

ANDOVER

ZONING ORDINANCE

Passed 16 October 2002 (Ordinance No. 883)
Revised 21 August 2006 (Ordinance No. 920)
Revised 8 April 2014 (Ordinance No. 2014-2-O)
Revised 10 November 2020 (Ordinance No. 2020-9-O)
Revised 22 March 2021 (Ordinances Nos. 2021-8-O and 2021-9-O)
Revised 18 October 2021 (Ordinances Nos. 2021-24-O and 2021-25-O)
Revised 15 May 2023 (Ordinance No. 2023-13-O)

Ordinance No. 883

AN ORDINANCE TO BE KNOWN AS THE "ANDOVER ZONING ORDINANCE", ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF ORC CHAPTER 713, DIVIDING ANDOVER VILLAGE INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE, DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE, INCLUDING WITHOUT LIMITATION ORDINANCE NUMBERS 677, 687, AND 758.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ANDOVER, COUNTY OF ASHTABULA, AND STATE OF OHIO, THAT:

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ARTICLE 1

TITLE, INTERPRETATION, AND ENACTMENT

SECTION 100 TITLE

This ordinance shall be known and may be cited to as the **Andover Zoning Ordinance**.

SECTION 101 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

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

SECTION 102 SEVERABILITY CLAUSE

If any provision contained in this ordinance shall be found invalid, illegal, or unenforceable by a court of competent jurisdiction, such finding shall not affect any other provision of this ordinance, and this ordinance shall be construed as if it had never contained such provision.

SECTION 103 CUMULATIVE REMEDIES AND NON-WAIVER

1. The rights and remedies provided to the Village by this ordinance are cumulative and the use of any one right or remedy by the Village and its agents shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Village may have by law, statute, ordinance, or otherwise.
2. No waiver by the Village of any violation of this ordinance, whether intentional or unintentional, shall be deemed to be a waiver of any other violation of same.

SECTION 104 LANGUAGE CONSTRUCTION

1. Words of any gender used in this ordinance shall be held and construed to include any other gender, and words of the singular shall be held to include the plural, and vice versa, unless the context requires otherwise.
2. Terms used in this ordinance shall be given their ordinary, everyday meaning unless

said terms are specifically defined herein or unless the context requires otherwise.

3. The section and paragraph headings contained in this ordinance are for reference purposes only and shall not affect in any way the meaning or interpretation of this ordinance.

SECTION 105 REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

Any existing sections of any ordinances in conflict with this ordinance including, but not necessary limited to, Ordinances Nos. 677, 687, and 758, and including the official zoning map, are hereby repealed, and are no longer of any force and effect. This ordinance shall take effect and be in full force from and immediately after the earliest date allowed by law.

Passed:

16 October 2002

Approved:

/s/ Bernard M. Baranowski

Mayor

Attest:

/s/ Cheryl Smith Vinroe

Clerk-Treasurer

/s/ Dorothy M. McCombs

President of Council

SECTION 106 2006 AMENDMENTS: ORDINANCE NO. 920

An ordinance amending the text of Ordinance No. 883, known as the "Andover Zoning Ordinance", effective as provided herein. All existing sections of Ordinance No. 883 referred to in this ordinance which are in conflict with this ordinance are hereby repealed, and are no longer of any force and effect. Wherefore, this ordinance shall take effect and be in full force from and immediately after the earliest date allowed by law.

Passed:

21 August 2006

Approved:

/s/ Bernard M. Baranowski

Mayor

Attest:

/s/ Cheryl Smith Vinroe

Clerk-Treasurer

/s/ Myra L. Brown

President of Council

SECTION 107 2014 AMENDMENTS: ORDINANCE NO. 2014-2-0

An ordinance amending the text of Ordinance No. 920, known as the "Andover Zoning Ordinance", and repealing those sections of said ordinance in conflict with this ordinance.

Wherefore, this ordinance will take effect and be in full force from and immediately after the earliest date allowed by law.

Passed:

8 April 2014

Approved:

/s/ Bernard M. Baranowski
Mayor

Attest:

/s/ Cathryn A. Williams
Village Fiscal Officer

SECTION 108 2020 AMENDMENTS: ORDINANCE NO. 2020-9-O

An ordinance amending the text of Ordinance No. 883, known as the "Andover Zoning Ordinance", and repealing those sections in conflict with this ordinance. Wherefore, this ordinance will take effect and be in full force from and immediately after the earliest date allowed by law.

Passed:

10 November 2020

Approved:

/s/ Gerald DiBell
Mayor

Attest:

/s/ Cathryn A. Williams
Village Fiscal Officer

SECTION 109 2021 AMENDMENTS: ORDINANCE NO. 2021-8-O

An ordinance amending the text of Ordinances Nos. 883 and 920, known as the "Andover Zoning Ordinance", and repealing those sections in conflict with this ordinance. Wherefore, this ordinance will take effect and be in full force from and immediately after the earliest date allowed by law.

Passed:

22 March 2021

Approved:

/s/ Gerald DiBell
Mayor

Attest:

/s/ Cathryn A. Williams

Village Fiscal Officer

SECTION 110 2021 AMENDMENTS: ORDINANCE NO. 2021-9-O

An ordinance amending the text of Ordinance No. 883, known as the "Andover Zoning Ordinance", and repealing those sections in conflict with this ordinance. Wherefore, this ordinance will take effect and be in full force from and immediately after the earliest date allowed by law.

Passed:

22 March 2021

Approved:

/s/ Gerald DiBell

Mayor

Attest:

/s/ Cathryn A. Williams

Village Fiscal Officer

SECTION 111 2021 AMENDMENTS: ORDINANCE NO. 2021-24-O

An ordinance amending the text of Ordinance No. 883, known as the "Andover Zoning Ordinance", and repealing those sections in conflict with this ordinance. Wherefore, this ordinance will take effect and be in full force from and immediately after the earliest date allowed by law.

Passed:

18 October 2021

Approved:

/s/ Gerald DiBell

Mayor

Attest:

/s/ Cathryn A. Williams

Village Fiscal Officer

SECTION 112 2021 AMENDMENTS: ORDINANCE NO. 2021-25-O

An ordinance amending the text of Ordinance No. 883, known as the "Andover Zoning Ordinance", and repealing those sections in conflict with this ordinance. Wherefore, this ordinance will take effect and be in full force from and immediately after the earliest date allowed by law.

Passed:

18 October 2021

Approved:

/s/ Gerald DiBell

Mayor

Attest:

/s/ Cathryn A. Williams

Village Fiscal Officer

SECTION 113 2023 AMENDMENTS: ORDINANCE NO. 2023-13-O

An ordinance amending the text of Ordinance No. 883, known as the "Andover Zoning Ordinance", and repealing those sections in conflict with this ordinance. Wherefore, this ordinance will take effect and be in full force from and immediately after the earliest date allowed by law.

Passed:

15 May 2023

Approved:

/s/ Gerald DiBell

Mayor

Attest:

/s/ Cathryn A. Williams

Village Fiscal Officer

ARTICLE 2

DEFINITIONS

INTERPRETATION OF TERMS OR WORDS:

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word ***person*** includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word ***shall*** is a mandatory requirement, the word ***may*** is a permissive requirement, and the word ***should*** is a preferred requirement.
4. The words ***used*** or ***occupied*** include the words ***intended, designed, or arranged to be used*** or ***occupied***.
5. The word ***lot*** includes the words ***plot*** or ***parcel***.

ACCESSORY USE:

(Revised 11/10/20)

A use, object, or structure constructed or installed on, above, or below the surface of a lot which is located (whether attached or detached) on the same lot as, is subordinate to or serves, is subordinate in area to, and is incidental to, the principal use, object, or structure. An accessory use includes without limitation a fence, wall, shed, garage, parking spaces, deck, and swimming pool. An accessory use shall be a permitted use in all districts except as otherwise provided in this ordinance.

ADULT FAMILY HOME:

(Added 8/21/06)

A residence or facility that provides accommodations to 3 to 5 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults. Said facility shall comply with all requirements of ORC Chapter 3722. If the residence or facility ceases to be licensed as an adult care facility pursuant to ORC Chapter 3722 for any reason, the use of the property for said purpose shall also cease.

ADULT GROUP HOME:

(Added 8/21/06)

A residence or facility that provides accommodations to 6 to 16 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults. Said facility shall comply with all requirements of ORC Chapter 3722. If the residence or facility ceases to be licensed as an adult care facility pursuant to ORC Chapter 3722 for any reason, the use of the

property for said purpose shall also cease.

AGRICULTURE:

The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

AIRPORT:

Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

ALLEY:

See THOROUGHFARE.

ALTERATIONS, STRUCTURAL:

Any change in the supporting members of a building such as bearing wall, columns, beams, or girders.

APPLICATION:

A document filed with the Zoning Inspector which seeks action pertaining to the lot which is the subject of the application pursuant to the provisions of this ordinance. The application shall be in the form adopted by motion of the Andover Village Council and signed by the person applying, attesting to the truth and accuracy of all information supplied in the application. The applicant shall be the owner or a tenant of the subject lot. At a minimum, the application shall contain the following information:

1. Name, address, telephone number, and status of the applicant.
2. Name, address, telephone number, and status of the person who owns the subject lot (if different from the applicant).
3. Street address, legal description, and the Ashtabula County Treasurer's permanent parcel number(s) for the subject lot.

4. Current use of the subject lot.
5. Proposed use of the subject lot.
6. Current zoning district in which the subject lot is located.
7. Other documents and materials shall be submitted with the application as may be deemed necessary by the Zoning Inspector to determine compliance with the provisions of this ordinance.

If it is determined that any of the information provided in the application proves to be incorrect and the correct information is not supplied within 10 days of the Zoning Inspector's request, then any permit, variance, or conditional use issued, or decision made, on the basis of the application may be revoked. Each application shall also contain such additional information as is required by the applicable provisions of this ordinance.

AUTOMOTIVE REPAIR:

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

AUTOMOTIVE, MOBILE HOME, RECREATIONAL VEHICLES, AND FARM IMPLEMENT SALES:

The sale or rental of new and used motor vehicles, mobile homes, recreational vehicles, or farm implements, but not including repair work except incidental warranty repair of the same, to be displayed and sold on the premises.

AUTOMOTIVE WRECKING:

The dismantling or wrecking of used motor vehicles, mobile homes, recreational vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE GRAVEYARD: (Definition deleted 8/21/06)

BASEMENT:

A story all or partly underground but having at least ½ of its height below the average level of the adjoining ground.

BED AND BREAKFAST INN: (Added 8/21/06)

An accessory use of a dwelling which:

1. Is the permanent residence of the owner and operator;
2. Contains no more than 5 guest rooms;

3. Provides for lodging for guests for a period of less than 2 weeks per guest for compensation; and
4. Has one kitchen used to provide breakfast for guests, but no other meals are provided.

BOARDING HOUSE:

(Added 8/21/06)

A building other than a hotel, motel, or bed and breakfast inn where, for compensation and by arrangement, meals or lodging and meals are provided for 3 or more unrelated persons, but not exceeding 6 persons, where no cooking or dining facilities are provided in the individual rooms.

BUILDING:

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

BUILDING, HEIGHT:

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE:

See SETBACK LINE.

BUILDING, PRINCIPAL:

A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS, GENERAL:

Commercial uses which generally require locations on or near major thoroughfare and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but are not limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

1. **Business Highway:** Commercial Uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels; and

- commercial recreation.
2. **Business, Office Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.
 3. **Business Services:** Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.
 4. **Business, Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

CELLAR:

That portion of the building wholly below, or with less than half of its ceiling height above the average finished grade of the ground adjoining the building.

CEMETERY:

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

CHANNEL:

A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

CLINIC:

(Revised 4/8/14)

A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with room and board, or kept overnight on the premises.

CLUB:

A building or portion thereof or premises owned or operated by a person for social, literary, political, educational, or recreational purposes primarily for the exclusive use of members and their guests.

COMMERCIAL ENTERTAINMENT FACILITIES:

Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

COMPREHENSIVE DEVELOPMENT PLAN:

A plan, or any portion thereof, adopted by the planning commission and the legislative authority of the Village of Andover showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

CONDITIONAL USE: (Revised 8/21/06)

A use which, due to certain characteristics of the use or potential for impact upon the district or upon abutting districts, may only be established by a conditional use permit.

CONDITIONAL USE PERMIT: (Definition deleted 8/21/06)

CORNER LOT:

See LOT TYPES.

CUL-DE-SAC:

See THOROUGHFARE.

DEAD-END STREET:

See THOROUGHFARE.

DENSITY:

A unit of measurement; the number of dwelling units per acre of land.

1. **Gross density:** the number of dwelling units per acre of the total land to be developed.
2. **Net density:** the number of dwelling units per acre of land when acreage involved includes only the land devoted to residential uses.

DWELLING:

A building (including a manufactured home and a mobile home but excluding a recreational vehicle as defined by ORC §4501.01(Q)) which is wholly or partly used or intended to be used for living and sleeping by a family.

DWELLING UNITS:

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

DWELLING, SINGLE FAMILY:

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO-FAMILY:

A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, MULTI-FAMILY:

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING, ROOMING HOUSE (BOARDING HOUSE, LODGING HOUSE, DORMITORY): (Definition deleted 8/21/06)

EASEMENT:

Authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his property.

ESSENTIAL SERVICES:

The erection, construction, alteration, or maintenance, by public utilities or other government agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or

safety or general welfare, but not including buildings.

FAMILY:

(Revised 8/21/06)

A collective body of one (1) or more individuals who form a single housekeeping unit, but excluding individuals occupying a bed and breakfast inn, boarding house, hotel, or motel.

FENCE:

An enclosing structure about a field or other space, or about any object, or separating one portion of land from another, intended to prevent free access across that portion of the land upon which it is erected.

FLOODWAY:

That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOOR AREA OF A RESIDENTIAL BUILDING:

The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of wall.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS):

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

FLOOR AREA, USABLE:

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FOOD PROCESSING:

The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

GARAGES, PRIVATE:

A detached or attached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles, and/or boats of the occupants of the premises and wherein:

1. Not more than one (1) space is rented for parking to persons not resident on the premises;
2. No more than one (1) commercial vehicle per dwelling unit is parked or stored; and
3. The commercial vehicle permitted does not exceed two tons' capacity.

GARAGE, PUBLIC:

A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

GARAGE, SERVICE STATION:

Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicles' accessories may be supplied and dispensed at retail, and where in addition, any or all of the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributor parts.
2. Tire servicing and repair, but not recapping or regrooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.
5. Washing, polishing, and sale of washing and polishing materials.
6. Greasing and lubrication.
7. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing and repair of carburetors.
9. Adjusting and repairing brakes.
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
11. Sale of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
12. Provisions of road maps and other informational material to customers, provision of rest room facilities.
13. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor

a body shop.

HOME OCCUPATION:

(Revised 8/21/06)

An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the principal use of a structure as a dwelling. Home occupation does not include a Type B family day-care home or an adult family home.

HOTEL OR MOTEL AND APARTMENT HOTEL:

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

JUNK:

Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials.

JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS:

Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

KENNEL:

Any lot or premises on which 3 or more dogs more than 4 months of age are housed, groomed, bred, boarded, trained, or sold.

LOADING SPACE, OFF-STREET:

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCATION MAP:

See VICINITY MAP.

LOT:

For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record; or
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE:

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE:

The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.

LOT MEASUREMENTS:

A lot shall be measured as follows:

1. **Depth:** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. **Width:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

LOT OF RECORD:

A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES:

Terminology used in this ordinance with reference to corner lots, interior lots, and through lots is as follows:

1. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on

a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.

2. **Interior Lot:** A lot with only one (1) frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as double frontage lots and are not allowed.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Note: See Figures 1 and 2 at the end of Article 2.

MAJOR THOROUGHFARE PLAN:

The portion of comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

MAINTENANCE AND STORAGE FACILITIES:

Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

MANUFACTURED HOME:

(Amended 3/22/21)

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development, pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C.A. §§5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. §5415, certifying compliance with all applicable federal construction and safety standards. Calculations used to determine the number of square feet in the structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

MANUFACTURED HOME, PERMANENTLY SITED:

(Amended 10/18/21)

A manufactured home that is affixed to a permanent foundation and connected to the appropriate utilities, including without limitation the Andover Water and Sewer Systems. A manufactured home that will be so affixed and connected after the effective date of this amendment to the Andover Zoning Ordinance must meet all of the criteria contained in §1028.

MANUFACTURED HOME PARK:

A lot upon which 3 or more manufactured homes used as dwellings are parked, either free of charge or for revenue purposes, including any thoroughfares, buildings or other structures, vehicles, enclosures, and other improvements to the land used or intended to be used as a part of the facilities of the park. A lot that is subdivided, where the individual lots are not for rent or rented but are for sale or sold for the purpose of installing manufactured homes on the lots, and where the thoroughfares are dedicated to the public use, shall not constitute a manufactured home park. A manufactured home park does not include any lot used solely for the storage or display for sale of manufactured homes, or used solely as a temporary park or camp.

MANUFACTURING, HEAVY:

Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas; extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT:

Manufacturing, or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

MANUFACTURING, EXTRACTIVE:

Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral resource.

MOBILE HOME:

A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one (1) or more sections, and does not qualify as a manufactured home as defined in this ordinance or as an industrialized unit as defined in ORC §3781.06(C)(3).

MOBILE HOME PARK:

A lot upon which 3 or more mobile homes used as dwellings are parked, either free of charge

or for revenue purposes, including any thoroughfares, buildings or other structures, vehicles, enclosures, and other improvements to the land used or intended to be used as a part of the facilities of the park. A lot that is subdivided, where the individual lots are not for rent or rented but are for sale or sold for the purpose of installing mobile homes on the lots, and where the thoroughfares are dedicated to the public use, shall not constitute a mobile home park. A mobile home park does not include any lot used solely for the storage or display for sale of mobile homes, or used solely as a temporary park or camp.

NON-CONFORMITIES:

A building, structure or use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the district or zone in which it is situated.

NOTICE:

(Revised 4/8/14)

Notice of a fact or event to be given to or served upon a person pursuant to the provisions of this ordinance shall be in writing and served by one or more of the following methods:

1. By personal delivery to the intended recipient.
2. By leaving the notice with a person of suitable age and discretion at the usual place of residence of the intended recipient.
3. By posting the notice in a conspicuous place at the property in question.
4. By ordinary mail, sent to the intended recipient at:
 - a. The address stated on or submitted with the application, appeal, or any other documents filed with the Zoning Inspector.
 - b. The tax mailing address for the property in question as contained in the Ashtabula County tax duplicate.
 - c. The address for the intended recipient on file with the Village to which the Village water and sewer bills are sent.

