

CODIFIED ORDINANCES OF JAMESTOWN
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Administration

- Chap. 1105. Purpose and Title.
- Chap. 1107. General Provisions.
- Chap. 1109. Definitions.
- Chap. 1111. Adoption and Amendments.
- Chap. 1113. Enforcement.
- Chap. 1115. Appeals to Village Council.
- Chap. 1117. Boards and Commissions.

TITLE THREE - Zoning Districts and Regulations

- Chap. 1121. Establishment and Purpose of Zoning Districts.
- Chap. 1125. Use Regulations.
- Chap. 1129. Lot and Yard Requirements.
- Chap. 1133. Special Provisions.
- Chap. 1137. Flood Plain Regulations.
- Chap. 1141. Conservation District Regulations.
- Chap. 1145. Planned Development Regulations.
- Chap. 1149. Sign Regulations.
- Chap. 1151. Off-Street Parking Requirements.

CHAPTER 1105
Purpose and Title

1105.01 Purpose.

1105.02 Title.

1105.01 PURPOSE.

Whereas, the Village Council of Jamestown, Ohio deems it necessary to the promotion of public health, safety, morals, comfort and general welfare of what is known as Jamestown, Ohio to regulate therein the use, size and location of buildings and other structures; the size and location of yards and other open spaces in relation to buildings and the use of land; and to carry out the planning for the Village; the districts and regulations of this Zoning Ordinance are hereby created and established and shall hereafter apply.
(Ord. 3-90. Passed 5-7-90.)

1105.02 TITLE.

This Ordinance shall be known as the Jamestown, Ohio Zoning Ordinance and may be referred to as the Zoning Ordinance.
(Ord. 3-90. Passed 5-7-90.)

**CHAPTER 1107
General Provisions**

1107.01 Nonconforming uses.	1107.06 Compliance with Zoning Ordinance.
1107.02 Restoring unsafe buildings.	1107.07 Validity.
1107.03 Pending applications for building permits.	1107.08 Location of districts.
1107.04 Newly annexed areas.	1107.09 Zoning Map.
1107.05 Greater restrictions prevail.	

CROSS REFERENCES

Zoning of annexed areas - see Ohio R.C. 303.25, 519.18

Nonconforming uses - see Ohio R.C. 713.15

Construction and interpretation generally - see ADM. Ch. 101

1107.01 NONCONFORMING USES.

(a) Any legal use of structure or land lawfully existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions of the Ordinance. This nonconforming lawful use of a structure may be extended throughout those existing parts of the structure which were arranged or designed for such use. No nonconforming structure shall be moved, extended, enlarged, or structurally altered, except when authorized by the Village Council in accordance with the provisions of this Zoning Ordinance as hereinafter provided. (See Section 1115.01(f))

(b) Whenever the lawful use of a structure of land becomes nonconforming through a change in the Zoning Ordinance or in the district boundaries, such use may be continued subject to the same limitations and the same conditions set forth above.

(c) A nonconforming lawful use which has been damaged by fire, explosion, act of God or the public enemy may be reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within two years of the date of such damage, provided that the new building, use or structure shall not contain more than the original space of the replaced building, use, or structure and shall conform to all building regulations of the Village.

(d) If a nonconforming use is abandoned for more than two (2) years, any subsequent use must conform with all provisions of the zoning district in which such use is located and all other provisions of this Zoning Ordinance.
(Ord. 3-90. Passed 5-7-90.)

1107.02 RESTORING UNSAFE BUILDINGS.

Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any buildings or structures declared unsafe by any Building Inspector or Village Official or from complying with his lawful requirements.
(Ord. 3-90. Passed 5-7-90.)

1107.03 PENDING APPLICATIONS FOR BUILDING PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building, structure or part thereof, for which a building permit has been granted before the enactment of this Ordinance and the construction of which, from such plans, shall have been started within ninety days of the date of enactment of this Ordinance, or for any construction which was legally started without a building permit on or before the enactment of this Zoning Ordinance.
(Ord. 3-90. Passed 5-7-90.)

1107.04 NEWLY ANNEXED AREAS.

Upon annexation of township territory to the Village, any township zoning regulations then in effect shall remain in full force and shall be enforced by the township until the Village Council either adopts the existing regulations or new regulations for such territory. When no township regulations are in effect, the annexed area shall not be zoned until action is taken to zone such area in accordance with this Zoning Ordinance. (See Chapter 1 1 1 1 .)

1107.05 GREATER RESTRICTIONS PREVAIL.

Where this Zoning Ordinance imposes greater restrictions than are imposed or required by other provisions of law or ordinance, the provisions of this Zoning Ordinance shall prevail.
(Ord. 3-90. Passed 5-7-90.)

1107.06 COMPLIANCE WITH ZONING ORDINANCE.

A lot may be used and a structure altered, occupied, or used only as this Zoning Ordinance permits.
(Ord. 3-90. Passed 5-7-90.)

1107.07 VALIDITY.

If any article, section, clause, provision, or portion of this Zoning Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the Zoning Ordinance which is not in itself invalid or unconstitutional.
(Ord. 3-90. Passed 5-7-90.)

1107.08 LOCATION OF DISTRICTS.

(a) The boundaries for the districts listed in this Zoning Ordinance are indicated on the Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with Zoning Map amendments which shall be adopted by reference.

(b) Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map, Zoning Boundaries shall be determined by scaling. Scaling disputes shall be determined by the Village Council.

(c) When a district boundary divides a lot in a single ownership existing at the time of enactment of this Zoning Ordinance, the use authorized on, and the district requirements of, the least restricted portion of such lot shall be construed as extending to the entire lot, provided, that such extension shall not include any part of the lot which is more than fifty (50) feet from the district boundary line.

