this Code.

(d) Procedures on Appeals: An appeal from any decisions of the Building Department or other officers with regard to an application for a building permit, issuance of a stop order, specific referral, or some similar action, may be made to the Board by any person believing himself aggrieved or by any officer of the City affected by any such decision.

To be considered, the appellant shall, within 15 days after the date of such decision, file in the office of the Building Department, a notice of appeal specifying the decision or section of this Code from which the appeal is sought, the error alleged and all necessary data in accordance with the form provided by the City.

(e) Meetings and Hearings: The Board of Zoning Appeals shall schedule regular monthly, or semi-monthly meetings, which can be cancelled if no appeals are filed. Special hearings can be arranged at the call of the chairman.

The Board shall act within 30 days after receipt of all required information, and failure to act within such period shall be considered approval of the appeal unless an extension of time is mutually agreed upon. Before making any decisions on an appeal, the Board shall hold a public hearing or hearings, at such time as shall be determined by the Board itself. Notices of the time and place of hearings shall be mailed to the appellant and to the affected property owners as they appear in the current records of the County Auditor of Crawford or Richland County or be published for two successive weeks prior thereto, in a newspaper of general circulation in the City.

The Board shall hear and decide appeals de novo and shall review or appeal any order, requirement, decision or determination made by the Building Department in the enforcement or application of the Code. Within its powers, the Board may reverse or affirm, wholly or in part, or modify any such order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made under the circumstances and to that end, shall have all powers of the officer from whose decision the appeal is taken.

All hearings conducted by the Board shall be open to the public. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. The Board shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony, to produce reports, findings and other evidence pertinent to any issue referred to it for decision.

(f) Quorum and Vote: The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of any duly authorized administrative officer.

A member of the Board shall not be qualified to vote if he has not attended the public hearing, or if he has a direct or indirect interest in the issue appealed.

(g) Record of Decisions: The Board is authorized to engage the services of a secretary, and shall provide a detailed report of all its proceedings, setting forth its reasons for decisions, the vote of each member participating therein and the absence of a member or his failure to vote. Immediately following the Board's decision, such record including conditions prescribed by the Board shall be filed and posted for two weeks in the offices of the Building Department. The report shall be open to public inspection and copies shall be mailed forthwith to each interested party noted therein.

(h) Reasons for Granting Variances: The Board of Zoning Appeals shall have the power, in specific cases, to vary the application of certain provisions of this Code in order that the public health, safety, morals and general welfare may be safeguarded and substantial justice done for the following reasons:

(1) where the literal application of the provisions of this Code would result in unnecessary hardships peculiar to the property involved and not based on conditions created by the owner; (a theoretical loss or limiting possibilities of economic advantage are general hardships, not unnecessary hardships);

(2) where other exceptional circumstances or conditions such as topographical or geological conditions, or type of adjoining development, are only applicable to the property involved or to the intended use of the property and do not apply to other property within the same zone unless the same exceptional circumstances prevail;

(3) where granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located;

(4) that the granting of a variance will not be contrary to the general purpose, intent and objectives of this Code and the Comprehensive Plan. When appealing for a variance or modification, the appellant shall state and substantiate his claim that each of the four conditions listed above exists, and the Board shall make a finding on each of the four conditions as they apply in each specific case as a prerequisite for the granting of the variance or modification; and

(5) prior to the final granting of a variance, the Board shall obtain a written opinion from the Safety Service Director as to whether or not the determination by the Board is in compliance with the zoning code and comprehensive plan.

(i) Lapse of Variances: A variance once granted shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of one year, no substantial construction is done in accordance with the terms and conditions for which such variance was granted, the Building Department shall give a notice in writing, and thirty days thereafter, the variance shall be deemed null and void, and all regulations governing said premises in question shall revert to those in effect before the variance was granted.

If an appeal has been denied by the Board, it need not reconsider the same appeal if resubmitted within six months after date of decision unless the underlying conditions have substantially changed.

(j) Notice to Council and Planning Commission: Upon issuance by the Board of Zoning Appeals of any ruling, determination or order, the Secretary of the Board shall send within three days of the date of such ruling, determination or order, a copy thereof to the Clerk of Council and to the Secretary of the Planning Commission who shall present such report at its next regular meeting.

(k) Appeals to Court: A person aggrieved by a decision of said Board may, within thirty days after the filing of such decision, appeal to the Court of Common Pleas of Crawford or Richland County, Ohio. Such appeals may be either on questions of law, or on questions of fact. Any appeal based in whole or in part upon questions of fact shall be conducted de novo, and the appellant shall be entitled to request and have a jury to determine the issues of fact.