NURSERY, PLANT MATERIALS:

Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

NURSING HOME:

A facility licensed by the State of Ohio and used for the reception and care of individuals who by reason of illness, or physical or mental impairment, require skilled nursing care, or who require personal care services but not skilled nursing care.

OCCUPANCY PERMIT:

(Revised 5/15/23)

A document issued by the Zoning Inspector stating that:

1. A building or other structure that has been erected, moved, added to, or structurally altered pursuant to a valid zoning permit substantially complies with the requirements of this ordinance so that the building or other structure may now be used or occupied.
2. The proposed use of a lot, or a building or other structure on the lot, complies with the requirements of this ordinance.
3. The occupants of a building or other structure have changed and the appropriate contact information regarding those occupants has been provided.

OPEN SPACE:

An area substantially open to the sky which may be on the same lot with a building or other structure. The area may include, together with the natural environmental features, water areas, swimming pools, tennis courts, and other recreational facilities. Streets, parking areas, and structures shall not be considered as open space.

PARKING SPACE, OFF-STREET:

For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERFORMANCE BOND OR SURETY BOND:

An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERMANENTLY SITED MANUFACTURED HOME:

See MANUFACTURED HOME, PERMANENTLY SITED

PERSONAL SERVICES:

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

PLANNED UNIT DEVELOPMENT:

An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such

as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

PROFESSIONAL ACTIVITIES:

The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

PUBLIC SERVICE FACILITY:

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

PUBLIC USES:

Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, and public service facilities.

PUBLIC WAY:

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

QUASI-PUBLIC USE:

Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RECREATION CAMP:

An area of land on which two or more recreational vehicles, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATION FACILITIES:

Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use.

1. **Extensive** facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks.
2. **Intensive** facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE:

A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses. A recreational vehicle includes a travel trailer, motor home, truck camper, fifth-wheel trailer, and park trailer, as those terms are defined by ORC §4501.01(Q). A converted bus shall not constitute a recreational vehicle unless it complies with the ORC definition of a motor home.

RESEARCH ACTIVITIES:

Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

RIGHT-OF-WAY:

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

SCRAP METAL PROCESSING FACILITY:

An establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous for sale for remelting purposes.

SEAT:

For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 linear inches of benches, pews, or space for loose chairs.

SETBACK LINE:

A line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

SEWERS, CENTRAL OR GROUP:

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for single development, community, or region.

SEWERS, ON-SITE:

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SHOOTING RANGE:

(Adopted 3/22/21)

A facility operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit. A shooting range does not include a facility owned or operated by a municipal corporation, county, township police district, or joint police district. See ORC §1533.83(B).

SIDEWALK:

That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN:

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

1. **Banner:** A temporary sign made of fabric, plastic, or other flexible material, which is not self-supporting but instead must be attached to a building or other structure in order to be displayed.
2. **Free-standing sign:** A sign which is self-supporting, permanently affixed to the ground, and not connected to any building or other structure.
3. **Illuminated sign:** A sign illuminated by electricity, gas, or other artificial light, including reflection or phosphorescent light.
4. **Off-premises sign:** A sign unrelated to a business or profession conducted, or to a

- commodity or service sold or offered, upon the premises where the sign is located.
5. **On-premises sign:** A sign related to a business or profession conducted, or a commodity or service sold or offered, upon the premises where the sign is located.
 6. **Political sign:** A temporary sign which advertises or advocates a position regarding an issue or candidate involved in an upcoming election.
 7. **Projecting sign:** A sign which is attached to and projects from the exterior of a building or other structure.
 8. **Sign lighting device:** A light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
 9. **Temporary sign:** A sign which is easily movable, is not permanently affixed to the ground, and is not attached to something having a fixed location on the ground. Temporary signs include those which announce special business, public, or institutional events or occurrences, or the erection or modification of a building or other structure to identify the architect, builder, and/or contractor. Temporary signs do not include ongoing business advertising.

The provisions of this ordinance regulating signs shall not include any sign erected and maintained pursuant to and in the discharge of any governmental function, or any sign required to be erected and maintained by any law, ordinance, or regulation.

STORY:

That part of a building between the surface of a floor and the ceiling immediately above.

STRUCTURE:

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and signs.

SUPPLY YARDS:

A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

SWIMMING POOL:

(Revised 11/10/20)

A pool, pond, lake, or open tank containing at least 2.0 feet of water at any point and maintained by the owner or manager.

1. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

2. **Community:** Operated with a charge for admission; a primary use.
3. **In-ground:** The water in the pool is located below ground level.
4. **Above-ground:** The water in the pool is located in an enclosure that sits entirely on the ground, or a portion of the enclosure (less than 50%) is located below ground level.
5. **Exceptions (not regulated as swimming pools by this ordinance):**
 - a. Portable above-ground swimming pool that is less than 12 feet in diameter or 100 square feet in area.
 - b. Hot tub.
 - c. Spa.

THOROUGHFARE, STREET, OR ROAD:

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180° system of turns are not more than 1000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
8. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called **Frontage Street**.)

THROUGH LOT:

See LOT TYPES.

TYPE A FAMILY DAY-CARE HOME:

A permanent residence of the provider in which child day-care is provided for 7 to 12 children at one time (or 4 to 12 children at one time if 4 or more are under 2 years of age). In counting said children, any children under 6 years of age who are related to the provider or an employee and who are on the premises shall be counted. A Type A family day-care home shall not include a child day camp or a residence in which the needs of children are administered to if all of said children are siblings of the same immediate family and the residence is the home of the siblings.

TYPE B FAMILY DAY-CARE HOME:

A permanent residence of the provider in which child day-care is provided for 1 to 6 children at one time and in which no more than 3 children are under 2 years of age at one time. In counting said children, any children under 6 years of age who are related to the provider and who are on the premises shall be counted. A Type B family day-care home shall not include a child day camp or a residence in which the needs of children are administered to if all of said children are siblings of the same immediate family and the residence is the home of the siblings.

USE, CONDITIONAL: (Added 8/21/06)

A use which, due to certain characteristics of the use or potential for impact upon the district or upon abutting districts, may only be established by a conditional use permit.

USE, PERMITTED: (Added 8/21/06)

A use which is authorized to be established in a district provided that it otherwise complies with the provisions of this ordinance applicable to all permitted uses in the district.

USE, PRINCIPAL: (Added 8/21/06)

The main activity conducted on the land or in the principal building located on the land.

USE, SIMILAR: (Added 8/21/06)

As provided in this ordinance, a use which is not listed as a permitted or conditional use in a district, but which is interpreted by the Board of Zoning Appeals as being a use sufficiently similar to those listed in a district, so that it may be established by a conditional use permit.

VARIANCE: (Revised 8/21/06)

A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the

regulations would result in practical difficulties ("an area variance") or unnecessary hardship ("a use variance").

VETERINARY ANIMAL HOSPITAL OR CLINIC:

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP:

A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY:

A public way, 4 feet or more in width, for pedestrian use only, whether along the side of a road or not.

WIRELESS TELECOMMUNICATION FACILITIES: (Added 8/21/06)

All towers, antennae, antenna support structures, equipment shelters, accessory buildings, and other support structures associated with the transmission or reception of electromagnetic waves in the course of providing wireless communications for customers. The following shall not constitute wireless telecommunication facilities for the purpose of this ordinance:

1. Any satellite earth station antenna 6 feet in diameter or less, which is located in any industrial or commercial district.
2. Any satellite earth station antenna 3 feet in diameter or less, regardless of the district in which it is located.
3. Antennae used by amateur radio operators, as licensed by the Federal Communications Commission.

YARD:

A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 3 feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from

the front lot line to the front of the principal building.

2. **Yard, Rear:** A yard extending between the side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Note: See Figures 1 and 2 at the end of Article 2.

ZONING PERMIT:

A document issued by the Zoning Inspector stating that a proposal to erect, move, add to, or structurally alter any building or other structure complies with the requirements of this ordinance.

FIGURE 1

The following illustrates selected definitions from Article 2.

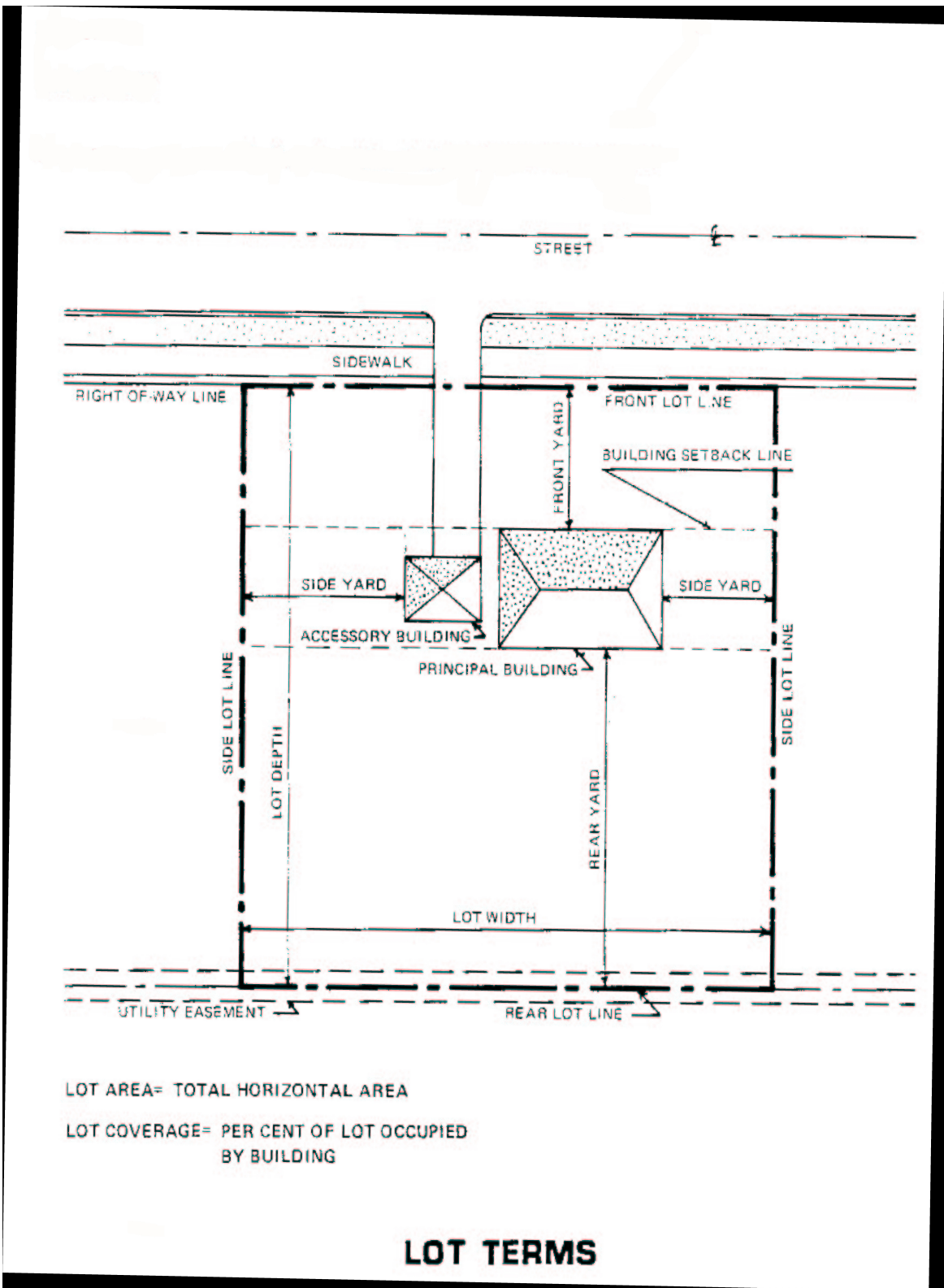
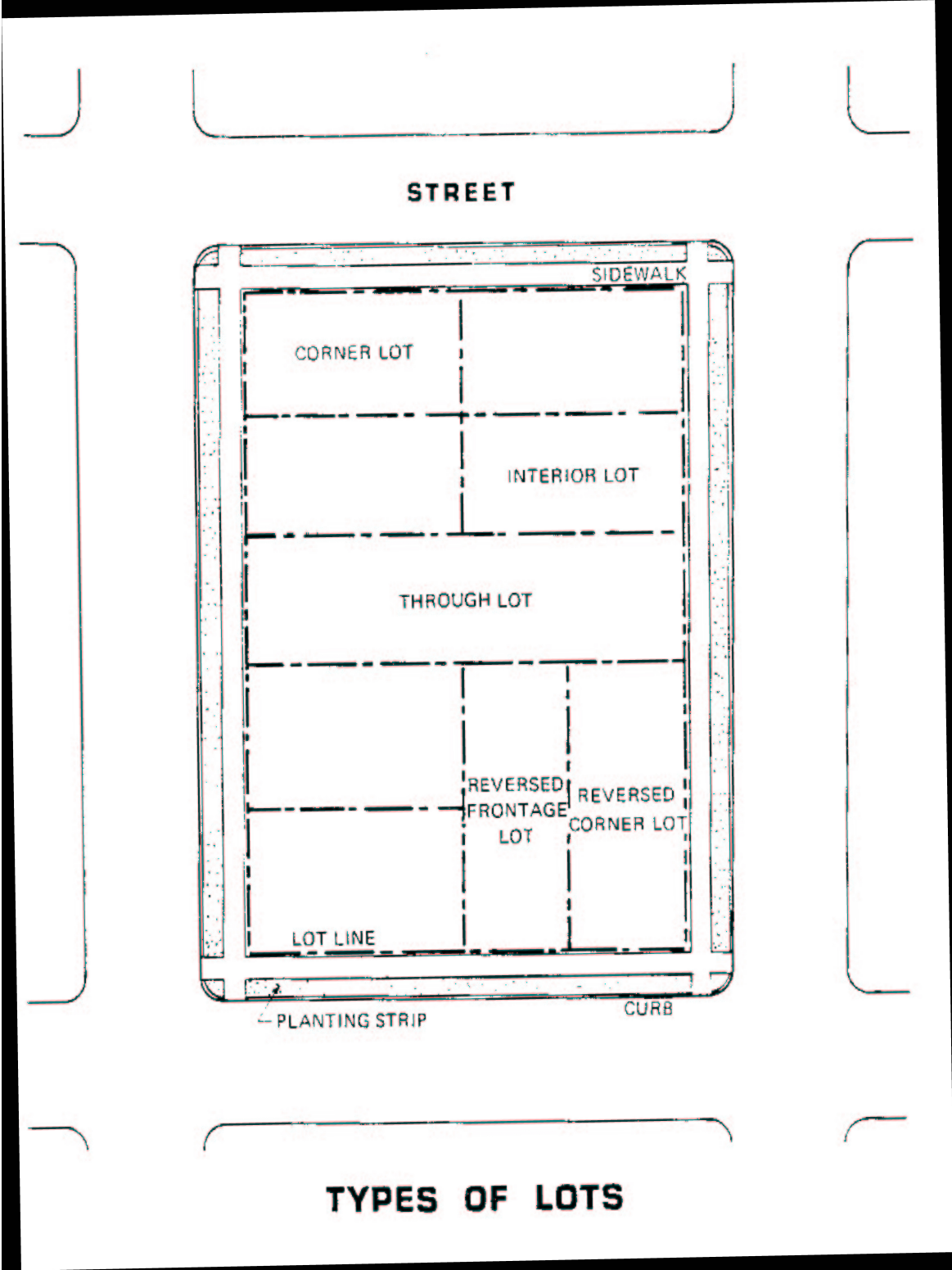


FIGURE 2

The following illustrates selected definitions from Article 2.



ARTICLE 3

ENFORCEMENT

SECTION 300 ZONING PERMIT REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered, including demolition thereof, and the number and/or size of the current off-street parking spaces and loading spaces shall not be increased or decreased, without a zoning permit issued by the Zoning Inspector. A zoning permit shall be issued only in compliance with the provisions of this ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal or granting a conditional use or a variance, or receives from the Village Council written approval of a Planned Unit Development. An application for a zoning permit that does not meet the prima facie requirements of this ordinance and requires a decision by the Board of Zoning Appeals for the issuance of a zoning permit shall be disapproved by the Zoning Inspector and the applicant shall follow the requirements of Article 5 for the appeal of said disapproval.

SECTION 301 CONTENTS OF ZONING PERMIT APPLICATION

(Amended 3/22/21)

A zoning permit application shall contain the following information:

1. 2 copies of plans drawn to a scale acceptable to the Zoning Inspector shall be submitted with the application which shall contain the following current information:
 - a. Property lines.
 - b. Dimensions of the subject lot.
 - c. Dimensions (including height) and location of all existing buildings and other structures located on the subject lot.
 - d. Uses of the subject lot and all adjacent lots.
 - e. Zoning district of the subject lot and all adjacent lots.
 - f. Thoroughfares and access points to same from the subject lot.
 - g. Location, number, and dimensions of off-street parking spaces and loading spaces on the subject lot.
 - h. Location and number of dwelling units in each building on the subject lot.
 - i. Location, number, dimensions (including height), and nature of all signs on the subject lot.
 - j. All proposed changes.
2. For a zoning permit in a district other than R-1 and R-3, the applicant shall submit engineering studies and/or plans indicating, as deemed necessary by the Zoning Inspector, water, sewer, storm sewer, drainage, electricity, telephone, and natural gas installations, waste disposal facilities, street and sidewalk improvements, and the nature

and extent of all earth work required for site preparation and development of the subject lot.

3. The applicant may submit a master plan for an entire development as part of the application for a specific zoning permit which plan may show proposed improvements even if the improvements are not expected to be constructed within the effective period of the zoning permit. Only those improvements specifically authorized by the zoning permit, however, may be made. Neither the applicant nor the Village shall be bound by the specific provisions contained in said master plan.

The zoning permit application shall state that the permit automatically expires as provided in §304. An application for a zoning permit for the demolition of a building or other structure, or to increase or decrease the current number and/or size of off-street parking or loading spaces, shall include only so much of the information required by paragraph 1 of this section as is deemed necessary by the Zoning Inspector.