(d) (Ord. 3-90. Passed 5-7-90.)

1107.09 ZONING MAP.

(a) The Zoning Map or any Zoning Map amendment shall be prepared by authority of the Village Council. The map or amendment shall be dated with the effective date of the ordinance that adopts the map or amendment.

(b) A print of the adopted map or map amendment shall be maintained in the office of the Village Clerk, Mayor's Office and Zoning Inspector.

(c) Any amendment to the Zoning Map by the Village shall be made with full consideration given to fair housing practices.
(Ord. 3-90. Passed 5-7-90.)

CHAPTER 1109 Definitions

1109.01 Definitions.

CROSS REFERENCES

General definitions - see ADM. 101.02

Sign definitions - see P. & Z. 1149.02

1109.01 DEFINITIONS.

"Abandonment" means the relinquishment of property or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

"Accessory Use or Structure" means a use or structure (such as garage) incidental to the main use of the land or building. In buildings restricted to residence use, the office of a professional man and workshops not conducted for compensation shall be deemed accessory uses. Offices or workshops conducted for compensation shall be deemed home occupations. (Ord. 3-90. Passed 5-7-90.)

"Adult entertainment facility" means a facility having a significant portion of its function as adult entertainment, which includes the following listed categories:

- (a) **"Adult arcade"** means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show film, motion pictures, video cassettes, slides or other photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (b) **"Adult book store"** means an establishment having as a substantial or significant portion of its trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, as herein defined, or an establishment with a segment or section devoted to the sale or display of such material.
- (c) **"Adult mini motion picture theater"** means a facility with a capacity for less than fifty persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

- (d) **"Adult motion picture theater"** means a facility with a capacity of fifty or more persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
 - (e) **"Adult entertainment business"** means any establishment involved in the sale of services or products characterized by the exposure or presentation of specified anatomical areas or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation of, or participation in by, patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage and similar functions which utilize activities as specified above.
 - (f) **"Adult video store"** means an establishment having a substantial or significant portion of its stock in trade in videos which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to sale or display of such material.
 - (g) **"Massage establishment"** means any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, occupational therapist, massage therapist or physical therapist duly licensed by the State of Ohio, or barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder.
 - (h) **"Massage"** means a method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.
 - (i) **"Specified sexual activities"** means:
 - (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus or fellatio; or
 - (3) Fondling or other erotic touching of human genitals, the pubic region, a buttock or female breasts.
 - U) **"Specified anatomical areas"** means:
 - (1) Less than completely and opaquely covered human genitals, the pubic region, a buttock and female breasts below a point immediately above the top of the areola; or
 - (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- (Ord. 98-2. Passed 10-19-98.)

"Air Pollution" means the presence of contaminants in the air in concentrations that prevent the normal dispersive ability of the air and that interfere directly or indirectly with man's health, safety or comfort or with the full use and enjoyment of the property.

"Airport" means a place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

"Agriculture" includes farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry, and the processing and sale of agricultural products.

"Altering of Building" means any change in supporting members of a building except such change as may be required for its safety, any addition to a building, any change in use from one district classification to another, or removal of a building from one location to another. "Altering" shall not include interior remodeling and outdoor maintenance.

"Amendment" means the process of revision or addition to the Zoning Map or the Zoning Ordinance.

"Appeal" means to make a request for an interpretation, review of an error or variance to the Village Council.

"Barber and Beauty Shops" means any premises, building or part of a building, in which any branch of barbering or cosmetology or the occupation of a barber or cosmetologist is carried out and is licensed by the State of Ohio.

"Billboard" See Signs.

"Building" means a structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

"Building, Accessory" means a subordinate building located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

"Building Height" means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the building structure.

"Building Line" means the front yard setback line established by this Zoning Code generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located except as may be provided by this Zoning Code or district regulation or as established by the Village Council.

"Building, Principal" means a building in which is conducted the main or principal use of the property on which such building is situated.

"Camp" means any tract of land or premises having facilities used for camping purposes such as recreational, health, educational, construction, sectarian, tourist, picnic, or resort camps, not for permanent occupancy.

"Carry-Out Business" means a retail business conducted in a building having no more than 8,000 square feet of gross floor area and primarily engaged in selling food products to short-term customers for consumption off the premises.

"Cemetery" means a tract of land designated by the Zoning Ordinance and protected by Municipal laws, Township or County regulations or the State statutes for the burial of human remains.

"Cigar Stores and Stands" means a store, shop or stand, or part thereof, place, building, structure, or vehicle, where cigars, cigarettes, or tobacco or all or any of them, are exposed for sale, or sold, and inclusive of sale of any cigars, cigarettes, or tobacco or all or any of them, from vending machines, or other apparatus or mechanical device.

"Clinic" means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

"Commercial Laundry and Dry Cleaning Plant" means any premises, building or part of a building rendering a retail service by providing the washing, drying and otherwise processing laundry, including, but not limited by garment pressing, laundry and dry cleaning, the business of cleaning cloth, feathers, or any type of fabric by the use of gasoline, naphtha, benzine or other petroleum or coal tar products; or cleaning by any methods which include the use of flammable volatile or highly combustible material, but not including self service laundries.

"Commercial Uses" means any use operated for profit or compensation.

"Commercial Recreation Facilities" means facilities operated as a business and open to the general public for a fee.

"Comprehensive Plan" means a plan or part thereof, adopted by the legislative authority of the Village of Jamestown 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; also the "Village Plan".

"Conditional Use" means a use permitted within a district other than a principally permitted use, requiring a Conditional Use Permit and approval of the Village Council.