Sec. 111.33 Amending Procedures

(a) Initiation of Zoning Amendments: The Council, either on petition of a property owner, recommendation of the Planning Commission or on its own initiative, may amend or change the number, shape, area or regulations of or within any zone or district, but no such amendment or change shall become effective unless the proposed amendment or change is first submitted to or considered by the Planning Commission for its approval, disapproval or recommendation. The Commission shall allow reasonable time, to be not less than 30 days after referral or submittal, for consideration and report.

(b) Planning Commission Action: It shall be the duty of the Secretary of the Planning Commission to forthwith file with the Clerk of Council a report of the action and recommendation of the Commission with respect to any referral or submittal. Failure to file such report within 60 days after referral or the time otherwise provided, shall be accepted as and be deemed as approval of the proposed change or amendment submitted.

(c) Public Hearing: Before any ordinance, measure or regulation amending or changing the number, shape, area or regulations of or within any zone or district may be passed, the Council shall hold a public hearing thereon. It shall publish notice of such hearing in a newspaper of general circulation in the City, adequately describing the nature of the pending legislation, once a week for two consecutive weeks on the same day of the week, the first of such publication to take place not less than 30 days prior to the public hearing. During such 30 days the text or copy of the text of such ordinance, measure, regulation or proposed change, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure, regulation or proposed change, and the maps, plans and reports submitted by the Planning Commission, shall be on file for public examination in the office of the Clerk of Council.

(d) Action by Council: No such ordinance, measure, regulation or proposed change, which violates, differs from or departs from the plans or report submitted by the Planning Commission, shall take effect unless passed or approved by not less than two-thirds of the membership of the Council. Any such ordinance, measure or proposed change may be amended by majority vote, prior to the voting thereon by the Council, without further notice or postponement if such amendment shall be germane to the subject matter and does not violate, or differ, or depart from the report of the Planning Commission.

Relevant to the point at hand.

Sec. 111.34 Penalties

(a) Injunction: No person shall erect, construct, alter or repair or maintain any building or structure, or use any land in violation of this Code or the regulations enacted pursuant thereto. In the event of any such violation, or imminent threat thereof, upon the request of the Mayor or Council, the City Solicitor, on behalf of the City, shall institute a suit for injunction to prevent or terminate such violation.

(b) Violation of Planning Commission Regulation: Whoever willfully violates any rule or regulation adopted by the Council or the Planning Commission shall forfeit and pay not less than ten nor more than fifty dollars to be recovered with costs in a civil action brought by the Solicitor in the name of the City of Crestline for the use thereof. Each day such violation shall continue and shall constitute a separate forfeiture.

(c) Transfer of Common Land Prohibited: When common land, a street, recreation area, part or other open land has been set aside, with the approval of the Planning Commission for the exclusive use, in common by abutting or other owners or occupants of land; the sale, transfer or change of use of such land or any part thereof is prohibited, unless the Planning Commission has given its prior consent thereto, which shall be confirmed by action of Council. Whoever willfully violates this section shall forfeit and pay to the City of Crestline not less than ten dollars nor more than fifty dollars as determined by the Council. Such sum shall be recovered, with costs, in an action brought by the Solicitor in the name of the City of Crestline and for the use thereof.

(d) Penalties: Any person who shall:

(1) use or occupy any land or place, build, erect, alter, remodel, restore or rebuild thereon any building or structure, or permit any building or structure to remain on such land or use, occupy or operate such building or structure, in any way or for any use or purpose which is not permitted by the provision of this Code;

(2) aid, assist or participate with any person placing, building, erecting, altering, remodeling, restoring or rebuilding any building or structure which is not permitted by the provisions of this Code;

(3) violate or fail to perform any condition, stipulation, or safeguard set forth in any permit issued pursuant to this Code, or continue to use or occupy the premises or building as previously authorized by such permit beyond the duration limit therein stated;

(4) refuse to permit the Building Department or his assistant to enter any premises in the City to investigate a reported violation of the provisions of this Code;

(5) knowingly make any materially false statement of fact in an application to the Building Department or his assistants for a permit or in any plans or specifications submitted in relation to any application under this Code; or

(6) being an owner or lessee of any premises, knowingly suffer or permit a violation of this Code to occur or exist on such premises shall be guilty of a minor misdemeanor by each such action or omission and upon conviction thereof shall be fined not more than one hundred dollars. Each day during which such act, violation or omission shall be done, committed, omitted or continued, shall constitute a separate offense.