SECTION 302 ACTION ON ZONING PERMIT APPLICATION

(Amended 3/22/21)

1. The Zoning Inspector shall act on a zoning permit application within 30 days after its receipt. If the proposal contained in the application does not comply with the provisions of this ordinance, the Zoning Inspector shall deny the application. If the application is approved, the Zoning Inspector shall issue a zoning permit, which the applicant shall post in a conspicuous place on the subject lot, visible from an adjacent thoroughfare.
2. The Village Administrator shall review the plans submitted with a zoning permit application for any district other than R-1 and R-3 and shall approve same if the plans comply with all ordinances, rules, and regulations pertaining to the Village water and sewer systems, streets and sidewalks, and subdivision regulations. The Village Administrator shall sign both copies of said plans and shall indicate whether said plans are approved or disapproved. If the Village Administrator disapproves of said plans, the Zoning Inspector shall deny the application.
3. The Zoning Inspector shall sign both copies of the plans submitted with a zoning permit application and shall indicate whether said plans are approved or disapproved. One (1) copy shall be returned to the applicant and the other copy shall be retained by the Zoning Inspector with the zoning permit application, which copy shall then become the property of the Village.
4. If the Zoning Inspector denies the application, said decision shall be in writing, shall contain the findings of fact upon which it is based, and shall be signed by the Zoning Inspector. A signed copy of the decision shall be sent by the Zoning Inspector to the applicant in the same manner as notice is to be given pursuant to this ordinance. The Zoning Inspector's decision may be appealed to the Board of Zoning Appeals as provided in Article 5.
5. If the zoning permit application requires an interpretation of a provision of this

ordinance or the applicability of a provision to certain circumstances, the Zoning Inspector may request that the Planning Commission chair call a meeting of the Planning Commission to discuss and make a recommendation regarding same. The Zoning Inspector, however, shall not be obligated to follow said recommendation. The Planning Commission's minutes shall reflect said recommendation. The Zoning Inspector's request for such a recommendation shall not extend the deadline for action contained in paragraph 1 of this section.

SECTION 303 SUBMISSION TO DIRECTOR OF OHIO DEPARTMENT OF TRANSPORTATION

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice to the Director of Transportation that a zoning permit shall not be issued for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector or the Village that he shall proceed to acquire the land needed, then the Zoning Inspector shall deny the application. If the Director of Transportation notifies the Zoning Inspector or the Village that acquisition at this time is not in the public interest, or upon the expiration of the 120-day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall approve the application if it otherwise complies with the provisions of this ordinance.

SECTION 304 EXPIRATION OF ZONING PERMIT (Revised 8/21/06)

1. If the work authorized by a zoning permit has not begun within one (1) year from the date of the permit, or if the work has not been completed within 1½ years from the date of the permit, said permit shall automatically expire.
2. If the work authorized by a zoning permit for the demolition of a building or other structure has not begun within 60 days from the date of the permit, or if the work has not been completed within 90 days from the date of the permit, said permit shall automatically expire.
3. The Zoning Inspector shall give notice of the zoning permit expiration to the applicant. Said notice shall provide that further work as authorized by the expired permit shall not proceed until a new zoning permit has been issued by the Zoning Inspector.

SECTION 305 OCCUPANCY PERMIT REQUIRED (Revised 5/15/23)

1. No person shall use or occupy, or permit the use or occupancy of, any lot, building, or other structure without an occupancy permit issued by the Zoning Inspector, including where the occupants of a building change.

2. The occupancy permit application shall be filed within 30 days of the date the use or occupancy begins or changes.
3. Before an occupancy permit will be issued, the Zoning Inspector shall be allowed to inspect the outside of the building or other structure and the yard surrounding it to confirm compliance with the Andover Property Maintenance Ordinance.

SECTION 306 TEMPORARY OCCUPANCY PERMIT REQUIRED

Where:

1. A building or other structure is to be erected, moved, added to, or structurally altered pursuant to a valid zoning permit; or
2. The use of a lot or a building or other structure located on said lot is to be changed, altered, or enlarged to such extent that different regulations imposed by this ordinance apply to the changed, altered, or enlarged use which require modifications to the lot, building, or other structure;

then a temporary occupancy permit may be issued by the Zoning Inspector to allow temporary occupancy of said lot, building, or other structure pending the completion of said improvement or modifications. Upon the completion of same, the party to whom the temporary permit was issued shall apply for an occupancy permit, which shall not be granted unless all said changes have substantially complied with the requirements of this ordinance. A temporary occupancy permit shall automatically expire on the deadline stated in the permit. No temporary occupancy permit shall extend for a period of more than 1½ years from the date of the permit.

SECTION 307 CONTENTS OF OCCUPANCY PERMIT APPLICATION

An occupancy permit application shall contain the following current information:

1. Location, number, and dimensions of off-street parking spaces and loading spaces on the subject lot.
2. Location and number of dwelling units in each building on the subject lot.
3. Location, number, dimensions (including height), and nature of all signs on the subject lot.

The application shall state that a temporary occupancy permit automatically expires as provided in §306.

SECTION 308 ACTION ON OCCUPANCY PERMIT APPLICATION

1. The Zoning Inspector shall act on an occupancy permit application within 30 days after its receipt. If the proposal contained in the application does not comply with the provisions of this ordinance, the Zoning Inspector shall deny the application. If the application is approved, the Zoning Inspector shall issue an occupancy permit. The applicant shall post a temporary occupancy permit in a conspicuous place on the subject

- lot, visible from an adjacent thoroughfare.
2. If the Zoning Inspector denies the application, said decision shall be in writing, shall contain the findings of fact upon which it is based, and shall be signed by the Zoning Inspector. A signed copy of the decision shall be sent by the Zoning Inspector to the applicant in the same manner as notice is to be given pursuant to this ordinance. The Zoning Inspector's decision may be appealed to the Board of Zoning Appeals as provided in Article 5.
 3. If the occupancy permit application requires an interpretation of a provision of this ordinance or the applicability of a provision to certain circumstances, the Zoning Inspector may request that the Planning Commission chair call a meeting of the Planning Commission to discuss and make a recommendation regarding same. The Zoning Inspector, however, shall not be obligated to follow said recommendation. The Planning Commission's minutes shall reflect said recommendation. The Zoning Inspector's request for such a recommendation shall not extend the deadline for action contained in paragraph 1 of this section.

SECTION 309 ZONING PERMIT FOR DEMOLITION

(Added 8/21/06)

The following provisions shall apply only to a zoning permit for the demolition of a building or other structure:

1. An application for a zoning permit for the demolition of a building or other structure shall be signed by the owner of the building or other structure, and the zoning permit shall be issued only to the owner.
2. All debris resulting from the demolition of a building or other structure shall be removed from the lot for disposal at an appropriate site. Open burning of demolition debris shall be prohibited.
3. Upon completion of the demolition of a building or other structure, the original grade of the lot shall be restored and the lot shall be adequately drained to prevent water from standing on the lot or on adjacent lots.
4. A zoning permit for demolition shall expire as provided in §304.2.

SECTION 310 FAILURE TO OBTAIN A ZONING PERMIT OR OCCUPANCY PERMIT

(Renumbered 8/21/06)

Failure to obtain a zoning permit or occupancy permit shall be a violation of this ordinance and punishable under §314 of this ordinance.

SECTION 311 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, AND PERMITS

(Renumbered 8/21/06)

Zoning permits or occupancy permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved

plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance, and punishable as provided in §314 of this ordinance.

SECTION 312 COMPLAINTS REGARDING VIOLATIONS (Renumbered 8/21/06)

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

SECTION 313 NOTICE OF VIOLATION AND STOP WORK ORDER
(Renumbered 8/21/06)

A person violating a provision of this ordinance shall be given a notice of violation and stop work order by the Zoning Inspector stating the nature of the violation, referring to the section(s) of this ordinance being violated, specifying that all further work in violation of this ordinance shall cease, specifying what corrective actions are necessary, and specifying a deadline by which said corrective actions shall be completed. The notice of violation and stop work order shall be served by one (1) or more of the following methods:

1. By personal delivery to the owner or tenant of the premises where the violation has occurred.
2. By leaving the notice with a person of suitable age and discretion at the usual place of residence of the owner or tenant of the premises where the violation has occurred.
3. By posting the notice in a conspicuous place on the premises where the violation has occurred.
4. By the same method as notice is required to be served by this ordinance upon the owner or tenant of the premises where the violation has occurred.

SECTION 314 PENALTIES FOR VIOLATION (Renumbered 8/21/06)

1. A person who continues a violation beyond the deadline stated in the notice of violation and stop work order issued by the Zoning Inspector, and any person who participates in, assists in, or maintains said violation and has also received a copy of said notice (including without limitation an owner or tenant of the lot, building, or other structure where the violation occurred, or an architect, builder, contractor, or other agent of said owner or tenant responsible for the erection of, moving of, addition to, structural alteration of, or demolition of, a building or other structure involved in said violation), shall be guilty of a minor misdemeanor upon the first offense, subject to the penalties imposed by the Andover Municipal Code for misdemeanors. Each subsequent violation of the same provision shall constitute a misdemeanor of the fourth degree. Each day the violation continues shall constitute a separate offense.

2. A person violating any provision of this ordinance shall become liable to the Village for any expense, loss, or damage suffered by the Village by reason of such violation, including reasonable attorney fees, whether or not said person may have been prosecuted for a criminal violation of the provisions of this ordinance.
3. No provision of this ordinance shall prevent the Village from taking such other lawful civil action as is necessary to prevent, enjoin, or remedy a violation of this ordinance, and the Village may recover its costs and expenses incurred in such an action, including reasonable attorney fees. No provision of this ordinance, however, shall require the Village to take said civil action.
4. A violation of this ordinance which also constitutes a violation of a local, state, or federal law, rule, or regulation (including without limitation all applicable regulations imposed by the Ashtabula County Building Department and the Ashtabula County Health Department) shall also subject the violator to the penalties imposed by said law, rule, or regulation in addition to the penalties imposed by this ordinance.

SECTION 315 ZONING FEES AND EXPENSES

(Renumbered 8/21/06)

The Village Council shall by ordinance establish a schedule of fees and expenses for the filing of applications for zoning permits, occupancy permits, amendments, appeals, variances, conditional uses, P.U.D. approvals, and other matters pertaining to the administration and enforcement of this ordinance. The schedule of fees and expenses so established may be altered, amended, or waived only by the Village Council. No action shall be taken on any application or appeal until all applicable fees and expenses have been paid in full.

ARTICLE 4

NON-CONFORMITIES

SECTION 400 INTENT

Within the districts established by this ordinance or amendments that may later be adopted, there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted, under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded, or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 401 INCOMPATIBILITY OF NON-CONFORMITIES

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

SECTION 402 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

SECTION 403 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous

frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 9 and 10 of this ordinance other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Article 5.

SECTION 404 NON-CONFORMING LOTS OF RECORD IN COMBINATION

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

SECTION 405 NON-CONFORMING USES OF LAND

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulation imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided all of the following criteria are met:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
3. If any such non-conforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

SECTION 406 NON-CONFORMING BUILDINGS OR OTHER STRUCTURES

Where a building or other structure (except a sign, which shall be governed by Article 12) exists that has previously been lawful, but could not be erected after the effective date of this ordinance because of restrictions on area, lot coverage, height, yards, its location on the lot,

bulk, or other requirements of this ordinance, said building or other structure may continue to be used so long as it remains otherwise lawful, subject to the following requirements:

1. Said non-conforming building or other structure may be enlarged or altered in a manner which maintains or increases its non-conformity by no more than 25% of its original usable floor area. Said building or other structure or portion thereof may be altered in accordance with this ordinance to decrease its non-conformity.
2. If said non-conforming building or other structure or non-conforming portion of same is destroyed by any means, it may be reconstructed despite the non-conformity if at least 25% of the original structure is usable as determined by a certified State Building Inspector or the State Fire Marshall.
3. If said non-conforming building or other structure is moved for any reason for any distance, it shall thereafter comply with the regulations imposed by this ordinance for the district in which it is located after it is moved.

SECTION 407 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

If a lawful use involving individual structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located or as allowed in §406.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building except as allowed in §406.
3. If no structural alterations are made, other than those allowed in §406, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance.
4. Any structure, or structure and land in combination, in or on which non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure or structure and land in combination shall

not thereafter be used except in conformity with the regulations of the district in which it is located.

6. Where a non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land, except as provided for in §406.

SECTION 408 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased except as provided for in §406. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 409 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE 5

ADMINISTRATION

SECTION 500 OFFICE OF ZONING INSPECTOR CREATED

A Zoning Inspector appointed by the Mayor shall administer and enforce this ordinance. The Zoning Inspector may be assisted by such other persons as the Mayor may direct.

SECTION 501 DUTIES OF ZONING INSPECTOR (Revised 4/8/14)

The Zoning Inspector shall have the duties imposed and powers granted by this ordinance as are necessary to administer and enforce same. The Zoning Inspector shall conduct periodic routine inspections of lots in the Village to determine compliance with this ordinance. The inspections shall be conducted during regular business hours and shall involve violations that are in plain sight, without requiring the Zoning Inspector to enter private property to view same. If further investigation is merited, a search warrant shall be obtained.

SECTION 502 PLANNING COMMISSION CREATED

1. The Planning Commission is hereby established pursuant to ORC §713.01.
2. The Planning Commission shall be comprised of 5 members: the Mayor, one (1) Councilmember (elected by the Village Council to serve for the remainder of the Councilmember's term on the Village Council), and 3 residents of the Village appointed by the Mayor.
3. After the effective date of this ordinance, the Councilmember representative shall be elected and the 3 residents of the Village shall be appointed to terms that will expire on 31 December of this year, 2 years from this year, and 4 years from this year. Thereafter, each village resident member shall be appointed for a term of 6 years and until a successor is duly appointed.
4. A member may be appointed to any number of terms, whether or not said terms are consecutive.
5. At the first meeting of the Planning Commission held each year, the members shall elect one of themselves as the chair of the commission, who shall preside over the meetings of the commission.
6. If the chair resigns, is removed, or is otherwise unable to continue to perform the chair's duties, the members shall elect a replacement chair to serve for the remainder of the year.
7. The Village Council shall appoint a person to serve as the secretary of the Planning Commission, who shall keep minutes of the commission's meetings, showing the attendance of the members, the vote (or abstention) of each member upon each question

- presented, and all other official actions taken by the commission.
8. The minutes of the Planning Commission's meetings shall constitute public records. The minutes shall be signed by the chair and the secretary and filed with the Zoning Inspector immediately after they have been approved by the commission.
 9. If the secretary resigns, is removed, or is otherwise unable to continue to perform the secretary's duties, the Village Council shall appoint a replacement secretary.
 10. Meetings of the Planning Commission shall be held periodically at such times, dates, and places as determined by the chair or any 3 of the members, or as required by this ordinance.
 11. The conduct of the meetings of the Planning Commission shall be governed by the rules and regulations adopted by the Village Council for its own meetings.
 12. The Planning Commission may adopt such additional rules and regulations, which are not inconsistent with those adopted by the Village Council, for the conduct of its affairs in accordance with the provisions of this ordinance.
 13. All meetings of the Planning Commission shall be subject to the provisions of ORC §121.22 ("the Ohio sunshine law").
 14. A resignation by a member shall take effect upon its receipt by the Mayor or the Village Clerk-Treasurer unless some other date is specified therein.
 15. Any of the 3 residents of the Village appointed by the Mayor may be removed from the Planning Commission by the Village Council for cause, upon written charges and after being given the opportunity for a hearing to refute said charges.
 16. In case of a vacancy on the Planning Commission, the Mayor shall appoint a successor to hold office for the unexpired portion of the term so vacant.
 17. All expenditures made for the purposes stated in this ordinance shall be made by the Village Council from funds appropriated for said purposes, and shall not be made by the Planning Commission itself.

SECTION 503 DUTIES OF PLANNING COMMISSION

The Planning Commission shall have the following duties imposed and powers granted by this ordinance:

1. Review all proposed amendments to this ordinance and make recommendations to the Village Council regarding same, as provided in Article 6.
2. Recommend proposed amendments to this ordinance, as provided in Article 6.
3. Review all Planned Unit Developments and make recommendations to the Village Council regarding same, as provided in Article 13.

SECTION 504 BOARD OF ZONING APPEALS CREATED

1. The Board of Zoning Appeals is hereby established.
2. The Board of Zoning Appeals shall be comprised of 5 members who are residents of the Village appointed by the Mayor.

3. After the effective date of this ordinance, 5 members shall be appointed to terms that will expire on 31 December of this year and each year for the following 4 years. Thereafter, each member shall be appointed for a term of 5 years and until a successor is duly appointed.
4. A member may be appointed to any number of terms, whether or not said terms are consecutive.
5. At the first meeting of the Board of Zoning Appeals held each year, the members shall elect one of themselves as the chair of the board, who shall preside over the meetings of the board.
6. If the chair resigns, is removed, or is otherwise unable to continue to perform the chair's duties, the members shall elect a replacement chair to serve for the remainder of the year.
7. The chair, or the acting chair in the chair's absence, may administer oaths and compel the attendance of witnesses at the proceedings of the Board of Zoning Appeals.
8. At the first meeting of the Board of Zoning Appeals held each year, the members shall elect one of themselves as the secretary, who shall keep minutes of the board's meetings, showing the attendance of the members, the vote (or abstention) of each member upon each question presented, and all other official actions taken by the board.
9. The minutes of the Board of Zoning Appeals' meetings shall constitute public records. The minutes shall be signed by the chair and the secretary and filed with the Zoning Inspector immediately after they have been approved by the board.
10. If the secretary resigns, is removed, or is otherwise unable to continue to perform the secretary's duties, the members shall elect a replacement secretary to serve for the remainder of the year.
11. Meetings of the Board of Zoning Appeals shall be held periodically at such times, dates, and places as determined by the chair or any 3 of the members, or as required by this ordinance.
12. The conduct of the meetings of the Board of Zoning Appeals shall be governed by the rules and regulations adopted by the Village Council for its own meetings.
13. The Board of Zoning Appeals may adopt such additional rules and regulations, which are not inconsistent with those adopted by the Village Council, for the conduct of its affairs in accordance with the provisions of this ordinance.
14. All meetings of the Board of Zoning Appeals shall be subject to the provisions of ORC §121.22 ("the Ohio sunshine law").
15. A resignation by a member shall take effect upon its receipt by the Mayor or the Village Clerk-Treasurer unless some other date is specified therein.
16. A member may be removed from the Board of Zoning Appeals by the Village Council for cause, upon written charges and after being given the opportunity for a hearing to refute said charges.
17. In case of a vacancy on the Board of Zoning Appeals, the Mayor shall appoint a successor to hold office for the unexpired portion of the term so vacant.
18. All expenditures made for the purposes stated in this ordinance shall be made by the

Village Council from funds appropriated for said purposes, and shall not be made by the Board of Zoning Appeals itself.

SECTION 505 DUTIES OF BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following duties imposed and powers granted by this ordinance:

1. Hear and decide an appeal from a decision of the Zoning Inspector.
2. Authorize a variance from the terms of this ordinance.
3. Grant a conditional use.