"Conditional Use Permit" means a permit issued by the Zoning Inspector upon approval by the Village Council to allow a use other than a principally permitted use to be established within the district. Such permit indicates that the conditional use meets all conditions set forth in the Zoning Code.

"Construction Establishments, Building, Plumbing, Heating, Special Trades" means any premises, building or part of a building in which, any of the standard building trades including, but not limited to construction, concrete, masonry, building fabrication, electrical, plumbing, heating, air conditioning, plaster, drywall, painting, roofing and the like operate as a business in the commercial provision of building trade services.

"Council" means the Council of the Village of Jamestown.

"Density" means a unit of measurement indicating the number of dwelling units per acre of land.

- (a) **"Gross density"** means the number of dwelling units per acre of the total land to be developed including any area to be dedicated to public use.
- (b) **"Net density"** means the number of dwelling units per acre of land exclusive of any area to be dedicated to public use.

"Doctor, Dentist and other Health Practitioners, Offices or Clinics" means a building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include dental or medical laboratories. It shall not include in-patient care or operating rooms for major surgery.

"Drive-in or Drive-through Business" means a retail or service establishment conducted in a building having no more than 8,000 square feet of gross floor area, and which provides a designated place from which persons can conduct the major portion of their business without leaving their motor vehicles.

"Drug Store" means a store used for receiving, compounding, storing, handling, or dispensing medicinal preparations, drugs, chemicals, oils, personal care products, medical devices and supplies and nonprescription medicines, but where nonmedical products are sold as well.

"Dwelling" means a building or portion thereof occupied or intended to be occupied for residential purposes.

- (a) **"Mobile Home, Manufactured Unit"** means any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways; so designed and so constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether attached or unattached to a permanent foundation. A moveable living unit or units as in the case of a double-wide unit or similar portable structure having no foundation other than wheels, jacks, or blocks, sometimes referred to as trailers, trailer homes, or house trailers. Nothing in the Ordinance shall be construed as permitting a mobile home or a double-wide mobile home in other than an approved mobile home park. Also, known as manufactured housing according to the Federal Housing and Community Development Act of 1980, and as defined in Section 4501.01 of the Ohio Revised Code.
- (b) **"Mobile Home, Double Wide"** means two mobile home units, attached side by side, which constitute the complete mobile home. (See also: "Mobile Home.")
- (c) **"Industrialized Unit"** means a dwelling unit that is constructed and assembled at a factory and transported to the building's site and placed on and attached to a permanent masonry foundation. Industrialized unit housing must be at least 24 feet wide by 36 feet long, and is not a mobile home or double wide mobile home, or manufactured unit as defined elsewhere in this chapter, and as defined in Section 3781.10 of the Ohio Revised Code.

- (d) **"Single-Family Dwelling"** means a detached residential dwelling unit other than a manufactured unit, or vacation or seasonal home, designed for and occupied by one family only.
- (e) **"Two-Family Dwelling"** means a detached residential building designed for or occupied by two families only.
- (f) **"Multiple-Family Dwelling"** means a residential building designated for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- (g) **"Vacation or Seasonal Home"** means a single-family home for vacation use, full-time or part-time, is the same as a single-family dwelling except they are not permitted except where specifically provided for by this Zoning Ordinance.
- (h) **"Mixed Use Dwelling"** means a dwelling which is located in a building having another primary use, such as a shop with apartments on the second floor or any similar combination of dwelling(s) and other uses.

"Eating and Drinking Places, except Drive-ins" means a restaurant, food or drink dispensing stand, coffee stand, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, inplant feeding establishment, hospital, institution, school lunchroom, private and semi-private club, camp, camp kitchen, church kitchen, caterer, or any other place in which food or drink is prepared or stored for public consumption, distribution or sale and shall include vehicles used in connection therewith and all places where water for drinking or culinary purposes is available for public use, except for drive-in type eating and drinking places.

"Equipment Storage and Sales" means an establishment or facility used for storage and wholesale or retail sale of industrial or commercial equipment.

"Erosion" means the detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

"Essential Services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service for the public health, safety, or general welfare, but not including buildings or structures.

"Exception" means a use permitted only after review by the Village Council on matters of interpretation covering conditions, precedent or subsequent because the Zoning Ordinance does not precisely define a term, use, or application.

"Farm Vacation Enterprises" means farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery and nature recreation areas, hunting areas, hunting preserves, and similar uses.

"Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

"Fire Hazard" means any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire, or which may obstruct, delay, hinder or interfere with the operations of the fire department to the egress of occupants in the event of fire.

"Finance, Insurance and Real Estate" means establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, brokers, lessors, lessees, sellers, agents and developers of real estate.

"Garment Pressing, Laundry and Dry Cleaning Agents" means a building or facility which is used for the washing of clothes or other articles of cloth, or for ironing in connection therewith, the business of cleaning cloth, feathers or any type of fabric by the use of gasoline, naphtha, benzine or other petroleum or coal tar products; or cleaning by any methods which include the use of flammable, volatile or highly combustible or combustible material.

"Glare" means the effect produced by brightness sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

"Grain Elevators and Feed Mills" means an establishment or facility used for the storage, processing, shipment and sale, both retail and wholesale of agricultural grain products and animal feed, such as corn, wheat, soybeans, oats, sunflower, rye, barley, sorghum and similar field crops.

"Grocery Stores and Other Food Stores" means establishments selling food and drink products for consumption off the premises and shall include: grocery stores, fruit and vegetable stores, bakeries, dairy stores, butcher shops, liquor stores, candy stores, and any other store of a similar nature.

"Home Occupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof for compensation, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation includes, but is not limited to: real estate offices, barber shops, beauty shops, and offices in the home of doctors. Persons employed in home occupations who are from outside the home are not permitted except by approval of the Village Council as an Exception.