SECTION 506 APPEALS FROM THE DECISION OF THE ZONING INSPECTOR

All questions of interpretation and enforcement of this ordinance shall be first presented to the Zoning Inspector. Said questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector where it is alleged that the Zoning Inspector made an error in any order, requirement, decision, interpretation, or determination (except for any zoning permit application that does not meet the prima facie requirements of this ordinance and would require a ruling by the Board of Zoning Appeals for the issuance of a zoning permit). The Village Council's only duties pursuant to the provisions of this ordinance shall be to consider proposed amendments to or the repeal of this ordinance, to establish by motion the forms of the documents to be used to administer and enforce this ordinance, and to establish a schedule of fees and expenses in accordance with §314. The Village Council shall not hear or decide questions of interpretation and enforcement of this ordinance.

SECTION 507 CONTENTS OF APPEAL

A decision of the Zoning Inspector may be appealed to the Board of Zoning Appeals by any interested person (including an official or employee of the Village) within 30 days after the date of the Zoning Inspector's decision. The appeal shall be signed by the appellant, attesting to the truth and accuracy of all the information supplied in the appeal, and shall be filed with the Zoning Inspector. The appeal shall contain the following information:

1. A copy of the zoning permit application or the occupancy permit application which the Zoning Inspector denied. (If no application was denied, the appeal shall include the name, address, telephone number, and status of the appellant, and the same information pertaining to the owner of the subject lot if the owner is not the appellant.)
2. A copy of the Zoning Inspector's decision.
3. A statement discussing the reasons for the appellant's disagreement with the Zoning Inspector's decision.
4. A list of all persons (and their tax mailing addresses as contained in the Ashtabula County tax duplicate) whose property is the subject of the Zoning Inspector's decision, whose property is contiguous to and across the street from the subject lot, and who may

- have a substantial interest in or be substantially affected by the appeal of said decision.
5. A list all witnesses and their addresses that the appellant expects to call to testify at the hearing on the appeal.

The Zoning Inspector shall forward a copy of the appeal and any other documents pertinent to the appeal to each member of the Board of Zoning Appeals immediately upon receipt of same.

SECTION 508 STAY OF PROCEEDINGS

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals that, by reason of facts stated in the appeal, a stay would cause imminent peril to life and property, in the Zoning Inspector's opinion. In such a case, proceedings shall not be stayed other than by a restraining order granted by a court of competent jurisdiction on application, on notice to the Zoning Inspector, and for good cause shown.

SECTION 509 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

The Board of Zoning Appeals, in deciding an appeal, shall not allow a use prohibited by this ordinance in the district involved. In deciding an appeal, the Board of Zoning Appeals may prescribe certain appropriate conditions and safeguards in compliance with this ordinance. A violation of any of said conditions and safeguards, when made a part of the terms under which the appeal is decided, shall be deemed a violation of this ordinance.

SECTION 510 VARIANCES

(Revised 8/21/06)

The Board of Zoning Appeals may authorize a variance from the provisions of this ordinance as will not be contrary to the public interest, so that the spirit of this ordinance shall be observed and substantial justice done.

SECTION 511 CONTENTS OF VARIANCE APPLICATION

A variance application shall contain the following information:

1. Description of the nature of the variance requested.
2. A statement discussing how the requested variance conforms to the following standards:
 - a. Special conditions and circumstances exist which are peculiar to the lot, building, or other structure involved which are not applicable to other lots, buildings, or other structures in the district.
 - b. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lots, buildings, or other structures in the same district pursuant to the provisions of this ordinance.
 - c. Said special conditions and circumstances do not result from the actions of the applicant.

- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lots, buildings, or other structures in the same district.
- 3. A list of all persons (and their tax mailing addresses as contained in the Ashtabula County tax duplicate) whose property is the subject of the application, whose property is contiguous to and across the street from the subject lot, and who may have a substantial interest in or be substantially affected by the variance.
- 4. A list all witnesses and their addresses that the applicant expects to call to testify at the hearing on the application.

The Zoning Inspector shall forward a copy of the variance application and any other documents pertinent to the application to each member of the Board of Zoning Appeals immediately upon receipt of same.

SECTION 512 STANDARDS FOR VARIANCES

(Added 8/21/06)

No variance shall be granted by the Board of Zoning Appeals unless it considers all the following standards and makes the following determinations:

- 1. Area Variance. Where the applicant requests a variance involving provisions relating to yard dimensions, setback, height, or similar or dimensional requirements ("an area variance"), the following standards shall be considered in determining whether the grant of a variance is warranted to afford relief from practical difficulties:
 - a. Whether the lot in question will yield a reasonable return and whether there can be any beneficial use of the lot without the variance.
 - b. Whether the variance is substantial.
 - c. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
 - d. Whether the variance will adversely affect the delivery of governmental services.
 - e. Whether the property owner purchased the lot with knowledge of the zoning restriction.
 - f. Whether the lot owner's needs can be addressed through some method other than a variance.
 - g. Whether the spirit and intent of this ordinance will be observed and substantial justice done by granting the variance.
 - h. Whether the lot in question has unique or exceptional circumstances or conditions that do not generally apply to other lots in the vicinity and within the same district.
- 2. Use Variance. Where the applicant requests a variance for the approval of a use which is not permitted in the district ("a use variance"), the following standards shall be considered in determining whether the grant of a variance is warranted to afford relief from an unnecessary hardship:
 - a. Whether uses permitted in the district may be reasonably established on the lot and whether they are economically viable on the lot in question without the variance.

- b. Whether the variance is the minimum variance which will afford relief to the lot owner.
 - c. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
 - d. Whether the lot in question has unique or exceptional circumstances or conditions that do not generally apply to other lots in the vicinity and within the same district.
 - e. Whether the hardship condition was created by actions of the applicant.
 - f. Whether the spirit and intent of this ordinance will be observed and substantial justice done by granting the variance.
 - g. Whether the use requested is similar in character to the permitted uses in the subject district.
 - h. Whether the subject lot is adequate to meet the needs and requirements of the proposed use.
3. No non-conforming use of neighboring lots, buildings, or other structures in the same district, and no permitted or non-conforming uses of lots, buildings, or other structures in other districts, shall be considered as grounds for the issuance of a variance.
 4. No variance shall be granted on the grounds of convenience or profit.

SECTION 513 *CONDITIONAL USES GENERALLY*

(Revised 8/21/06)

The number of new kinds of uses increases annually, which uses may not be addressed by the Schedule of Uses contained in this ordinance. The purpose of this article is to establish standards and procedures for review of uses which have the potential to be compatible with the districts in which they are proposed, due to the nature of their operation, appearance, or other characteristics, require individual review and control of their location, design, intensity, configuration, and impacts upon the district and the community in order to ensure such compatibility and preservation of the district and community.

1. No conditional use shall be approved by the Board of Zoning Appeals unless it considers all the standards contained in, and makes the determinations required by, §§516 and 517.
2. No conditional use shall be approved by the Board of Zoning Appeals to allow a use prohibited by this ordinance in the district involved unless it determines that the proposed use has new and different aspects that modify the original intent of this ordinance in prohibiting said use.
3. A use not listed in the Schedule of Uses, or an old use with new and different aspects, may be permitted by the Board of Zoning Appeals subject to certain conditions imposed upon said use.
4. A use listed in the Schedule of Uses as a conditional use shall not be permitted by right. The identification of a use as a conditional use in a district shall not establish or imply any rights for approval of the use on any lot, nor shall the approval of a conditional use on one lot establish or imply any rights for approval of the same use on any other lot.

Listing as a conditional use shall afford the opportunity to submit an application for a conditional use permit, which may be approved or denied on the basis of the provisions of this ordinance.

5. When a use is listed in the Schedule of Uses as a conditional use for a district, the conditional use of land, building, or structure shall not be established until a conditional use application is reviewed and approved by the Board of Zoning Appeals and a conditional use permit is issued by the Zoning Inspector.

SECTION 514 CONTENTS OF CONDITIONAL USE APPLICATION

(Revised 8/21/06)

A conditional use application shall contain the following information:

1. 2 copies of plans drawn to a scale acceptable to the Zoning Inspector shall be submitted with the application which shall contain the following current information:
 - a. Property lines.
 - b. Dimensions of the subject lot.
 - c. Dimensions (including height) and location of all existing buildings and other structures located on the subject lot.
 - d. Uses of the subject lot and all adjacent lots.
 - e. Zoning district of the subject lot and all adjacent lots.
 - f. Thoroughfares and access points to same from the subject lot.
 - g. Location, number, and dimensions of off-street parking spaces and loading spaces on the subject lot.
 - h. Location and number of dwelling units in each building on the subject lot.
 - i. Location, number, dimensions (including height), and nature of all signs on the subject lot.
 - j. All proposed changes.
2. Description of the nature of the conditional use requested, including the goods and services to be sold or provided, hours of operation, anticipated number of employees, nature and volume of delivery activity, characteristics of vehicular and pedestrian traffic, and other information which explains the nature of the proposed use and its potential impact.
3. A statement discussing the compatibility of the proposed use with the existing and permitted uses of adjacent properties and with any plans adopted by the Village, including an evaluation of the effects on adjacent properties of such elements as vehicular and pedestrian traffic circulation, offensive noise, vibration, dust, heat, smoke, odor, fumes, glare, storm water, or other potentially objectionable influences.
4. A statement addressing each of the applicable criteria set forth in §516 and, as applicable, §517.
5. A list of all persons (and their tax mailing addresses as contained in the Ashtabula County tax duplicate) whose property is the subject of the application, whose property is contiguous to and across the street from the subject lot, and who may have a

- substantial interest in or be substantially affected by the conditional use.
6. A list all witnesses and their addresses that the applicant expects to call to testify at the hearing on the application.
 7. The expected expiration date of the conditional use (if any).

Upon review of the application, the Board of Zoning Appeals may determine that additional information is necessary to make a determination of the compliance of the proposed use with the provisions of this ordinance. The board may determine that additional studies or expert advice are necessary to evaluate a proposed conditional use and shall advise the applicant if said studies or advice are required. The board may accept studies prepared by qualified professionals engaged by the applicant or may require the applicant to deposit with the Village funds as required to pay for studies prepared by qualified professionals engaged by the Village. The Zoning Inspector shall forward a copy of the conditional use application and any other documents pertinent to the application to each member of the Board of Zoning Appeals immediately upon receipt of same.

**SECTION 515 ISSUANCE, EXPIRATION, REVOCATION, TRANSFER OF
CONDITIONAL USE PERMIT** (Added 8/21/06)

1. A conditional use permit is personal to the applicant and is not transferable.
2. A conditional use permit shall expire when ownership of the subject lot is transferred to any new owner.
3. If the work described in the conditional use permit has not begun within one year from the date of the permit, the permit shall automatically expire. If the work described in the conditional use permit has not been substantially completed within 2 years of the date of the permit, the permit shall automatically expire. The Zoning Inspector shall give written notice of the expiration to the persons affected. The notice shall state that further work as described in the expired permit shall not proceed unless and until a new conditional use permit has been obtained or an extension granted. A single such extension of the conditional use permit, not to exceed 6 months, may be granted by the Board of Zoning Appeals after written request by the applicant.
4. A conditional use permit shall automatically expire on the expiration date specified in the conditional use application or on the date specified in the conditional use permit, whichever occurs first. A conditional use permit shall automatically expire if the conditional use is discontinued or abandoned for more than 2 years.
5. A conditional use permit may be amended pursuant to the same procedures as required for a new permit.
6. A conditional use permit may be revoked by the Board of Zoning Appeals if it determines after notice and a hearing that the lot is not being used in the manner approved by the board when the permit was issued or for noncompliance with the conditions imposed on the use by the board.

SECTION 516 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

(Revised 8/21/06)

In considering an application for a conditional use permit, the Board of Zoning Appeals shall determine that the proposed use shall comply with the general standards in this section and the specific standards in §517 pertinent to each use indicated therein. The board may also recommend such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this ordinance are observed. No conditional use shall be granted by the board unless it reviews the particular facts and circumstances of the proposed use and determines that the proposed use shall comply with all the following standards:

1. The use shall be harmonious with and in accordance with the general objectives or with any specific objective of the Village plans and this ordinance.
2. The applicable structure shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and the use shall not change the essential character of same.
3. The use shall not be hazardous or disturbing to existing or future neighboring uses.
4. The use shall not be detrimental to property in the immediate vicinity or to the community as a whole.
5. The lot shall be served adequately by essential public facilities and services such as roads, police and fire protection, drainage structures, refuse disposal, and schools, or the appropriate persons or agencies responsible for the establishment of said facilities and services shall be able to adequately provide same if the conditional use permit is granted.
6. Vehicular and pedestrian traffic approaches to the lot shall be so designed as not to create an interference with such traffic on surrounding public roads and sidewalks.
7. The structure and lot shall not have exterior lighting or audio equipment which is incompatible with the uses of the district.

SECTION 517 STANDARDS FOR SPECIFIC CONDITIONAL USES

(Revised 8/21/06)

In addition to the standards for all conditional uses stated in §516, the following standards shall apply to the specified conditional uses:

1. Home Occupation. It is the intent of this section to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings. No home occupation shall be permitted as a conditional use unless it shall comply with all the following standards:
 - a. A home occupation shall be clearly incidental and subordinate to the use of the lot and structure as a dwelling.
 - b. A home occupation shall be owned and conducted only by persons residing in the dwelling. No person who is not a resident of the dwelling may participate in the

- home occupation as an employee or volunteer.
- c. The external appearance of the dwelling shall not be altered, except for no more than one sign, with a sign area not to exceed 2 square feet, which shall be mounted flush to a wall of the dwelling. No free-standing signs shall be permitted that pertain to the use.
 - d. Sales of products not produced on the premises may be permitted, provided that the products are reasonably related to the home occupation.
 - e. No more than 2 additional parking spaces may be created in conjunction with the home occupation, and they shall not be located in a required front yard.
 - f. No more than 25% of the floor area of the dwelling shall be used in the conduct of the home occupation. The total of all floor area used for the home occupation, including the dwelling, basement, and attached garage, shall not exceed 800 square feet. Floor area of an attached garage may be used by the home occupation if the occupation does not occupy parking spaces required for the dwelling by this ordinance.
 - g. A home occupation, including any storage of materials or equipment related thereto, shall be carried on entirely within the dwelling. No activity, material, goods, or equipment indicative of the occupation shall be visible from any public right-of-way or adjacent property. A home occupation shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted on another lot.
 - h. No exterior alteration of the dwelling shall be permitted which is inconsistent or incompatible with the normal scale, orientation, or appearance of typical dwellings in the neighborhood.
 - i. The proposed use shall not create dangers to the health and safety of the neighbors, or generate noise, odor, fumes, smoke, or vehicular or pedestrian traffic, or other disturbance or nuisance in an amount which would tend detract from the residential character of the neighborhood in which the proposed use is located or which exceeds that impact normally generated by a dwelling.
 - j. No more than one passenger car or other motor vehicle, designed to carry a load of no more than one ton and used in the conduct of the business, shall be parked on the lot. Said vehicle shall be parked in a garage or on a paved exterior parking area on the lot. Other equipment, including trailers, shall be stored in a garage which is part of the dwelling or in an approved accessory structure. No vehicle used in the conduct of the home occupation or by any permitted visitor to the home occupation shall be parked on the public road for a period greater than 15 minutes in any one hour.
 - k. No home occupation shall have more than one customer to the lot during any 1/2 hour period.
 - l. A conditional use granted for a home occupation shall automatically expire if the person to whom the use is granted no longer resides at the subject dwelling.
2. Similar Uses.

- a. The determination as to whether a use is similar to uses permitted by right shall be considered as an interpretation of the use regulations of the district and not as a variance.
 - b. An application for a permit for a building or use not specifically listed in a district shall be submitted to the Zoning Inspector who shall make a recommendation to the Board of Zoning Appeals, which shall take action to either approve, approve with amendments, or deny the recommendation. The board shall consider the following standards in making its decision:
 - i. Whether the use is listed in any other district.
 - ii. Whether the use is more appropriate and conforms to the basic characteristics of the district in which it is proposed than to any other district.
 - iii. Whether the use creates dangers to health and safety, or creates offensive noise, vibration, dust, heat, smoke, odor, fumes, glare, storm water, or other potentially objectionable influences to an extent greater than normally resulting from other uses listed in the district in which it is proposed.
 - iv. Such use does not create vehicular or pedestrian traffic to an extent greater than the other uses listed in district in which it is proposed.
3. Type A Family Day Care Home.
- a. The applicant shall comply with all applicable licensing requirements of the State of Ohio
 - b. Curb cuts, parking, drop-off, and pick-up areas shall be designed to accommodate peak vehicular traffic at the facility in a safe and efficient manner without causing obstruction of the public road. Parking shall not be permitted on the public road for purposes of the proposed use.
 - c. The lot shall provide sufficient fenced outdoor space for outdoor recreation for the children, located in such a manner as to maintain a safe environment for the children and to minimize disturbance to adjacent residential areas.
4. Wireless Telecommunication Facilities.
- a. Purpose. This section regulates the placement, construction, and modification of wireless telecommunication facilities in order to protect the public health, safety and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace within the Village. Specifically, the purposes of this section are to:
 - i. Direct the location of various types of wireless telecommunication facilities into appropriate areas of the Village.
 - ii. Protect residential areas and land uses from potential adverse impacts of wireless telecommunication facilities.
 - iii. Minimize adverse visual impacts of wireless telecommunication facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
 - iv. Promote and encourage shared use/co-location of wireless telecommunication facilities as a primary option rather than construction of additional single use

- facilities.
- v. Avoid potential damage to adjacent properties caused by wireless telecommunication facilities by requiring the structures to be soundly designed, constructed, and modified, appropriately maintained, and fully removed when no longer used.
 - vi. Make the wireless telecommunication facilities compatible with surrounding land uses, to the greatest extent feasible.
 - vii. Design the wireless telecommunication facilities to be in harmony with natural settings and to be consistent with current development patterns, to the greatest extent feasible.
- b. Applicability. All wireless telecommunication facilities, any portion of which are located within the Village, shall be subject to this ordinance.
- c. Standards.
- i. Location.
 - (1) In the Industrial District, wireless telecommunication facilities shall not extend more than 20 feet above the maximum height limitations contained in the Official Schedule of District Regulations.
 - (2) In any district other than the Industrial District, wireless telecommunication facilities shall only be installed in or on an existing structure but not extending more than 20 feet above the structure.
 - ii. Construction. All wireless telecommunication facilities shall be certified to be structurally sound by an engineer licensed in the State of Ohio and, at a minimum, to conform to the Ohio Basic Building Code.
 - iii. Color and Appearance. All wireless telecommunication facilities shall be painted a non-contrasting gray or similar color to minimize visibility, unless otherwise required by the federal or state agency having jurisdiction over wireless telecommunication facilities.
 - iv. Advertising Prohibited. No advertising shall be placed anywhere upon or attached to the wireless telecommunication facilities.
 - v. Security Enclosure Required. All wireless telecommunication facilities shall be enclosed as required in the conditional use permit. Emergency personnel and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof is secure.
 - vi. Existing Vegetation and Buffer Plantings. Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as required in the conditional use permit. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.
 - vii. Access Control and Emergency Contact. "No Trespassing" signs shall be posted around the wireless telecommunication facilities, along with a telephone number of the owner or operator of the facilities to contact in the event of an emergency.

- viii. Accessory Building. If the applicant proposes to locate equipment in a separate structure, not located in or attached to the primary building, the structure shall comply with the accessory building regulations of the district.
- ix. Lighting Restricted. Illumination of wireless telecommunication facilities shall comply with requirements of the federal or state agency having jurisdiction, and as required by the Board of Zoning Appeals for purposes of security.
- d. Co-Location. All wireless telecommunication facilities shall be subject to the following co-location requirements.
 - i. No wireless telecommunication facilities shall be constructed in the Village unless the facilities are capable of accommodating at least one additional wireless telecommunication facility owned by another person or company.
 - ii. A conditional use permit shall be issued for wireless telecommunication facilities only if there is no technically suitable space reasonably available on an existing tower or structure within the geographic area to be served. With the conditional use permit application, the applicant shall list the location of all wireless telecommunication facilities within a reasonable proximity that could support the proposed facility. The applicant must demonstrate that a technically suitable co-location is not reasonably available within such area. If wireless communication facilities owned by another party within such area are technically suitable, applicant must show that an offer was made to the owner of such facilities to co-locate, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other facilities shall be presumed to be reasonably available.
- e. Abandonment.
 - i. An owner of wireless telecommunication facilities shall give at least 30 days' notice to the Zoning Inspector when the owner determines to discontinue use of the facilities and the date the use will cease.
 - ii. If the use of the facilities is discontinued for 180 consecutive days, the Zoning Inspector shall give notice to the owner to either reactivate use of the facilities within 180 days, or dismantle and remove the facilities. Said period excludes any dormancy period between construction and the initial use of the facilities.
 - iii. If the owner does not dismantle and remove the facilities by said deadline, the Village may remove the facilities and assess the owner the cost of said removal.
 - iv. The owner may request a hearing before the Board of Zoning Appeals to extend said deadline. Said hearing shall be held in compliance with the procedures specified in this ordinance.
- f. Application Supplement. In addition to the information required for a conditional use permit application, the following documents shall be provided for wireless telecommunication facilities:
 - i. Plot Plan. The plot plan shall indicate all buildings and land uses within 400 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

- ii. Technical Necessity. The applicant shall demonstrate that the wireless telecommunication facilities must be located where proposed in order to provide adequate coverage to the applicant's service area, including an explanation of why the proposed site is technically necessary. The technical necessity shall be supported by the report of a radio frequency engineer.
- iii. Site Landscaping Plan. The applicant shall submit a site landscaping plan showing the following:
 - (1) Placement of the wireless telecommunication facilities on the site.
 - (2) The location of existing structures, trees, and other significant site features.
 - (3) Type and locations of plant materials used to screen the facilities.
 - (4) The proposed color of the facilities.
- iv. Co-Location and Removal Agreement. The applicant shall present signed statements indicating that:
 - (1) The applicant agrees to allow for the potential co-location of additional wireless telecommunication facilities by at least one other provider on the applicant's structure or within the same site location.
 - (2) The applicant agrees to remove the facilities within 180 days after the use is discontinued, or said facilities shall be removed by the Village at the owner's cost.

SECTION 518 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

(Revised 8/21/06)

In granting a conditional use, the Board of Zoning Appeals may prescribe certain appropriate supplementary conditions and safeguards in compliance with this ordinance. A violation of any of said conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance.

SECTION 519 PUBLIC HEARING AND BURDEN OF PROOF

(Revised 8/21/06)

1. Upon receipt of an appeal, a variance application, or a conditional use application, the chair of the Board of Zoning Appeals shall schedule a public hearing of the board to consider the appeal or application. Said hearing shall be held no less than 10 nor more than 45 days after the filing of the appeal or application.
2. The burden of proof at the hearing shall at all times rest with the appellant or applicant. The appellant or applicant shall demonstrate by a preponderance of the evidence the grounds for the appeal, or that all standards and conditions imposed by this ordinance have been fully satisfied. If said burden of proof is not met, the appeal or application shall be denied by the Board of Zoning Appeals.

SECTION 520 NOTICE TO ALL PARTIES IN INTEREST

Notice of said public hearing of the Board of Zoning Appeals shall be given by the Zoning Inspector to the appellant or applicant, to all persons whose property is the subject of the appeal or application, to all persons whose property is contiguous to and across the street from the subject lot, and to all other persons who may have a substantial interest in or be substantially affected by the appeal, the variance, or the conditional use, at least 10 days before the hearing date. Said notice shall specify the date, time, and place of the hearing and give a brief description of the nature of the appeal filed, the variance sought, or the conditional use sought. Failure of service of any of said notices shall not invalidate any decision made by the Board of Zoning Appeals.

SECTION 521 PUBLICATION NOTICE

Notice of said public hearing shall be published one (1) time by the Zoning Inspector at least 10 days before the hearing date in the newspaper used by the Village Clerk-Treasurer to publish the enactment of legislation by the Village Council. Said publication notice shall specify the date, time, and place of the hearing and give a brief description of the nature of the appeal filed, the variance sought, or the conditional use sought.

SECTION 522 HEARING PROCEDURES

The hearing shall comply with the requirements imposed by ORC Chapter 2506. The appellant, applicant, or any interested party may appear in person and by counsel at said hearing, examine all witnesses, and present grounds to support the appeal or application, or to oppose same. All testimony adduced at the hearing shall be given under oath, and shall pertain to relevant facts. General testimony concerning opinions and feelings about a matter before the Board of Zoning Appeals shall not constitute reliable, probative evidence for the Board of Zoning Appeals to consider. If the appellant, applicant, or any interested party wishes to have a stenographic record made of said hearing, the appellant, applicant, or interested party shall arrange for and pay the costs of same. The hearing may be adjourned from time to time to another date, time, and place by a majority vote of the Board of Zoning Appeals members present at the hearing (even if a quorum is not present at said hearing) without further notice other than by announcement at the hearing at which such adjournment is taken.

SECTION 523 ACTION ON APPEAL, VARIANCE APPLICATION, OR CONDITIONAL USE APPLICATION

The Board of Zoning Appeals shall render a decision within 30 days after concluding its hearing. The deadline may be extended by mutual agreement between the appellant or applicant and the Board of Zoning Appeals. At a minimum, the board's decision shall:

1. Be in writing, signed by the chair, and shall contain the date it is mailed to the appellant or the applicant.
2. Contain the case number, the name of the appellant or applicant, and a brief description

- of the matter before the board.
3. Specify the findings of fact upon which the decision is based.
 4. Contain a clear pronouncement of the board's decision, the board's vote on said decision, and a statement that it is a final decision, subject to appeal as provided in § 524.

Immediately after said decision is made, the Zoning Inspector shall send a signed copy of the board's decision to the appellant or applicant in the same manner as notice is to be given pursuant to the provisions of this ordinance.

1. For an appeal of the Zoning Inspector's decision, the Board of Zoning Appeals shall either affirm the Zoning Inspector's decision, affirm it but impose supplementary conditions and safeguards as authorized by §509, or overrule the decision. Any decision other than one to affirm the Zoning Inspector's decision without imposing supplementary conditions and safeguards shall require a vote of not less than a majority of all the members of the Board of Zoning Appeals.
2. For a variance application, the Board of Zoning Appeals shall either grant the application, grant it but impose supplementary conditions and safeguards as authorized by §512, or deny the application. If a variance is granted, the decision shall also contain a finding that the standards imposed by paragraph 2 of §511 have been met by the applicant and that the reasons set forth in the application justify granting the variance to make possible a reasonable use of the lot, building, or other structure. Any decision other than one to deny the variance shall require a vote of not less than a majority of all the members of the Board of Zoning Appeals.
3. For a conditional use application, the Board of Zoning Appeals shall either grant the application, grant it but impose supplementary conditions and safeguards as authorized by §515, or deny the application. If a conditional use is granted, the decision shall also contain a finding that the general standards and specific criteria imposed by §§516 and 517 have been met by the applicant and that the reasons set forth in the application justify granting the conditional use to make possible a reasonable use of the lot, building, or other structure. Any decision other than one to deny the conditional use shall require a vote of not less than a majority of all the members of the Board of Zoning Appeals.

SECTION 524 APPEAL TO THE COMMON PLEAS COURT (Revised 8/21/06)

1. The decision of the Board of Zoning Appeals may be appealed to the Ashtabula County Common Pleas Court pursuant to ORC Chapter 2506. Said appeal must be filed within 30 days of the date of the decision of the Board of Zoning Appeals.
2. Said appeal may be filed by the appellant or applicant, or by the village of so authorized by a resolution of the Andover Village Council. An appeal by the village may be filed only on the grounds that the appellant or applicant did not meet the burden of proof established by this ordinance.

SECTION 525 RESUBMISSION OF APPLICATION

(Added 8/21/06)

No application for a variance or a conditional use permit which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted for the board's consideration within 2 years from the date of the board's decision, except on the grounds of newly discovered evidence or changed conditions which would be sufficient to justify reconsideration by the board.

ARTICLE 6

AMENDMENT

SECTION 600 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This ordinance may be amended utilizing the procedures specified in this Article.

SECTION 601 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property.

SECTION 602 INITIATION OF ZONING ORDINANCE AMENDMENT

An amendment to this ordinance shall be initiated as follows:

1. By zoning ordinance amendment application filed by an owner or tenant of property located within the area proposed to be changed or affected by said amendment;
2. By resolution of the Village Council; or
3. By recommendation initiated by the Planning Commission.

SECTION 603 CONTENTS OF ZONING ORDINANCE AMENDMENT APPLICATION OR RESOLUTION

A zoning ordinance amendment application shall contain the following information:

1. 2 copies of plans drawn to a scale acceptable to the Zoning Inspector shall be submitted with the application which shall contain the following current information:
 - a. Property lines.
 - b. Dimensions of the subject lot.
 - c. Dimensions (including height) and location of all existing buildings and other structures located on the subject lot.
 - d. Uses of the subject lot and all adjacent lots.
 - e. Zoning district of the subject lot and all adjacent lots.
 - f. Thoroughfares and access points to same from the subject lot.
 - g. Location, number, and dimensions of off-street parking spaces and loading spaces on the subject lot.
 - h. Location and number of dwelling units in each building on the subject lot.
 - i. Location, number, dimensions (including height), and nature of all signs on the subject lot.

- j. All proposed changes.
- 2. Proposed zoning district in which the subject lot is located.
- 3. A statement discussing the relationship of the proposed amendment to the comprehensive zoning plan of the Village.
- 4. A list of all persons (and their tax mailing addresses as contained in the Ashtabula County tax duplicate) whose property is the subject of the application, whose property is contiguous to and across the street from the subject lot, and who may have a substantial interest in or be substantially affected by the amendment. Addresses of persons whose property is contiguous to and across the street from the subject lot need not be included if more than 10 parcels of land are proposed to be affected by the amendment.
- 5. A list all witnesses and their addresses that the applicant expects to call to testify at the hearing on the application.
- 6. A proposed amending ordinance, approved as to form by the Village Solicitor, which shall contain the street address, legal description, and the Ashtabula County Treasurer's permanent parcel number(s) for the subject lot.

An application to amend the text only of this ordinance, which does not involve an amendment to the Official Zoning Map, or an amendment initiated by resolution of the Village Council, shall include only the information required by paragraphs 2, 3, 4, 5, and 6 of this section.

SECTION 604 TRANSMITTAL TO PLANNING COMMISSION

The Zoning Inspector shall forward a copy of the zoning ordinance amendment application or the resolution of the Village Council and any other documents pertinent to the application or resolution to each of the Planning Commissioners immediately upon receipt of same.

SECTION 605 SUBMISSION TO DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice of the proposed rezoning to the Director of Transportation. The Planning Commission may proceed as required by law, but the Village Council shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector or the Village that he shall proceed to acquire the land needed, then the Village Council shall deny the amendment. If the Director of Transportation notifies the Zoning Inspector or the Village that acquisition at this time is not in the public interest, or upon the expiration of the 120-day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall then proceed as required by law and by this ordinance.

SECTION 606 RECOMMENDATION BY PLANNING COMMISSION

Upon the receipt of a zoning ordinance amendment application or a resolution of the Village Council, the chair of the Planning Commission shall schedule a meeting of the commission to consider same and to make a recommendation to the Village Council. The Planning Commission shall make said recommendation within 60 days after the filing of the application or resolution. The Planning Commission shall either recommend that the amendment be adopted as proposed in the application or resolution, that the amendment be adopted but only as modified by the Planning Commission, or that the amendment be denied. The Planning Commission may also initiate its own recommendation for an amendment to this ordinance. The recommendation shall be in writing, signed by the chair, and shall include the findings of fact upon which the recommendation is based. Immediately after said recommendation is made, the Zoning Inspector shall send a signed copy of the recommendation to the applicant (if any) in the same manner as notice is to be given pursuant to the provisions of this ordinance, and the Zoning Inspector shall present the recommendation to the Village Council at its next regularly scheduled meeting.

SECTION 607 PUBLIC HEARING

Upon receipt of the Planning Commission's recommendation, the Village Council shall schedule a public hearing to consider the proposed amendment and the recommendation of the Planning Commission. Said hearing shall be held no less than 30 nor more than 60 days after the presentation by the Zoning Inspector of the Planning Commission's recommendation.

SECTION 608 NOTICE TO ALL PARTIES IN INTEREST

Notice of said public hearing of the Village Council shall be given by the Village Clerk-Treasurer to the applicant (if any), to all persons whose property is the subject of the proposed amendment, to all persons whose property is contiguous to and across the street from the subject lot, and to all other persons who may have a substantial interest in or be substantially affected by the proposed amendment, at least 30 days before the hearing date. Said notice shall specify the date, time, and place of the hearing and give a brief description of the nature of the proposed amendment. Notice need not be sent to persons whose property is contiguous to and across the street from the subject lot if more than 10 parcels of land are proposed to be affected by the amendment. Failure of service of any of said notices shall not invalidate any decision made by the Village Council.

SECTION 609 PUBLICATION NOTICE

(ORC §713.12)(Revised 4/8/14)

Notice of said public hearing shall be published one (1) time by the Village Fiscal Officer at least 30 days before the hearing date in the newspaper used by the Village Fiscal Officer to

publish the enactment of legislation by the Village Council. Said publication notice shall specify the date, time, and place of the hearing and give a brief description of the nature of the proposed amendment.

SECTION 610 HEARING PROCEDURES

The hearing shall comply with the requirements imposed by ORC Chapter 2506. The applicant (if any) or any interested party may appear in person and by counsel at said hearing, examine all witnesses, and present grounds to support the proposed amendment or to oppose same. All testimony adduced at the hearing shall be given under oath, and shall pertain to relevant facts. General testimony concerning opinions and feelings about a matter before the Village Council shall not constitute reliable, probative evidence for the Village Council to consider. If the applicant or any interested party wishes to have a stenographic record made of said hearing, the applicant or interested party shall arrange for and pay the costs of same. The hearing may be adjourned from time to time to another date, time, and place by a majority vote of the Village Councilmembers present at the hearing (even if a quorum is not present at said hearing) without further notice other than by announcement at the hearing at which such adjournment is taken.

SECTION 611 ACTION ON PROPOSED AMENDMENT

The Village Council shall render a decision within 30 days after concluding its hearing. The deadline may be extended by mutual agreement between the applicant (if any) and the Village Council. The Village Council shall either affirm the Planning Commission's recommendation, affirm it but modify same, or overrule the recommendation. If the Village Council affirms the recommendation but modifies same, or overrules the recommendation, it must do so by a vote of not less than 3/4 of all the members of the Village Council. The minutes of the meeting at which said decision is made shall specify the findings of fact upon which the decision is based, and shall contain a clear pronouncement of the Village Council's decision, the Village Council's vote on said decision, and a statement that it is a final decision, subject to appeal as provided in §612. Immediately after said minutes have been approved by the Village Council, the Village Clerk-Treasurer shall send a copy of said minutes to the applicant (if any) in the same manner as notice is to be given pursuant to the provisions of this ordinance.

SECTION 612 APPEAL TO THE COMMON PLEAS COURT

The decision of the Village Council may be appealed to the Ashtabula County Common Pleas Court pursuant to ORC Chapter 2506. Said appeal must be filed within 30 days of the date the minutes reflecting the decision of the Village Council have been approved.

SECTION 613 AMENDING ORDINANCE

If the Village Council's decision results in an amendment to this ordinance, the Village Council shall confirm said decision by ordinance to be passed within 90 days after the appeals period granted by §612 has expired. If the amendment includes an amendment to the Official Zoning Map, said ordinance may identify the subject lot by street address, legal description, and the Ashtabula County permanent parcel number(s).

SECTION 614 EFFECTIVE DATE AND REFERENDUM

An amendment to this ordinance adopted by the Village Council shall not be adopted as an emergency measure. It shall become effective 30 days after the last reading of said amending ordinance unless a valid referendum petition meeting all the requirements of ORC Chapter 731 is filed in a timely fashion. If such a petition is so filed and approved by the Ashtabula County Board of Elections, the amendment shall not become effective until the Ashtabula County Board of Elections certifies that said amendment has been approved by the Village electorate.

SECTION 615 ZONING UPON ANNEXATION

Any lot annexed to the Village shall retain the same zoning it had under the township zoning regulations until the zoning of said lot is changed and the Official Zoning Map is amended pursuant to the provisions of this ordinance.

ARTICLE 7

OFFICIAL ZONING MAP

SECTION 700 OFFICIAL ZONING MAP

The Official Zoning Map, together with all explanatory matter thereon, is hereby adopted as part of this ordinance.

SECTION 701 IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the Village Clerk-Treasurer.

SECTION 702 INTERPRETATION OF DISTRICT BOUNDARIES

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

1. Where district boundaries are indicated as approximately following the centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.

ARTICLE 8

ESTABLISHMENT AND PURPOSE OF DISTRICTS

SECTION 800 INTENT

The following zoning districts are hereby established for the Village of Andover, Ohio. For the interpretation of this ordinance, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this ordinance. In addition, the specific purposes of each zoning district shall be as stated.

SECTION 801 RESIDENTIAL DISTRICTS ESTABLISHED

(Amended 3/22/21)

Residential Districts are established to meet the purposes set forth in §§802, 803, and 803A. In Residential Districts only residential uses are allowed except those expressly allowed by conditional use permit. See schedule of uses allowed.

SECTION 802 MEDIUM-LOW DENSITY RESIDENTIAL DISTRICT (R-1)

The purpose of the R-1 District is to encourage the establishment of medium-low density single and two family dwellings. Centralized water and sewer facilities are required.