"House Trailer" See "Dwellings".

"Industrial Park" means a tract of land subdivided and developed according to a comprehensive development plan, in a manner which provides a park like setting for industrial establishments.

"Industrialized Unit" See "Dwellings".

"Institutions" means a nonprofit or quasi-public use such as a church, library, public, or private school, hospital or municipally owned or operated building, structure or land used for public purpose.

"Junk" means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition.

"Junk Buildings, Junk Shops, Junk Yards" means any land, property, structure, building, or combination of the same, on which junk is stored or processed .

"Junk Storage and Sales" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment; used cars in operable condition, operable machinery, and the processing of used, discarded, or salvaged materials as part of manufacturing operations. Any concentration of two (2) or more used motor vehicles not displaying a current motor vehicle license shall be considered junk storage and/or sales. Junk storage and/or sales is only permitted in the Industrial District and then only as a Conditional Use with permission of the Village Council.

"Large Recreational Complexes" means an area, facility or combination consisting of at least five acres in size or having a capacity for at least 500 people.

"Litter" means unsightly and untidy conditions caused by the improper and illegal disposal of solid waste material in other than an approved place of disposal.

"Lot", for the purposes of this Code, means 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, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, of complete lot of record and portions of lots of record, or of portions of lots of record.

"Lot Frontage". The front of a lot shall be construed to be the portion nearest the street. For the purpose 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 chapter.

"Lot, Minimum Area". The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

"Lot Measurements". A lot shall be measured as follows:

- (a) **"Depth"** means the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the near most points of the side lot lines in the rear.
- (b) **"Width"** means 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" means 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.

"Manufactured Unit". See "Dwelling, Mobile Home"

"Manufacturing" means the assembly, fabrication, treatment, processing, rebuilding, blending, or molding of materials into a finished product.

"Manufacturing Establishment" means any premises, building or part of a building in which processing and/or converting of raw, unfinished or finished materials or products or any, or either of them, into an article or articles of substance or different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles. Places providing for the industrial assembly, fabrication, treatment, processing, rebuilding, blending, or molding of materials into a finished product.

"Manufacture, Sale and Storage of Building Materials" means an establishment or facility used for the manufacturing, sale and storage of building materials either retail or wholesale.

"Mineral Extraction, Storage and Processing, Including Oil and Gas Wells" means any mining, quarrying, storage or processing of limestone, sand, gravel, oil or gas, or other mineral resources.

"Mobile Home". See "Dwellings".

"Mobile Home Park" means a site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

"Mobile Home Space" means a plot of land for placement of a single mobile home or double-wide within a mobile home park.

"Mortuary" means a place for the storage of human bodies prior to their burial or cremation.

"Municipality" means the specific unit of government responsible for the adoption, administration and enforcement of the Zoning Code, also the local authority which is the legally authorized agency charged with the administration and enforcement of land use regulations. For this Code the terms Municipality and Village shall be the same as the Village of Jamestown, Greene County, Ohio.

"Noise" means a disturbing sound of any kind caused by any circumstance.

"Non-commercial Recreation" means clubs or recreation facilities, operated by a non-profit organization and open only to bonafide members of such non-profit organization.

"Nonconforming Lot" means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the Zoning District.

"Non-conforming Sign" means any sign lawfully existing on the effective date of an Ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

"Non-conforming Structure or Building" means a structure or building the size, dimension or location of which was lawful prior to the adoption, revision or amendment to a Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the Zoning District.

"Non-conforming Use" means a use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Zoning District.

"Nursery, Day Care or Child Care Center" means a private establishment enrolling four or more children between 2 and 5 years of age and where tuition, fees or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a nursery, day care center or child care center.

"Nursing Home" means an extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

"Offices and Laboratories" means an establishment or other facility used for a combination of professional or commercial office space and laboratory or laboratories.

"Organization and Association" means an entity organized on a profit-making or nonprofit-making basis for the promotion of membership interests.

"Outdoor Advertising" See "Signs".

"Parking Space" means a space for the parking of a motor vehicle within a public or private parking area.

"Parking, Off Street" means any parking space located wholly off any street, alley or sidewalk, either in a parking structure or on a lot and where each parking space conforms to standards specified in the Zoning Code, and is exclusive of access aisles or drives.

"Permit" means written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

"Permitted Use" means any use allowed in a Zoning District and subject to the restrictions applicable to that Zoning District.

"Planning Commission" means the Planning Commission of the Village of Jamestown, Ohio.

"Planned Unit Development" means 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 Office" means the office of a member of a recognized profession maintained for the conduct of that profession.

"Property Line" means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

"Public Hearing" means a meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

"Public Service Facility" means the erection, construction, alteration or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, airports, terminals, and other similar public service structures, including the furnishing of electric, gas, rail transport, other transportation, communication, public water and sewage services.

"Public Uses" means 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.

"Recreational Facilities" includes:

- (a) Private and semi-public recreational facilities which are not operated for commercial gain;
- (b) Public recreational facilities which are open to the public, established and operated for a profit;
- (c) Municipal recreational facilities which are operated by the Village and open to the public with or without charge;
- (d) A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

"Radioactivity or Electrical Disturbance" means the deleterious, disrupting interference sometimes of a harmful nature which shall include all radiation capable of producing ions in their passage through matter. Such radiations shall include, but are not limited to, electromagnetic radiations such as caused by electrical disturbances, excluding natural phenomenon, but including X-rays and gamma rays and particulate radiations such as electrons or beta particles, protons, neutrons, and alpha particles.

"Repair Service" means any business activity which services and repairs appliances and machines, shoes, watches, etc. used in the home.