SECTION 803 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

The purpose of the R-2 District is to permit the establishment of medium density multiple family (3 or more units) dwelling units. Centralized water and sewer facilities are required.

SECTION 803A MANUFACTURED HOME PARK RESIDENTIAL DISTRICT (R-3)

(Adopted 3/22/21)

The purpose of the R-3 District is to permit the establishment and operation of a manufactured home park. Centralized water and sewer facilities are required.

SECTION 804 COMMERCIAL DISTRICT ESTABLISHED

The Commercial District is established to meet the purposes set forth in §805. In the Commercial District, only commercial and residential uses are allowed except those expressly allowed by conditional use permit. See schedule of uses allowed.

SECTION 805 NON-EXCLUSIVE COMMERCIAL DISTRICT (C)

The purpose of this district is to encourage the establishment of areas for general business uses which will coexist with residential uses, permitted in the Residential Districts. Districts shall be located on an arterial thoroughfare. Commercial lands fronting on the Public Square (intersections of U.S. Route 6 and State Route 7) and not exceeding 150 feet in depth from the rights-of-way are not required to conform to proposed parking, loading, setback, area, and frontage requirements. See §1123 for special loading area requirements for the Public Square commercial areas.

SECTION 806 INDUSTRIAL DISTRICT ESTABLISHED

The Industrial District is established to meet the purposes set forth in §807. In the Industrial District, only industrial uses are allowed except those expressly allowed by conditional use permit. See schedule of uses allowed.

SECTION 807 INDUSTRIAL DISTRICT

The purpose of this district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged.

SECTION 808 PUBLIC/QUASI-PUBLIC DISTRICT ESTABLISHED

The Public/Quasi-Public District is established to meet the purposes set forth in §809. In the Public/Quasi-Public District, only public and quasi-public uses are allowed except those expressly allowed by conditional use. See the schedule of uses allowed.

SECTION 809 PUBLIC/QUASI-PUBLIC DISTRICT

The purpose of this district is to provide areas for public and quasi-public uses, areas for recreation and conservation purposes, and areas suitable for commercial and non-commercial recreation.

SECTION 810 PLANNED UNIT DEVELOPMENT DISTRICT (P.U.D.) ESTABLISHED

The Planned Unit Development District is established to meet the purposes set forth in Article 13 of this ordinance.

SCHEDULE OF USES ANDOVER VILLAGE

	PROHIBITED	R-1	R-2	COMMERCIAL	INDUSTRIAL	P.U.D.	CONDITIONAL	PUBLIC/QUASI-PUBLIC	R-3 (New 3/22/21)
Abattoirs (slaughter house)	X								
Abrasive manufacture							X		
Accessory uses and structures incidental to any permitted residential use, such as garages, greenhouses, or tool shed		X	X	X		X			X
Accessory or conjunctive uses clearly incidental to a permitted use and which will not create a nuisance or hazard		X	X	X	X	X	X	X	X
Acetylene gas manufacture and/or storage	X								
Acid manufacture	X								
Adult family home (New 8/21/06)		X	X						X
Adult group home (New 8/21/06)			X				X		
Airports and landing fields for fixed wing aircraft	X								
Alcohol and alcoholic beverages manufacture							X		
Alcoholic beverage packaged retail sales				X		X			
Ammonia, bleaching powder, or chlorine manufacture	X								
Amphitheatre								X	
Amusement enterprises such as billiards, pool, bowling, skating rinks, dance hall, and similar activities when housed in a permanent structure but not including theater				X		X		X	
Animal hospital							X		
Annealing, anodizing							X		
Antiques and gift retail sales				X		X			
Appliance distributors for wholesale				X		X			
Archery								X	
Art galleries				X					
Art supply retail sales				X		X			
Asphaltic concrete plant	X								
Asphalt and paving materials manufacture or refining	X								
Assembly halls, gymnasiums, and similar structures when part of a school or place of worship								X	
Assembly of machines and appliances from previously prepared parts					X	X			
Assisted living and nursing homes			X			X	X		
Automobile, automatic car wash				X		X			
Automobile commercial parking enterprise				X	X	X			
Automobile (new and used) and accessory sales				X	X	X			
Automobile leasing and truck leasing				X	X	X			
Automobile parking operated in conjunction with permitted uses and in accordance with the requirements of Article 11		X	X	X	X	X		X	X
Automobile repair shop				X		X			
Automobile service station				X		X			

SCHEDULE OF USES ANDOVER VILLAGE

	PROHIBITED	R-1	R-2	COMMERCIAL	INDUSTRIAL	P.U.D.	CONDITIONAL	PUBLIC/QUASI-PUBLIC	R-3 (New 3/22/21)
Automobile and truck assembly					X				
Automobile wrecking and/or dismantling	X								
Badminton		X	X	X		X		X	X
Ballfields (New 3/22/21)									X
Baking plants					X	X			
Bakery shops and confectioneries operating both wholesale and retail business provided such operations are limited to 1500 square feet of manufacturing area and to the use of non-smoke-producing types of furnaces				X		X			
Banks				X		X			
Barber, beauty and other personal services				X		X			
Barber, beauty equipment sales and supply				X	X	X			
Bars (see Taverns)				X		X			
Basketball courts		X	X	X		X		X	X
Bed and breakfast inn (Revised 8/21/06)				X					
Bedding, carpet and pillow manufacturing, cleaning and renovating					X	X			
Bicycle sale and repair				X		X			
Billboards	X								
Blast furnaces	X								
Blueprinting and photostating establishments				X		X			
Boarding house (New 8/21/06)			X	X		X			
Boat and recreational vehicle storage for residents of manufactured home park (New 3/22/21)									X
Bookbindery				X		X			
Book and stationery stores				X		X			
Bottling works for soft drinks					X	X			
Brick, tile or terra cotta manufacture	X								
Bus repair and storage terminals					X				
Camera sales, supplies, service				X		X			
Candy products manufacture				X	X	X			
Candy products retail				X		X			
Canvas and burlap products manufacture, sale, and storage					X	X			
Catering establishments				X		X			
Cellophane manufacture							X		
Cement, lime, plaster manufacture							X		
Cemeteries		X	X						
Charitable institutions				X		X		X	
Chemicals, manufacture of							X		
Churches and other places of worship, including parsonage or rectory		X	X			X			

SCHEDULE OF USES ANDOVER VILLAGE

	PROHIBITED	R-1	R-2	COMMERCIAL	INDUSTRIAL	P.U.D.	CONDITIONAL	PUBLIC/QUASI-PUBLIC	R-3 (New 3/22/21)
Clothing manufacture					X	X			
Clothing sales				X		X			
Clubs and other places of entertainment				X		X			
Coal or coke yards	X								
Cold storage plants, food					X	X			
Colleges, universities, business colleges, trade schools, music conservatories, dancing schools and similar organizations offering training in specific fields				X		X		X	
Construction materials, manufacture, storage and sales							X		
Contractor's plants or storage yards							X		
Convalescent and nursing homes			X	X			X		
Cooperage works					X	X			
Cosmetics and perfume manufacture					X	X			
Crematorium					X				
Creosote manufacturing or treatment plants	X								
Dairy products processing, bottling and distribution, cream manufacture, all on a wholesale basis					X				
Dairy bars for retail sale on the premises only				X					
Day nursery: See Type A/Type B family day care home									
Dental clinic				X					
Dental laboratory				X		X			
Department and variety stores				X		X			
Diagnostic and treatment centers				X					
Distillation of bones, coal, petroleum, grain, tar, refuse, and wood	X								
Drive-in food dispensary				X		X			
Drive-in theater, on a major or secondary major street only				X					
Drug stores				X		X			
Dry cleaning, pressing, and dyeing plants, and related retail service counter				X	X	X			
Dwellings, attached single-family such as apartment buildings, row or town houses in groups of not less than 3 nor more than 12 units			X	X		X			
Dwellings, multi-family with a minimum of 3 units			X	X		X			
Dwellings, detached single-family		X		X		X			X
Dwellings, two-family		X		X		X			X
Dye manufacture	X								
Eating and drinking establishments				X		X			
Electrical supplies, retail				X		X			
Electrical repair				X		X			
Electronic assembly plant					X	X			
Emergency, fire, and rescue services (New 8/21/06)				X	X	X		X	

SCHEDULE OF USES ANDOVER VILLAGE

	PROHIBITED	R-1	R-2	COMMERCIAL	INDUSTRIAL	P.U.D.	CONDITIONAL	PUBLIC/QUASI-PUBLIC	R-3 (New 3/22/21)
Emery cloth or sandpaper manufacture					X				
Enameling, japanning, lacquering of metals					X	X			
Excelsior and fiber manufacture					X				
Explosives, ammunition, fireworks, gunpowder manufacture, and match manufacture	X								
Farm machinery assembly, repair and sales				X	X				
Fat rendering, production of fats and oils from animal or vegetable products by boiling or distillation	X								
Feed sales and storage					X	X			
Felt manufacture					X				
Fertilizer manufacture	X								
Fertilizer wholesale sales and blending					X	X			
Fertilizer retail sales				X	X	X			
Finance and loan companies				X		X			
Flammable liquids: Handling and storage in bulk plants					X				
Floor covering, manufacture of							X		
Florist: Warehousing for wholesale and related retail trade				X		X			
Florist, retail				X		X			
Flour and other grain products, milling and storage					X				
Food processing in wholesale quantities except meat, fish, poultry, vinegar, and yeast					X				
Food processing: For sale at retail on-the-premises, but excluding the killing and dressing of any flesh or fowl				X		X			
Food stores (retail only): grocery, delicatessen, meat and fish but excluding the killing and dressing of any flesh or fowl				X		X			
Footwear manufacturing and storage							X		
Footwear, retail				X		X			
Forging plants							X		
Foundries							X		
Frozen food lockers				X		X			
Funeral homes, undertaking establishments, embalming		X	X	X					
Furniture retail sales and floor coverings retail sales				X		X			
Furriers, retail sales				X		X			
Fur storage				X		X			
Galvanizing	X								
Garbage and waste incinerators	X								
Gas, manufacture of							X		
Gas storage in quantities over 25 gallons provided such facilities are not located within 100 feet of any lot line					X				

SCHEDULE OF USES ANDOVER VILLAGE

	PROHIBITED	R-1	R-2	COMMERCIAL	INDUSTRIAL	P.U.D.	CONDITIONAL	PUBLIC/QUASI-PUBLIC	R-3 (New 3/22/21)
Gases or liquified petroleum gases in approved portable metal cylinders for storage or sale				X	X	X			
Gift shop, cards				X		X			
Glass manufacture					X	X			
Glue and size manufacture							X		
Golf courses, but not including commercially operated driving ranges, pitch and putt, miniature or par 3 courses						X		X	
Golf courses, commercially operated driving ranges, pitch and putt, miniature, or par 3 courses				X	X	X			
Government buildings: Buildings used exclusively by the Federal, State, County, Municipality or Township Government for public purpose				X		X		X	
Government buildings: Buildings used exclusively by the Federal, State, County, Municipality or Township Government for public purposes except for garages, repair or storage yard, warehouse, and buildings used or intended to be used as correctional or penal institutions				X		X		X	
Grounds and facilities for recreational and community center buildings, country clubs, lakes, and other similar facilities operated on a nonprofit basis				X		X		X	X
Hardware, appliances, and electrical items, retail sale				X		X			
Hat cleaning and blocking				X		X			
Heliport					X	X	X		
Home occupation (Revised 8/21/06)							X		
Horseshoe pits		X	X	X	X	X		X	X
Hosiery manufacture					X				
Hospitals and sanitariums located on a major street or secondary major street				X		X			
Hotels and inns				X		X			
Ice manufacture, storage, and sales				X	X				
Incidental accessory retail uses such as cafeterias, gift or variety shops, soda bars conducted solely for the convenience of the employees, patients, patrons, or visitors on the premises wholly within the principal building and without exterior advertising display				X	X	X			
Industrial chemical manufacture except highly corrosive materials							X		
Industry not otherwise listed provided the industry is similar to other industries permitted in an industrial district; such industry shall comply with the design control of a similar industry						X			
Insulation material manufacture and sale							X		
Iron and steel manufacture							X		
Jewelry and watch sale and repair				X		X			
Junk yards, auto wrecking, salvage yards, or scrap yards	X								
Kennels, boarding or training				X					
Kindergartens								X	

SCHEDULE OF USES ANDOVER VILLAGE

	PROHIBITED	R-1	R-2	COMMERCIAL	INDUSTRIAL	P.U.D.	CONDITIONAL	PUBLIC/QUASI-PUBLIC	R-3 (New 3/22/21)
Laboratories for research and testing					X	X			
Landfill	X								
Laundries: All hand laundries and any small power laundries operated in conjunction with a retail service counter on the premises where not more than 2000 square feet of floor space is devoted to the laundering and finishing process, provided the total operating capacity of all commercial washing machines shall not exceed 400 pounds and no coal-burning or smoke-producing equipment is used					X	X			
Launderette service: Where individual, family-sized laundry equipment is rented for use by the customer				X		X			
Laundry pick-up stations				X		X			
Lawn mower repair				X		X			
Leather goods, manufacture (tanning prohibited)					X				
Libraries				X				X	
Linseed oil, shellac, turpentine, lubricating oils or greases, manufacture or refining							X		
Livestock, auction or sales	X								
Lock and gunsmiths				X	X	X			
Lodges, fraternal, and social organizations				X		X			
Lumber yards, building materials storage and sale				X	X				
Machine shops					X	X			
Machinery tool manufacture					X				
Machinery manufacture					X				
Manufactured homes, permanently sited		X	X						X
Manufactured homes									X
Manufactured homes sales lot and sales office (New 3/22/21)									X
Manufactured home parks									X
Meat processing and packing, including the slaughter of fowl and small game only	X								
Medical clinics				X					
Metal fabrication plants using plate and structural shapes					X	X			
Metal stamping plants					X	X			
Mini storage for residents of manufactured home park (New 3/22/21)									X
Mixing plants for concrete and manufacture of concrete products					X				
Mobile homes	X								
Motorcycle sales and repair				X		X			
Motels				X		X			
Motor vehicle and motor vehicle equipment manufacture					X				
Museums and art galleries				X		X			
Music stores				X		X			
Musical instrument store, sale of and instruction				X		X			

SCHEDULE OF USES ANDOVER VILLAGE

	PROHIBITED	R-1	R-2	COMMERCIAL	INDUSTRIAL	P.U.D.	CONDITIONAL	PUBLIC/QUASI-PUBLIC	R-3 (New 3/22/21)
Newsstands as an accessory use				X		X			
Office buildings: Private office buildings, including professional offices				X		X			
Office equipment and supplies sales and service				X		X			
Office and secretarial services establishments				X		X			
Optical and scientific instrument, jewelry and clock, musical instrument manufacture					X	X			
Optical supplies sales				X		X			
Orphanages and/or rehabilitation centers				X		X			
Outdoor furnaces	X								
Oxygen storage				X	X	X			
Paint and enamel manufacture not employing a boiling process	X								
Paint, retail sales				X		X			
Paper, cardboard, and building board manufacture							X		
Parks		X	X	X		X		X	X
Pavilion for use by residents of manufactured home park (New 3/22/21)									X
Pawn shops or second-hand stores				X		X			
Pet shops, bird stores, taxidermists				X		X			
Pharmaceutical products manufacture					X	X			
Photographic studios and camera supply stores				X		X			
Picnic area		X	X	X	X	X		X	X
Planing or saw mills (other than temporary)					X				
Plastics manufacture					X				
Plating works					X				
Playgrounds (principal use)								X	
Plumbing shop and yard				X	X	X			
Postal facilities privately or publicly owned				X		X			
Pottery, porcelain, and vitreous china manufacture					X				
Poultry dressing for wholesale, and related retail activities				X					
Prefabricating buildings and structural members					X	X			
Printing, publishing and reproduction establishments				X	X	X			
Pulp manufacture	X								
Racing of motor vehicles or animals	X								
Radio and television studios				X		X			
Rag, bag, and carpet cleaning establishments					X	X			
Railroads					X				
Recreation camp (New 3/22/21)	X								
Refuse and waste equipment storage					X				
Repair and servicing of office and household equipment				X		X			
Repair and servicing of industrial equipment, machinery, except railroad equipment					X				

SCHEDULE OF USES ANDOVER VILLAGE

	PROHIBITED	R-1	R-2	COMMERCIAL INDUSTRIAL	P.U.D.	CONDITIONAL PUBLIC/QUASI-PUBLIC	R-3 (New 3/22/21)
Retail stores not otherwise listed, including those conducting incidental light manufacturing or processing of goods above the first floor or in the basement to be sold exclusively on the premises and employing not more than 10 operatives				X	X		
Retail stores similar to those otherwise named on this list				X	X		
Riding stables					X	X	
Rock and slag reclamation and crushing and processing	X						
Rodenticide, insecticide, and pesticide mixing plants	X						
Rodenticide, insecticide, and pesticide sales, storage and service				X	X		
Rooming and boarding houses			X	X	X		
Rubber manufacture or reclamation	X						
Sanitary landfill, excluding the burning of trash out-of-doors	X						
Sawmill, permanent				X			
Schools (including kindergarten), public and private						X	X
Scrap paper or rag storage, sorting or bailing when conducted within a building				X	X		
Sheet metal shops				X	X		
Shoe repair				X	X		
Shooting range (New 3/22/21)						X	
Shuffleboard courts		X	X	X	X	X	X
Sign manufacture and painting				X	X		
Sign painting, exclusive of manufacture				X	X		
Signs, see Article 12							
Similar use (New 8/21/06)						X	
Soap, detergent and washing compound manufacture				X			
Softball diamond						X	X
Solid waste landfill	X						
Sporting good sales				X	X		
Stadiums, commercial				X	X	X	
Stockyards	X						
Stonecutting, monument manufacture and sales				X	X		
Storage, under cover, of goods intended for retail sale on the premises but not including combustibles				X	X	X	
Storage warehouses and yards				X	X		
Swimming pools, accessory use (private residence only)		X	X				X
Swimming pools and bathing areas, public or private as primary uses				X		X	X
Tailors, dressmakers, milliners				X	X	X	
Tanning, cutting, curing, cleaning or storing of green hides or skins	X						
Tar and waterproofing materials manufacture and treatment and storage	X						
Taverns, bars, and nightclubs				X	X		

SCHEDULE OF USES ANDOVER VILLAGE

	PROHIBITED	R-1	R-2	COMMERCIAL	INDUSTRIAL	P.U.D.	CONDITIONAL	PUBLIC/QUASI-PUBLIC	R-3 (New 3/22/21)
Taxi stand				X		X			
Tennis courts		X	X	X		X		X	X
Textile machinery manufacture					X				
Textile manufacture					X				
Theaters, housed in a permanent indoor structure, exhibition halls and other similar structures				X					
Tire recapping and retreading					X				
Tractor or trailer sales or leasing areas				X					
Trailer camps for recreation (Deleted 3/22/21)									
Truck terminals, repair shops, hauling and storage yards					X				
Type A family day-care home (Revised 8/21/06)							X		
Type B family day-care home		X	X						X
Upholstery, paper hanging, and decorator shops				X		X			
Variety stores				X		X			
Volleyball		X	X	X		X		X	X
Wading pools		X	X	X		X		X	X
Waste paper and rags, collection and baling				X	X			X	
Wholesale and jobbing establishments, including incidental retail outlets for only such merchandise as is handled at wholesale				X		X			
Wireless telecommunication facilities (New 8/21/06)							X		
Woodworking shops, mill work					X	X			
Workshop for installation, maintenance, and construction of manufactured homes in a manufactured home park and in locations outside the park (New 3/22/21)									X
Zoos							X		

ARTICLE 9

DISTRICT REGULATIONS

SECTION 900 COMPLIANCE WITH REGULATIONS

The regulations for each district set forth by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered including demolition except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
 - a. To provide for greater height or bulk;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area; or
 - d. To have narrower or smaller rear, front, or side yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this ordinance.
3. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

SECTION 901 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this ordinance and Article 10 of this ordinance, "SUPPLEMENTARY DISTRICT REGULATIONS".