"Research and Testing Facility" means any premises, building or part of a building for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

"Residence" means a home, abode or place where an individual is actually living at a specific point in time, including the term "domicile" which is a residence that is a permanent home to an individual. (See "Dwellings".)

"Retail Trade" means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

"Right-of-Way" means land reserved for use as a street, interior walk, or for other public purpose.

"Self Service Laundry" means a business rendering a retail service by renting to the individual customer at a fixed location, equipment for washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management, and does not include the processing of laundry by the management on behalf of the customer.

"Semi-Public Uses" means Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

"Setback" means the distance between the street right-of-way line and the front line of a building or any projection thereof.

"Setback Line" means the line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

"Shopping Center" means a group of commercial establishments planned, constructed and managed as a total entity with customers and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

"Shoe, Watch and Other Small Item Repair Shop" See "Repair Service".

"Sign" means any device or display designed to inform or convey messages to the public.

- (a) **"Farm Signs"** means a sign or signs which is on a farm over five (5) acres denoting such messages as name and address of occupants, produce for sale and membership organizations, or other information generally related to activities conducted on the farm.
- (b) **"Ground Sign"** means a sign which is supported by one or more columns, uprights or braces in or upon the ground.
- (c) **"Outdoor Advertising Display and/or Billboard"** means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising for a product or service not located on the premises on which the sign is located, or any part thereof, which advertisement is visible by persons walking or riding in a motor vehicle. All other permitted signs shall not be considered outdoor advertising displays and/or billboards.
- (d) **"Projecting Sign"** means a sign which projects from and is supported by a wall of a building or structure.
- (e) **"Wall Sign"** means a sign which is affixed directly to the exterior wall and confined within the limits thereof and which projects from that surface less than twelve (12) inches at all points.

"Sign Area" means the entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure, unless it bears an advertising message.

"Sign, Animated or Moving" means any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

"Sign Flashing" means any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

"Sign, Portable" means a sign that is not permanent, affixed to a building, structure or the ground, including, but not limited to: trailer signs, daisy signs, and similar transportable message signs.

"Special Use" means a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts.

"Story" means that part of a building, included between the upper surface of any floor and the upper surface of the floor next above; or, if there be no floor next above, the ceiling or roof next above such floor. A basement shall be considered a story if it is used for living quarters or if two-thirds (2/3) of its volume is above the average level of the adjacent ground.

"Story, Half" means a partial story under a gable, hip, gambrel, or similar roof, the wall plates of which at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

"Structure" means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

"Structural Alteration" means any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

"Tanks" including bulk tanks and fuel tanks whether above or below ground or water, means structures which are subject to the regulations of this Zoning Ordinance.

"Television and Radio Station" means buildings, antenna, electrical equipment, offices, and related accessory uses for the origination of electronic signals necessary to broadcast television and radio programming.

"Temporary Structure or Use" means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased or a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

"Tourist Home" means a building other than a hotel or motel where lodging is provided and offered to the public for compensation for not more than ten (10) individuals and open for transient guests.

"Transport and Trucking Terminals" See "Trucking Terminal and Facility".

"Trucking Terminal and Facility" means commercial facility where truck freight is stored, handled, and dispatched between various locations by way of different major truck carriers and including facilities for the storage and repair of trucks and trailers while awaiting consignment.

"Used Merchandise Store" means any premises, building or part of a building, in which previously owned or used merchandise is displayed and provided for sale.

"Vacation or Seasonal Home" means a second home, owned or rented, usually used seasonally, and located in an area with nearby recreational opportunities or amenities.

"Variance" means 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 unnecessary and undue hardship, also: permission to depart from the literal requirements of a Zoning Ordinance.

"Vibration" means a disturbing periodic, rhythmical movement or oscillation of an elastic body when displaced from the rest position of equilibrium, discernable without instruments on any adjoining lot or property.

"Wall" means:

- (a) The vertical exterior surface of a building;
- (b) Vertical interior surfaces which divide a building's space into rooms.

"Water Pollution" means the addition of pollutants to water in concentrations or in sufficient quantities to result in measurable degradation of water quality.

"Wholesale and Warehousing Facility" means structure for the purpose of storing and/or wholesaling goods and materials including freight storage and forwarding, general warehousing cold storage, and any other type of warehousing or wholesaling, provided that all operations except the loading and parking of trucks shall be enclosed within a building.

"Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (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.

- (a) **"Yard, Front"** means 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.
- (b) **"Yard, Rear"** means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- (c) **"Yard, Side"** means 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.

"Yard, Required" means the open space between a lot line and the buildable area within which no structure shall be located except as provided in this Zoning Code.

"Zone" means a specially delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing, and the size of land and buildings.

"Zoning" means the division of the Village into districts and the establishment of regulations governing the use, placement, spacing, and size of land and main buildings.

"Zoning Boundary" means a line of division between one or more Zoning Districts as shown on the Zoning Map.

"Zoning Map" means the map or maps, which are part of the Zoning Ordinance, and delineate the boundaries of Zone Districts.

"Zoning Inspector" means the administrative officer designated to administer the Zoning Ordinance and issue Zoning Permits, also the Building Inspector.

"Zoning Ordinance" means a municipal ordinance of the Village of Jamestown, Ohio regulating the use of the land or structures or both as provided in the Act.

"Zoning Permit" means a document signed by the Zoning Inspector, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the municipal zoning or authorized variance therefrom.
(Ord. 3-90. Passed 5-7-90.)