SECTION 902 IDENTIFICATION OF THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

The Official Schedule of District Regulations shall be identified by the signature of the Mayor, attested to by the Village Clerk-Treasurer.

Note: See next page for Official Schedule of District Regulations.

SECTION 903 EXCEPTIONS TO LOT SIZE REQUIREMENTS

The minimum district regulations pertaining to minimum lot size requirements shall not apply to any lot of record included within a subdivision, the plat for which has been approved by the

Village and recorded in the office of the Ashtabula County Recorder.

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ANDOVER VILLAGE, ASHTABULA COUNTY, OHIO

DISTRICT	MINIMUM LOT SIZE			MINIMUM FLOOR AREA	MAXIMUM HEIGHT		MINIMUM YARD DIMENSIONS			ACCESSORY BUILDINGS****	MINIMUM OFF STREET LOADING SPACES	MINIMUM OFF STREET PARKING SPACES	SIGNS	Principally Permitted Uses Governed By Schedule of Uses	Planned Unit Developments			
	Districts Used On Official Zoning Map	Square Feet	Gross Acres		Lot Frontage	Square Feet	Principal Building	Accessory Building	Front*							Side	Rear	Minimum Distance In Feet To:
								One Side Yard	Sum of Side Yards		Side Lot Line	Rear Lot Line						
R-1 Single		10,000	.229	100	1100	35	35	30	10	20	30	10	10	NA	2	Yes	Yes	Yes
R-1 Duplex		15,000	.344	150	1100 Per Unit	30	30	30	10	20	30	10	10	NA	2 per unit	Yes	Yes	Yes
R-2 Multi-Family		6,000 per unit	As Needed	150	1 BR: 800 2 BR: 1000 3 BR: 1100	30	NA	50‡	20‡	40‡	20‡	20	20	NA	2 per unit	Yes	Yes	Yes
R-3 Mfr Home Park		3,600	.0826	30	800	30	30	10	10	20	10	5	5	NA	2	Yes	Yes	Yes
Commercial and Public/Quasi-Public		*** ‡†	*** ‡†	*** ‡†	*** ‡†	30	30	50	20** 40†	40**	40	10	10	See Article 11	See Article 11	Yes	Yes	Yes
Industrial		‡†	‡†	‡†	‡†	35	35	35	35	70 100†	50 100†	‡†	‡†	See Article 11	See Article 11	Yes	Yes	Yes

* Measured from street right-of-way
 ** 0 (zero) side yards between structures in plaza
 *** See special Public Square requirements
 **** Maximum floor area of 720 square feet (R-1 & 3 districts)
 NA Not applicable

† Yard next to residential district
 ‡ 20 feet between buildings
 ‡† Based upon proposed building, parking, and loading needs
 ‡‡ Same as primary building
 BR Bedroom

ARTICLE 10

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1000 GENERAL

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas where problems are frequently encountered.

SECTION 1001 CONVERSION OF DWELLINGS TO MORE UNITS

A residence may not be converted to accommodate an increased number of dwelling units unless all the following requirements are met:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
2. The lot area per family equals the lot area requirement for new structures in that district.
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
4. The conversion is in compliance with all other relevant codes, district regulations, and ordinances.

SECTION 1002 PRIVATE SWIMMING POOLS

(Revised 11/10/20)

No private swimming pool is allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
2. The pool shall be located in the rear yard or side yard of the principal structure and may not be located closer than 15 feet to any property line.
3. An in-ground pool, or the entire yard in which the in-ground pool is located, shall be enclosed by a fence with a minimum height of 72 inches to prevent uncontrolled access from the street and from adjacent properties by means other than through a gate in the fence. Each gate in the fence shall be self-closing, self-latching, and lockable.
4. An above-ground pool shall either meet the fence requirements contained in §1002.3, or have a removable and/or lockable ladder device to prevent uncontrolled access from the street and from adjacent properties.
5. Any lighting to illuminate the pool area shall be so arranged as to deflect the light away from the adjacent properties.

SECTION 1003 COMMUNITY OR CLUB SWIMMING POOLS

(Revised 11/10/20)

Community and club swimming pools are permitted in any commercial or public/quasi-public district, but shall comply with the following conditions and requirements:

1. The pool shall be an in-ground pool.
2. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
3. The pool and accessory uses thereto, including the areas used by bathers, shall not be closer than 50 feet to any property line.
4. The pool and all of the area used by the bathers, or the entire yard in which the pool is located, shall be enclosed by a fence with a minimum height of 72 inches to prevent uncontrolled access from the street and from adjacent properties by means other than through a gate in the fence. Each gate in the fence shall be self-closing, self-latching, and lockable.
5. Any lighting to illuminate the pool area shall be so arranged as to deflect the light away from the adjacent properties.

SECTION 1004 TEMPORARY BUILDINGS

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.

SECTION 1005 PARKING AND STORAGE OF CERTAIN VEHICLES

(Revised 4/8/14)

No motor vehicle or trailer of any kind or type without current license plates shall be parked or stored on any lot in a residential district except in a completely enclosed building.

SECTION 1006 REDUCTION OF AREA AND SPACE

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, or parking area, or other space less than the minimum required by this ordinance. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals, in the granting of variances under this ordinance.

SECTION 1007 SUPPLEMENTARY YARD AND HEIGHT REGULATIONS

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this ordinance the provisions of §§1008 through 1016 shall be used for interpretation and clarification.

SECTION 1008 SETBACK REQUIREMENTS FOR CORNER BUILDINGS

On a corner lot the principal building and its accessory uses shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

SECTION 1009 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2½ and 10 feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

SECTION 1010 FENCE AND WALL RESTRICTIONS IN FRONT YARDS

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 2½ feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of 2½ feet and 10 feet.

SECTION 1011 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and 2 side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

SECTION 1012 SIDE AND REAR YARD REQUIREMENTS FOR COMMERCIAL USES ABUTTING RESIDENTIAL DISTRICTS

Commercial buildings or uses shall not be located or conducted closer than 40 feet to any residential district. This requirement may be reduced to as low as 30 feet if landscaping, consisting of an evergreen hedge or a dense planting of evergreen shrubs no less than 3 feet in height at the time of planting, is planted adjacent to the residential district. (Said hedge or shrubs shall be maintained so as not to exceed 6 feet in height.) This requirement may be reduced to as low as 10 feet if a masonry wall or solid fence 6 feet in height, maintained in good condition and free from all advertising or other signs, is erected adjacent to the residential

district. Either type of screening shall not obscure traffic visibility within 50 feet of an intersection. Commercial buildings or uses shall not be located or conducted closer than 10 feet from any residential district.

SECTION 1013 SIDE AND REAR YARD REQUIREMENTS FOR COMMERCIAL USES ABUTTING COMMERCIAL USES OR DISTRICTS AND COMMERCIAL USES ABUTTING INDUSTRIAL USES OR DISTRICTS

Commercial uses abutting other commercial uses may use zero (0) feet side yard requirements where a group of privately owned structures are joined together to produce a shopping plaza. At each end of a plaza a side yard of 20 feet shall be maintained for access to the rear loading and unloading area. The rear yard of a commercial use abutting another commercial use or district shall maintain an open area of 40 feet. A commercial use abutting an industrial use or district shall maintain a side yard of 20 feet and a rear yard of 40 feet.

SECTION 1014 SIDE AND REAR YARD REQUIREMENTS FOR INDUSTRIAL USES ABUTTING RESIDENTIAL DISTRICTS OR USES AND COMMERCIAL DISTRICTS OR USES

1. Industrial buildings or uses shall not be located nor conducted closer than 100 feet to any lot line (side or rear yard) of a residential district or use.
2. Industrial buildings or uses shall not be located nor conducted closer than 50 feet to any lot line of a commercial district or use.

SECTION 1015 ARCHITECTURAL PROJECTIONS

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the buildings to which attached and shall not project into the required minimum front, side, or rear yard.

SECTION 1016 EXCEPTIONS TO HEIGHT REGULATIONS (Revised 8/21/06)

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. Height limitations imposed on wireless telecommunication facilities shall be governed by the standards established in §517.5 of this ordinance.

SECTION 1017 FIRE HAZARDS

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

SECTION 1018 RADIOACTIVITY OR ELECTRICAL DISTURBANCE

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

SECTION 1019 VIBRATION

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

SECTION 1020 AIR POLLUTION

Air pollution shall be subject to the requirements and regulations enforced by the Ohio Environmental Protection Agency.

SECTION 1021 GLARE

No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any street.

SECTION 1022 EROSION

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

SECTION 1023 WATER POLLUTION

Water pollution shall be subject to the requirements and regulations enforced by the Ohio Environmental Protection Agency.

SECTION 1024 STORM WATER DRAINAGE

In all districts, arrangements shall be made for suitable and appropriate removal of storm water. Removal of storm water shall be provided so as not to create a nuisance or added burden upon, or adversely affect, any other property. No zoning permit shall issue until said arrangements have been made that fully comply with the requirements imposed by the Village

in such matters.

SECTION 1025 MEASUREMENT PROCEDURES

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines and the Ohio Environmental Protection Agency.

SECTION 1026 FENCE SETBACK

(Renumbered 8/21/06)

While a fence is included in the Zoning Ordinance definitions as a structure, no setback restrictions shall apply to any fence constructed within any Districts except as otherwise noted in this ordinance.

SECTION 1027 DUMPSTERS

(Revised 8/21/06)

No dumpster shall be placed in a front yard in a residential district. If the lot in question is a corner lot, no dumpster shall be placed in either yard that has frontage along a street. Construction dumpsters shall be excepted from this prohibition during the period that the construction continues or until the building permit expires, whichever comes first.

SECTION 1028: RESTRICTIONS ON MANUFACTURED HOMES, PERMANENTLY SITED, IN R-1 AND R-2 DISTRICTS

(Adopted 10/18/21)

A manufactured home, permanently sited, must meet all of the following criteria to be permitted in an R-1 or an R-2 District:

1. The structure will be affixed to a permanent foundation and connected to the appropriate utilities, including without limitation the Andover Water and Sewer Systems.
2. The structure was manufactured no more than 3 years before being so affixed and connected.
3. The structure has a total living area (excluding garages, porches, or attachments) of at least 1,200 square feet.
4. The structure has a minimum 5:12 residential roof pitch, conventional residential siding, and a 12-inch minimum eave overhang, with gutters and downspouts.
5. The structure has a covered front entryway/porch which faces the street.
6. These restrictions do not apply to a manufactured home located in an R-3 District (a manufactured home park).

ARTICLE 11

OFF-STREET PARKING AND LOADING FACILITIES

SECTION 1100 GENERAL REQUIREMENTS

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this ordinance.
3. Whenever a building or structure constructed before or after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.

SECTION 1101 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than 9 feet in width and 19 feet in length for 90° parking, 9 feet in width and 23 feet in length for parallel parking, 10 feet in width and 19 feet in length for 60° parking, and 12 feet in width and 19 feet in length for 45° parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in §§1115 through 1121 of this ordinance.

SECTION 1102 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less 12 feet in width, 75 feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than 15 feet. One (1) off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to 5,000 square feet. One (1) loading space shall be provided for each additional 10,000 square feet or fraction thereof.

SECTION 1103 IMPROVEMENTS

(Amended 3/22/21)

The improvement of existing parking areas or driveways shall be permitted in all districts and shall not require a permit except upon enlargement of parking areas in all districts other than R-1 and R-3.

SECTION 1104 DRAINAGE

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

SECTION 1105 MAINTENANCE

The owner of property used for parking and/or loading shall maintain such covered area in good condition without holes and free of excessive dust, trash, and other debris. All parking space dimensions, loading space dimensions, surface drainage, lighting, and screening or landscaping shall be maintained in good condition, as required and described in Zoning Ordinance. Failure to comply with these requirements shall constitute a violation of this ordinance, punishable as provided in §314.

SECTION 1106 LIGHTING

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

SECTION 1107 LOCATION OF PARKING SPACES

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than 700 feet from the principal use.
3. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than 300 feet from the principal use.

SECTION 1108 SCREENING AND/OR LANDSCAPING

(Amended 3/22/21)

Whenever a parking area is located in a district other than R-1 and R-3, except for a parking area used by a funeral home or a two-family dwelling, it shall be screened on all sides which adjoin a residential district by a fence, wall, or planting screen, not less than 3 feet nor more than 6 feet in height. The space between said fence, wall, or planting screen and the lot line of the adjacent residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover. If the terrain or other natural features are such that the erection of a fence, wall, or planting screen will not adequately screen the parking area from the residential use, application may be made to the Board of Zoning Appeals for a variance from this screening requirement.

SECTION 1109 MINIMUM DISTANCE AND SETBACKS

No part of any parking area for more than 2 vehicles shall be closer than 10 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen, if on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than 4 feet to any established street or alley right-of-way.

SECTION 1110 JOINT USE

Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

SECTION 1111 WHEEL BLOCKS

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

SECTION 1112 WIDTH OF DRIVEWAY AISLE

Driveways serving individual parking spaces shall not be less than 25 feet wide for 90° parking, 12 feet wide for parallel parking, 17½ feet for 60° parking, and 13 feet for 45° parking.

SECTION 1113 ACCESS

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to a pedestrian or motorist approaching the access or driveway from a public or private street.

SECTION 1114 WIDTH OF ACCESS DRIVEWAY

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: For one-way traffic the minimum width of 14 feet except for 45° parking in which case the minimum width of the access road shall be 17 feet. Access roads for two-way traffic shall have a minimum width of 20 feet. Parking areas having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.

SECTION 1115 PARKING SPACE REQUIREMENTS

For the purpose of this ordinance the parking space requirements stated in §§1116 through 1121 shall apply to the types of uses stated.

SECTION 1116 RESIDENTIAL

(Amended 3/22/21)

Type of Use	Minimum Parking Space Required
1. Two-family dwelling.	2 for each unit.
2. Apartments or multi-family dwellings.	2 for each unit.
3. Boarding houses, rooming houses, and dormitories.	1 for each sleeping room or 1 for each permanent occupant.
4. Manufactured home park (R-3)	2 for each unit.

SECTION 1117 COMMERCIAL

Type of Use	Minimum Parking Space Required
1. Automobile service garages which also provide repair.	1 for each 2 gasoline pumps and 2 for each service bay.
2. Hotels, motels.	1 for each sleeping room plus 1 space for each 2 employees.
3. Banks, financial institutions and similar uses, offices, public or professional administration, service buildings.	1 for each 200 sq. ft. of floor area.
4. All other types of business or commercial uses permitted in any commercial district.	1 for each 150 sq. ft. of floor area.

SECTION 1118 RECREATIONAL OR ENTERTAINMENT

Type of Use	Minimum Parking Space Required
1. Dining rooms, restaurants, taverns, night clubs, etc.	1 for each 3 persons of capacity.

Type of Use	Minimum Parking Space Required
2. Bowling alleys.	3 for each alley or lane plus 1 additional space for each 100 sq. ft. of the area used for restaurant, cocktail lounge, or similar use.
3. Dance floors, skating rinks.	3 for each 100 sq. ft. of floor area used for the activity.
4. Outdoor swimming pools, public or community or club.	1 for each 10-person capacity plus 1 for each 4 seats or 1 for each 60 sq. ft. floor of area used for seating purposes, whichever is greater.
5. Auditoriums, sport arenas, theaters and similar uses.	1 for each 4 seats.

SECTION 1119 INSTITUTIONAL

Type of Use	Minimum Parking Space Required
1. Churches and other places of religious assembly.	1 for each 5 persons of capacity.
2. Hospitals, sanitariums, homes for the aged, nursing homes, children's homes, asylums, and similar uses	1 for each 1 bed.
3. Medical and dental clinics.	1 for each 100 sq. ft. of floor area.
4. Libraries, museums, and art galleries.	1 for each 300 sq. ft. of floor area.

SECTION 1120 SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE)

Type of Use	Minimum Parking Space Required
1. Elementary and junior high schools.	2 for each classroom and 1 for each 8 seats in auditoriums or assembly halls.

Type of Use	Minimum Parking Space Required
2. High schools.	1 for each 10 students and 1 for each teacher and employee.
3. Business, technical and trade schools.	1 for each 2 students.
4. Colleges, universities.	1 for each 4 students.
5. Kindergartens, child-care centers, nursery schools, and similar uses.	2 for each room but not less than 6 for the building.

SECTION 1121 INDUSTRIAL

Type of Use	Minimum Parking Space Required
1. All types of industries, storage, and wholesale uses permitted in any industrial district.	1 for each 200 sq. ft. of building space.
2. Cartage, express, parcel delivery, and freight terminals.	1 for each 400 sq. ft. of building space.

SECTION 1122 GENERAL INTERPRETATIONS

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.

SECTION 1123 PUBLIC SQUARE COMMERCIAL LOADING (ALLEYS) AREAS

1. It is generally considered that the existing alleys serving some of the commercial uses on the Public Square are 14 feet wide.
2. Each such alley shall remain open and parking in same shall be prohibited. No person shall infringe upon or block the alley, to allow all neighboring uses a fair share of the alley to be used as a loading or unloading zone.
3. If a building on the Public Square with such an alley behind it is razed or destroyed, any new construction shall allow for an alley of at least 14 feet at the rear of said building to be used for these purposes.

4. If a lot is considered too small to allow for such an alley when a new building is to be constructed, application may be made to the Board of Zoning Appeals for a variance from this restriction.