Ordinance 2-08

PERMIT COST INCREASES FOR ZONING

1113.03 FEE FOR ZONING PERMIT

The fee for a Zoning Permit (including Zoning Permits for signs) shall be fifty dollars (\$50.00).
(Ord. 3-90. Passed 5-7-90)

1111.03 FEE FOR ZONING AMENDMENT

There shall be a fee of three hundred dollars (\$300.00) for Zoning Amendments, due at the time of application, to cover the cost of advertising and other expenses. The application and fee shall be presented to the Zoning Inspector. The fee shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied. The fee shall not apply to any amendment initiated by the Zoning Inspector or Council. When the Council finds it necessary to require special studies to be made, the applicant may be required to provide such special studies as a part of the application and bear the cost of such studies.

(Ord. 3-90. Passed 5-7-90.)

1115.01 VARIANCES AND CONDITIONAL USES

The fee for a Variance shall be two hundred dollars (\$200.00) which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Variance shall be waived, and the Zoning Permit issued by the Zoning Inspector.

The fee for a Conditional Use shall be two hundred dollars (\$200.00) which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Conditional Use shall be waived, and the Zoning Permit issued by the Zoning Inspector
(Ord. 3-90. Passed 5-7-90.)

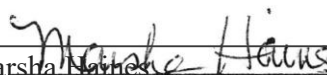
This Ordinance shall take effect and be in force from and after the earliest date allow by law.

Passed: 07.21.08

(Mark O. Ferrell)

-Mark O. Ferrell, Mayor
Village of Jamestown Council

Attest:


Marsha Haines
Clerk of Village Council

CHAPTER 1111
Adoption and Amendments

1111.01	Procedure and regulations on adopting and amending Zoning Ordinance.	1111.02	Initiation of amendment to re-zone.
		1111.03	Fee for zoning amendment.

CROSS REFERENCES

Council may amend districts or zoning - see Ohio R.C. 713.10

1111.01 PROCEDURE AND REGULATIONS ON ADOPTING AND AMENDING ZONING ORDINANCE.

Before this Zoning Ordinance, or any amendments thereto, may be adopted or passed, the Council shall hold a public hearing thereon, and shall give at least thirty (30) days' notice of the time and place thereof in a newspaper of general circulation in the Village. Whenever an amendment to this Ordinance intends to rezone, or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of the Village by first class mail, at least twenty (20) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels to the addresses of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list and to such other list(s) that may be specified by the Council. The failure of delivery of such notice shall not invalidate any such Zoning Ordinance. During such thirty (30) days the text or copy of the text of such Zoning Ordinance, together with the maps or plans or copies thereof forming part of or referred to in such Zoning Ordinance and the maps, plans, and any reports submitted by the Village Council and/or Zoning Inspector, shall be on file, for public examination, in the office of the Clerk of the Village or in such other office as is designated by the Council. No such Zoning Ordinance shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the Council. Any amendment to this Zoning Ordinance shall promote Fair Housing practices.

(Ord. 3-90. Passed 5-7-90.)

1111.02 INITIATION OF AMENDMENT TO RE-ZONE.

- (a) Amendments or supplements to the Zoning Ordinance may be initiated by:
- (1) Motion of the Zoning Inspector;
 - (2) By application of one or more owners or lessees of property within the area to be changed;
 - (3) By passage of a resolution by the Village Council.
- (b) To be approved, applications for amendments should meet at least one of the following conditions:
- (1) The request is in accordance with or would result in greater conformity to the Village's Land Use Plan.
 - (2) There is currently insufficient land throughout the Village zoned for the particular district to meet the current and anticipated future demands.
 - (3) There has been a substantial change in the area's condition which has rendered the original zoning obsolete.
 - (4) Other situations which such a zoning change would be appropriate for the overall health, safety, and welfare of the Village.
(Ord. 3-90. Passed 5-7-90.)

1111.03 FEE FOR ZONING AMENDMENT.'> (300.00)

There shall be a fee of ~~two~~ hundred dollars) for Zoning Amendments, due at the time of application, to cover the cost of advertising and other expenses. The application and fee shall be presented to the Zoning Inspector. The fee shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied. The fee shall not apply to any amendment initiated by the Zoning Inspector or Council. When the Council finds it necessary to require special studies to be made, the applicant may be required to provide such special studies as a part of the application and bear the cost of such studies.
(Ord. 3-90. Passed 5-7-90.)

Ordinance 2-08

PERMIT COST INCREASES FOR ZONING

1113.03 FEE FOR ZONING PERMIT

The fee for a Zoning Permit (including Zoning Permits for signs) shall be fifty dollars (\$50.00).
(Ord. 3-90. Passed 5-7-90)

1111.03 FEE FOR ZONING AMENDMENT

There shall be a fee of ~~two~~ (3) hundred dollars (\$300.00) for Zoning Amendments, due at the time of application, to cover the cost of advertising and other expenses. The application and fee shall be presented to the Zoning Inspector. The fee shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied. The fee shall not apply to any amendment initiated by the Zoning Inspector or Council. When the Council finds it necessary to require special studies to be made, the applicant may be required to provide such special studies as a part of the application and bear the cost of such studies.
(Ord. 3-90. Passed 5-7-90.)

1115.01 VARIANCES AND CONDITIONAL USES

The fee for a Variance shall be two hundred dollars (\$200.00) which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Variance shall be waived, and the Zoning Permit issued by the Zoning Inspector.

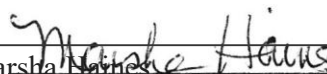
The fee for a Conditional Use shall be two hundred dollars (\$200.00) which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Conditional Use shall be waived, and the Zoning Permit issued by the Zoning Inspector
(Ord. 3-90. Passed 5-7-90.)

This Ordinance shall take effect and be in force from and after the earliest date allow by law.

Passed: 07.21.08

"Larko Ferrell, Mayor
Village of Jamestown Council

Attest:


Marsha Haines
Clerk of Village Council

CHAPTER 1113 Enforcement

1113.01	Zoning Inspector.	1113.05	Inspection.
1113.02	Zoning permits required.	1113.06	Correction period.
1113.03	Fee for zoning permit.	1113.07	Violations remedies.
1113.04	Violations.	1113.99	Penalty.

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13

1113.01 ZONING INSPECTOR.

(a) The position of Zoning Inspector is hereby created. He shall be appointed and serve at the pleasure of the Village Council and shall receive such compensation as the Council may provide.

(b) The Zoning Inspector shall have the following duties:

- (1) Issue Zoning Permits when this Ordinance has been followed, or, refuse to issue same in the event of non-compliance.
- (2) Collect the designated fees for Zoning Permits, Amendments, Appeals, Conditional Uses, and Exceptions.
- (3) Make and keep records on all applications, issuance and denial of all permits, and on complaints of violations.
- (4) Enforce this Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress, and request the Village Solicitor to commence appropriate legal action upon Council approval.
- (5) Keep the Council advised of all matters other than routine duties pertaining to the enforcement of this Zoning Ordinance and to transmit all applications and records pertaining to Amendments.
- (6) Keep the Council advised of all matters pertaining to Appeals, Variances, and Conditional Uses, Exceptions, and transmit all applications and records pertaining thereto to the appropriate person or body.

(Ord. 3-90. Passed 5-7-90.)

1113.02 ZONING PERMITS REQUIRED.

(a) Before construction, changing the use of, or structurally altering any building or sign, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Inspector for a Zoning Permit. The Zoning Permit requirement shall not include interior remodeling if the type of use is not changed and shall not include exterior upkeep and maintenance. The applications shall include the following information:

- (1) The location of the lot and existing zoning and land use of the property and the immediately surrounding area.
- (2) A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
- (3) The location, dimensions, height and bulk of structures to be erected.
- (4) The intended use.
- (5) The yard, open area and parking dimensions.
- (6) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

(b) Before constructing or altering any sign or outdoor advertising device requiring a Zoning Permit (see Sign Regulations) a Zoning Permit shall be secured.

(c) Within ten (10) days after a receipt of application, the Zoning Inspector shall issue a Zoning Permit if the application complies with the requirements of this Zoning Ordinance and the application is accompanied by the proper fee.

(d) The Zoning Permit shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or use changed within six (6) months of the date of Permit, a new Permit is required upon application.
(Ord. 3-90. Passed 5-7-90.)

1113.03 FEE FOR ZONING PERMIT.

The fee for a Zoning Permit (including Zoning Permits for signs) shall be ~~twenty five dollars (25.00)~~ \$ 50.00
(Ord. 3-90. Passed 5-7-90.)

1113.04 VIOLATIONS.

Buildings or signs erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Zoning Ordinance are declared to be a nuisance per se and shall be subject to the Penalties stated in this Zoning Ordinance. Any building or land use activities considered possible violations of the provisions of this Ordinance which are observed by the residents of the Village shall be reported to the Zoning Inspector.
(Ord. 3-90. Passed 5-7-90.)

1113.05 INSPECTION.

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this O r d i n a n c e .
(Ord. 3-90. Passed 5-7-90.)

1113.06 CORRECTION PERIOD.

All violations shall be corrected within a period of thirty (30) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within the specified time period shall be reported to the Village Solicitor who shall initiate prosecution procedures after Council approval.

(Ord. 3-90. Passed 5-7-90.)

1113.07 VIOLATIONS REMEDIES.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, on any land or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Village Council, the Village Solicitor, or the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 3-90. Passed 5-7-90.)

1113.99 PENALTY.

(a) Any person, firm or corporation, violating any of the provisions of this Zoning Code, shall for each violation upon conviction thereof, pay a penalty of not less than fifty dollars (\$50.00) and legal costs nor more than five hundred dollars (\$500.00), with costs coverable before the municipal court, and upon default of payment of the penalty and costs, the persons convicted may be committed to the Village or County prison for a period not exceeding ninety (90) days. Each ten (10) days such violations shall be permitted to exist shall constitute a separate offense.

(b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who knowingly commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

(c) Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violations.

(Ord. 3-90. Passed 5-7-90.)

CHAPTER 1115
Appeals to Village Council

1115.01	Powers and duties of Council in handling appeals, variances, conditional uses, exceptions, interpretation of Zoning Map, nonconforming uses and temporary uses.	1115.02	Procedure for actions by the Village Council.
		1115.03	Notice of hearings by Village Council.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. Ch. 2506

**1115.01 POWERS AND DUTIES OF COUNCIL IN HANDLING APPEALS,
VARIANCES, CONDITIONAL USES, EXCEPTIONS, INTERPRETATION
OF ZONING MAP, NONCONFORMING USES AND TEMPORARY USES.**

(a) Appeals. The Village Council shall hear and decide all appeals from the Board of Zoning Appeals.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector whose decision is appealed from shall certify to the Council after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause "imminent" peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Village Council or by a court having lawful jurisdiction.

The Council shall make a decision on the appeals within ten (10) days after the public hearing, unless additional time is necessary because of unusual circumstances. At the hearing any party may appear in person or by attorney.

(Ord. 3-90. Passed 5-7-90; Ord. 1-99. Passed 3-1-99.)

(b) Variances. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Village Council shall have the power in passing an appeal to vary or modify any of the provisions of this Ordinance, except granting uses or structures which are not permitted or conditionally permitted in the district in question, so that the spirit of this Ordinance shall be observed, public safety secured, and the substantial justice done.