ARTICLE 12

SIGNS

SECTION 1200 INTENT

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

SECTION 1201 GENERAL REQUIREMENTS FOR SIGNS IN ALL DISTRICTS

(Paragraph 10 Adopted 10/18/21)

The regulations set forth in this section shall apply to signs in all districts.

1. An illuminated sign or sign lighting device shall only emit a light of constant intensity. No sign shall be illuminated by or contain any flashing, intermittent, rotating, or moving lights or parts, or elements which otherwise make use of motion to attract attention. No illuminated sign or sign lighting device shall be placed or directed so as to permit the beams and illumination therefrom to be directed upon any public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
2. All free-standing signs and sign lighting devices shall comply with the applicable building and electrical codes.
3. No projecting sign shall be erected or maintained that projects from the front or face of a building a distance of more than 4 feet, including those that project from any theater, hotel, or motel marquee.
4. No sign shall be placed on the roof of any building, except a sign with its supporting structure screened so that the sign appears to be a continuation of the face of the building.
5. No portable or temporary sign shall be placed on any premises, including on the front or face of a building or other structure, except as provided in §1207.
6. No sign shall be installed, erected, or attached to a fire escape, or to any door or window giving access to a fire escape.
7. All free-standing signs shall be plainly marked with the name, address, and telephone number of the owner thereof or the person responsible for maintaining same.

8. If any sign becomes unsafe or in danger of falling, the owner thereof or the person responsible for maintaining same shall immediately restore said sign to a safe and secure condition or shall remove the sign.
9. No sign shall be placed in any sidewalk or public right-of-way except signs directing and guiding traffic and parking on private property, provided said signs contain no advertising information.
10. No sign shall be affixed to a tree or utility pole within the right-of-way of any street, except for a notice of the existence and location of public utility facilities (ORC §5589.33) or for a sign prescribed by the Ohio Director of Transportation or the Ashtabula County Engineer (ORC §5515.04).

SECTION 1202 MEASUREMENT OF SIGN AREA

The area of a sign shall be computed as including the entire surface area within a regular, geometric form or combination of forms comprising all of the display area of the sign, including all of the elements of the matter displayed. Frames and structural members not bearing any information (other than that required by paragraph 7 of §1201) shall not be included in the computation of sign area.

SECTION 1203 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A ZONING PERMIT

The regulations set forth in this section shall apply to signs in all districts and said signs shall not require a zoning permit.

1. A sign advertising the sale, lease, or rental of the premises upon which the sign is located. The area of said sign shall not exceed 12 square feet, except in a residential district where the sign area shall not exceed 6 square feet.
2. A professional name plate. The area of said sign shall not exceed 4 square feet.
3. A sign denoting the name and address of the occupants of the premises. The area of said sign shall not exceed 2 square feet.
4. A political sign. Said sign shall be subject to the requirements of §1209.
5. A banner.

SECTION 1204 ZONING PERMIT APPLICATION REQUIREMENTS FOR SIGNS

A zoning permit application for a sign shall include 2 copies of plans drawn to a scale acceptable to the Zoning Inspector which shall contain the following current information:

1. Property lines.
2. Dimensions of the subject lot.
3. Dimensions (including height) and location of all existing buildings and other structures located on the subject lot.
4. Uses of the subject lot and all adjacent lots.

5. Zoning district of the subject lot and all adjacent lots.
6. Thoroughfares and access points to same from the subject lot.
7. Location, number, dimensions (including height), and nature of all signs on the subject lot.
8. All proposed changes.

SECTION 1205 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A ZONING PERMIT

The regulations set forth in this section shall apply to signs in all districts and said signs shall require a zoning permit.

1. An on-premises sign or bulletin board customarily incidental to a place of worship, library, museum, social club, or society. The area of said sign or bulletin board shall not exceed 15 square feet.
2. A sign advertising a real estate development or subdivision in a residential district. The area of said sign shall not exceed 12 square feet and said sign shall advertise only the names of the owners, trade names, products sold, and/or the business or activity conducted on the premises where said sign is located.

SECTION 1206 SIGNS PERMITTED IN COMMERCIAL, INDUSTRIAL, AND P.U.D. DISTRICTS REQUIRING A ZONING PERMIT

The regulations set forth in this section shall apply to signs in commercial, industrial, and planned unit development districts only, and said signs shall require a zoning permit.

1. Each building shall be permitted any number of on-premises signs. The total sign area for all signs shall not exceed 1.5 square feet for each linear foot of building width. The maximum sign area for each building shall be 100 square feet.
2. In an industrial or commercial planned unit development, one (1) directory sign may be erected at the entrance to the development, with a maximum sign area of 100 square feet.
3. If a business ceases to operate, the owner thereof shall remove all signs pertaining to said business, whether on-premises or off-premises and including all frames and structural members supporting said signs, within 90 days of ceasing to operate. If the business owner does not so remove said signs, the Zoning Inspector may arrange for said removal and may seek to recover from said business owner the removal cost. Signs so removed shall become the property of the Village immediately upon removal without any further notice to any person.

SECTION 1207 TEMPORARY SIGN REQUIREMENTS

The regulations set forth in this section shall apply to temporary signs in all districts.

1. The area of a temporary sign shall not exceed 50 square feet.
2. A temporary sign shall not be erected for a total period of more than 90 days in any calendar year, except that a temporary sign announcing the erection or modification of a building or other structure to identify the architect, builder, and/or contractor may be erected for a total period of 90 days plus the construction period for said building or other structure.
3. A temporary sign shall comply with the general requirements of §1201 and the setback requirements of §1210.

SECTION 1208 FREE-STANDING SIGN REQUIREMENTS

The regulations set forth in this section shall apply to free-standing signs in all districts.

1. One (1) free-standing on-premises sign may be erected to serve a building. Said sign shall not exceed 30 feet in height and a sign area of 100 square feet, and shall be located at least 10 feet from any thoroughfare right-of-way line and at least 30 feet from any adjoining lot line.
2. Free-standing off-premises signs shall be prohibited.

SECTION 1209 POLITICAL SIGN REQUIREMENTS

(Amended 10/18/21)

The regulations set forth in this section shall apply to political signs in all districts.

1. A political sign shall be subject to the requirements imposed upon temporary signs as provided in §1207, in addition to the requirements of this section.
2. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal.
3. No political sign shall be affixed to a tree or utility pole within the right-of-way of any street.
4. No political sign shall be posted more than 60 days before the election affecting the issue or candidate which is the subject of the sign.
5. A political sign shall be removed within 14 days after said election by the candidate, the campaign committee for the candidate or the issue, or by such other persons who posted said political sign. If a political sign is not so removed within said time period, the Zoning Inspector may arrange for said removal and may seek to recover from said candidate, campaign committee for the candidate or the issue, or such other persons who posted said political sign, the removal cost. Political signs so removed shall become the property of the Village immediately upon removal without any further notice to any person.

SECTION 1210 SIGN SETBACK REQUIREMENTS

The regulations set forth in this section shall apply to signs in all districts.

1. A sign shall be setback a minimum of 10 feet from any thoroughfare right-of-way line.

Said setback may be increased if the Zoning Inspector determines the increase is necessary to avoid interfering with traffic visibility.

2. A sign shall comply with the side and rear yard requirements of the district in which the sign is located, except that in a residential district, no sign shall be erected or maintained within 10 feet of a side or rear lot line.

SECTION 1211 MODIFICATION OF SIGNS

A new zoning permit shall be obtained if:

1. A sign in existence prior to the effective date of this ordinance or for which a zoning permit has been previously issued is modified, altered, or replaced; or
2. Design elements of any lot, building, or other structure upon which a sign is erected or maintained are modified, altered, or replaced if any of said design elements constituted a basis for the approval of said sign.

SECTION 1212 NON-CONFORMING SIGNS

A sign in existence prior to the effective date of this ordinance which violates or does not comply with the requirements of this Article shall be deemed a non-conforming sign, subject to the requirements contained in §1213. Because they can be easily removed to meet the requirements of this Article, temporary signs shall not qualify for non-conforming sign status.

SECTION 1213 LOSS OF NON-CONFORMING STATUS

When a sign exists that has previously been lawful, but could not be erected after the effective date of this ordinance because of restrictions contained in this Article, said sign may continue to be used so long as it remains otherwise lawful, subject to the following requirements:

1. If said sign is structurally damaged by any means, it may be reconstructed despite the non-conformity if the cost of the repair is less than 50% of the sign's replacement value, as determined by the Zoning Inspector.
2. If said sign is moved for any reason for any distance, it shall thereafter comply with the requirements imposed by this ordinance.
3. If the structure or contents of the sign are changed (except for a sign with readily changeable contents), it shall thereafter comply with the requirements imposed by this ordinance.
4. If a business ceases to operate for a period of 90 consecutive days, any non-conforming sign shall thereafter comply with the requirements imposed by this ordinance if said business later resumes its operations.

ARTICLE 13

P.U.D. DISTRICT

SECTION 1300 GENERAL PROVISIONS

The municipal officials concerned with property development shall take into account that it is increasingly difficult to forecast the various conditions and factors that may be encountered in sizeable developments, and that certain latitude, flexibility, and freedom in the execution of the design and layout of a project should be encouraged. The developer should be permitted to adjust the street and adapt grouped or clustered building sites to the terrain so as to conserve a maximum amount of open space for project enhancement; to take advantage of topography in order to utilize the natural surface drainage; to economize in the construction of sewers and storm drainage facilities; to reduce the amount of grading and thus minimize destruction of trees and topsoil; to adjust the layout to geographical and cultural limitations such as property ownership lines; and among other things, to create architectural variation in the development as well as attractive and usable buildings and building sites. Such developments shall be designed so as to enhance the community in general by providing amenities which are unique to the community.

SECTION 1301 USES PERMITTED

Planned Unit Developments may be residential or industrial developments. The minimum site area for a residential development shall be 4 acres; for an industrial development, 15 acres. Such a development plan shall be submitted to the Planning Commission for a review and approval/disapproval.

SECTION 1302 PRELIMINARY PLAN

In order for the Planning Commission to better determine that the planned unit development meets all requirements, the developer shall furnish a preliminary plan of the entire tract showing topography, roads, lot lines, lot areas, easements, encumbrances, and other relevant data. The plans shall include the location of existing structures, areas of shrubs and/or trees of 10 inch diameter or more, existing contours and the proposed grading plan.

SECTION 1303 FINAL PLAN

Upon determination by the Planning Commission that the proposed planned unit development project as shown by the preliminary plan conforms to the requirements of all applicable provisions of this ordinance, the proponent shall prepare and submit a final development plan, and such plan shall incorporate any changes or modifications required by the Planning

Commission. The final plan may incorporate only a portion of the entire tract.

SECTION 1304 APPROVAL AND RECOMMENDATIONS

The approval and recommendations of the Planning Commission shall be based on the following general conditions:

1. The plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare.
2. The use of the land shall be similar to the uses permitted in the district in which the plan is located.

SECTION 1305 FINAL DEVELOPMENT PLAN

The following documents shall be submitted with the final development plan:

1. A development schedule indicating the anticipated time of completion for the project as a whole and for separate stages.
2. Proposed protective covenants, deed restrictions, and form of notice to property owners relative to their interests and responsibilities with respect to open space and recreation facilities.
3. Description of form or organization to be followed in the establishment of a property owners association in the event that care and maintenance of common open space and recreation facilities is to be responsibility of property owners.

SECTION 1306 VARIANCES ALLOWED

After the final development plan has been approved by the Planning Commission and in carrying out this plan, adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents, and provided such request conform to the standards established by the final development plan and this ordinance, such adjustments or rearrangements may be authorized by the Planning Commission.

SECTION 1307 ZONING TENURE

During the established period for development of an approved planning unit project or for a period of three years, whichever period is less, the Village Council shall not make any zoning changes or modify applicable regulations which directly and adversely affect such project.

SECTION 1308 REQUIREMENTS AND STANDARDS FOR RESIDENTIAL DEVELOPMENT

1. The minimum site area for a Residential Planned Unit Development Project shall be 4 acres.

2. The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.
3. Only residential uses shall be permitted in a Residential Planned Unit Development, except those expressly allowed by conditional use permit. See Schedule of Uses.
4. Building height and setback requirements shall be the same as for the District in which located.
5. The average of the lot area per dwelling unit shall not be reduced below the specified area requirements for the District. However, individual lot requirements for width, depth, area, side or rear yard may be modified provided any such requirements shall not be reduced by more than 20%.
6. At least two off-street parking spaces shall be provided for each dwelling unit. Service drives and other service facilities shall be located entirely within the project site.
7. Plans shall provide for suitable street widening as may be necessary to facilitate the circulation of vehicular traffic; the appropriate extension of public utilities, including sanitary sewers, storm drainage, and water main along street frontage; and suitable screen planting and landscaping.
8. A minimum of 20% of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Village and retained as common open space for parks, recreation, and related uses. All land dedicated to the Village must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication to the Village unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

SECTION 1309 PLANNED UNIT INDUSTRIAL DEVELOPMENT

A planned unit industrial development may be permitted in accordance with the following provisions:

1. Industrial uses and parcels shall be developed in parklike surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of building and a compact grouping or groupings in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order that those thoroughfares which are constructed may be built to the highest possible

- standards.
2. Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services or clinics may form a small commercial center to serve the need of the industries or their personnel, may be permitted in a planned industrial area.
 3. Off-street parking and loading areas shall conform to the provisions of this ordinance, and all screening requirements shall be observed.
 4. All intervening spaces between the street pavement and the building line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
 5. Project side yards of 50 feet and a rear yard of 50 feet shall be required if the project is located adjacent to any residential zone and/or uses. All intervening spaces between the road right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings.

SECTION 1310 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

1. In the event of an unreasonable delay in developing an approved planned unit project or in the event of its abandonment the property shall be subject to a reclassification to the original zoning of the property if a zoning change was made to accommodate the approved planned unit project. Prior to the granting of an approval the Planning Commission and developer shall mutually determine what period shall constitute an unreasonable delay in the development of the project.
2. In the event that the developer or the property owners' association or other organization established to own and maintain the common open space, or any successor organization, shall at any time fail to maintain the common open space in a reasonable order and condition in accordance with the development plan the municipality may undertake appropriate legal action to insure that the common open space is properly and regularly maintained.
3. In approving any planned unit development district, the Village Planning Commission may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions or safeguards, when made a part of the terms under which final development plan is approved, shall be deemed a violation of this ordinance and punishable under §314 of this ordinance.
4. All development streets, driveways, parking areas, and storage areas shall be paved, drained, and well lit as provided in Article 11 of this ordinance.

SECTION 1311 PROCEDURE FOR APPROVAL OF P.U.D. DISTRICT

1. **Pre-Application Meeting:** The developer shall meet with the Zoning Inspector and Commission prior to the submission of the preliminary development plan. The purpose

of this meeting is to discuss early and informally the purpose and effect of this ordinance and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, and major thoroughfare plan, the parks and public open space plan, the subdivisions regulations, and the drainage, sewer, and water systems of the Village.

2. **Contents of Application for Approval of Preliminary Development Plan:** An application for preliminary planned unit development shall be filed with the Chairman of the Planning Commission by at least one (1) owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:
 - a. Name, address, and phone number of applicant.
 - b. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
 - c. Legal description of property.
 - d. Description of existing use.
 - e. Zoning district(s).
 - f. A vicinity map at a scale approved by the Planning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the planned unit development to the comprehensive plan and to existing schools and other community facilities and services.
 - g. A preliminary development plan at a scale approved by the Commission showing topography at 2 foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission deems necessary.
 - h. Proposed schedule for the development of the site.
 - i. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within 5 years.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the Village's statement of objectives for planned unit developments in §1300.

3. **Public Hearing by Planning Commission:** Within 30 days after receipt of the preliminary development plan, the Preliminary Commission shall hold a public hearing.
4. **Notice of Public Hearing by Planning Commission in Newspaper:** Before holding the public hearing provided in paragraph 3 of this section, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Village at least 20 days before the date of said hearing. The notice shall set forth the time and place of the

- public hearing and a general description of the planned unit development.
5. **Notice to Property Owners by Planning Commission:** Before holding the public hearing required in paragraph 3 of this section, written notice of such hearing shall be sent by the Chairman of the Planning Commission by first class mail, at least 20 days before the hearing, to all owners of property contiguous to or directly across the street from the area proposed to be included within the planned unit development district. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval. The notice shall contain the same information as required of notices published in newspapers as specified in paragraph 3 of this section.
 6. **Approval in Principle by Planning Commission:** Within 30 days after the public hearing required by paragraph 3 of this section, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. The Planning Commission may seek assistance in making its recommendation from the County or Regional Planning Commission or any other appropriate source.

SECTION 1312 FINAL DEVELOPMENT PLAN

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. 5 copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include a registered land surveyor, registered civil engineer.

1. **Contents of Application for Approval of Final Development Plan:** An application for approval of the final development plan shall be filed with the Planning Commission by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within 3 years from the date of issuance of the approval. At a minimum, the application shall contain the following information:
 - a. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.

- b. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.
 - c. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development.
 - d. Engineering feasibility studies and plans showing as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.
 - e. Site plan, showing building(s), various functional use areas, circulation, and their relationship.
 - f. Preliminary building plans, including floor plans and exterior elevations.
 - g. Landscaping plans.
 - h. Deed restrictions, protective covenants, and other legal statements, or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.
2. **Public Hearing by Planning Commission:** Within 30 days after submission of the final development plan, the Planning Commission may hold a public hearing. If a second public hearing is held, notice shall be given as specified in paragraph 4 of §1311.
 3. **Recommendation by Planning Commission:** Within 60 days after receipt of the final development plan, the Planning Commission shall recommend to the Village Council that the final development plan be approved as presented, approved with supplementary conditions or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Village Council.
 4. **Criteria for Recommendations by Planning Commission:** Before making its recommendation as required in paragraph 3 of this section, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:
 - a. The proposed development can be initiated within 3 years of the date of approval.
 - b. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential

surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.

- c. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- d. Any proposed commercial development can be justified at the location proposed.
- e. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Village Council.
- f. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- g. The planned unit development is in general conformance with the comprehensive plan of the Village.
- h. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

The Planning Commission may seek assistance in making its recommendation from the County or Regional Planning Commission or any other appropriate source.

- 5. **Action by Village Council:** Within 60 days after receipt of the final recommendation of the Planning Commission, the Village Council shall by ordinance either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Village Council shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.
- 6. **Expiration and Extension of Approval Period:** The approval of a final development plan for a planned unit development district shall be for a period not to exceed 3 years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within 3 years after approval is granted, the approved final development plan shall be void and the land shall be subject to reclassification to the original zoning of the property if a zoning change was made to accommodate the Planned Unit Development project. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.