In every instance of granting a variance by the Council, there must be a showing by the Council that one of the following applies:

- (1) The strict application of the provisions of the Ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Ordinance.
- (2) There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
- (3) The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose or intent of this Ordinance.
- (4) The granting of such variance will be in the interest of Fair Housing practices and will not impair the purpose or intent of this Ordinance.

In addition, the Council may permit such modification of the yard or lot area or width regulation as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification, provided the parcel was separately owned at the time of passage of this resolution or is adjacent to buildings that do not conform to the general restrictions applicable to their location.

In granting a variance, the Council may impose such conditions as it may deem necessary to protect the public health, safety, or welfare and to further the purpose and intent of this Zoning Ordinance. These conditions shall be made a part of and be attached to the required Zoning Permit.

The fee for a Variance shall be one hundred dollars (\$100.00) which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Variance shall be waived, and the Zoning Permit issued by the Zoning Inspector.

(c) Conditional Uses. The Village Council shall hear and determine all Conditional Uses that are specifically listed within the various districts. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such districts. Since this is the case, the Council shall approve an application for a Conditional use only when the following conditions are met:

- (1) The Conditional Use is specifically listed or interpreted as listed in the district in question.
- (2) The Conditional Use is in general accord with any adopted Village Plans.
- (3) The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.

In granting a Conditional Use the Council may impose such conditions as it may deem necessary to protect the public health, safety, or welfare and to further the purpose and intent of this Zoning Ordinance. (Refer to the Appendix: Checklist for Conditional Uses.)

The fee for a Conditional Use shall be one hundred dollars (\$200.00) which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Conditional Use shall be waived, and the Zoning Permit issued by the Zoning Inspector.

(d) Exception. The Village Council shall have the authority to grant exceptions. An Exception is a Use permitted only after review of an application by the Council, such review being necessary because the provisions of this Zoning Ordinance covering conditions, precedent or subsequent, are not precise enough or are too general to cover all applications without the Council interpretation. In granting an Exception, the Council may impose such conditions as it may deem necessary to protect the public health, safety or welfare and to further the purpose and intent of this Zoning Ordinance. The Council shall not, however, have the right to change the intent of this Zoning Ordinance by permitting any use that cannot be reasonably interpreted as intended in the district in question.

The fee for an Exception shall be one hundred dollars (\$100.00) which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Exception shall be waived, and the Zoning Permit issued by the Zoning Inspector.

(e) Interpretation of Zoning Map. Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Village Council, after notice to the owners of the property, shall interpret the Map in such a way as to carry out the intent and purpose of this Ordinance. No fee shall be charged for an interpretation of the Zoning Map.

(f) Nonconforming Uses. The Village Council shall have the power to permit changes and extensions of nonconforming uses as follows:

- (1) A nonconforming use of a less objectionable nature may be substituted for an existing nonconforming use.
- (2) An existing, legal nonconforming use which occupies only a portion of an existing structure or premises may be extended throughout such structure or premises.
- (3) The alteration or reconstruction of a nonconforming use or building provided that such will make the nonconforming use substantially more in character with its surroundings.
- (4) The extension of a nonconforming use when such extension will substantially make the nonconforming use more in character with its surroundings. Such extensions shall not be greater than fifty percent (50%) of the size of the nonconforming use that existed at the time of passage of this Zoning Ordinance.

The Council may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interests. The fee for a Nonconforming Use change shall be ~~one~~ hundred dollars (\$200.00) which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Nonconforming Use change shall be waived, and the Zoning Permit issued by the Zoning Inspector.

(g) Temporary Uses. The temporary use of a building or premises such as a house trailer or construction office in any district for a purpose or use that does not conform to the regulations prescribed by this Zoning Ordinance for the district in which it is located may be granted when determined justifiable by the Village Council. Portable toilets for construction and other such small structures shall not require a Temporary Use approval by the Council.

Such Temporary Use shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

The fee for a Temporary Use shall be fifty dollars (\$50.00) which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Temporary Use shall be waived, and the Zoning Permit issued by the Zoning Inspector. (Ord. 3-90. Passed 5-7-90.)

1115.02 PROCEDURE FOR ACTIONS BY THE VILLAGE C O U N C I L .

(a) The Village Council shall act according to the procedure specified by law including this Zoning Ordinance.

(b) The Council shall keep minutes of its proceedings showing the vote for each member on all questions, or if absent or failing to vote, it shall indicate such fact.

(c) All applications for Appeals, Variances, Conditional Uses, Exceptions, Nonconforming Uses, and Temporary Uses shall be made to the Village Council in writing and on any forms prescribed therefor. All applications shall set forth the reason the Appeal, Variance, Conditional Use, Exception, Nonconforming Use, or Temporary Use should be granted.

(d) Every decision of the Council shall be by resolution, each of which shall contain a full record of the findings of the Village Council together with all documents pertaining thereto and shall be a public record.

(e) Fees, as prescribed, in this Zoning Ordinance shall be paid in full prior to any action by the Council.

(f) In the event that the Council will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee or services may be required at the expense of the applicant as a part of the application.

(g) No action shall be taken on any request for any Appeal, Variance, Conditional Use, Exception, or Nonconforming Use, prior to a public hearing. (Ord. 3-90. Passed 5-7-90.)

1115.03 NOTICE OF HEARINGS BY VILLAGE COUNCIL.

(a) When a notice of Appeal, Variance, Conditional Use, Exception, or Nonconforming Use has been filed in proper form with the Village Council, the Village Clerk or other designated person shall immediately place the said request for same upon the calendar for hearing, and shall state on the notices the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request, at least five (5) days prior to the date of the scheduled hearing. Public hearings are not required, but may be held if determined necessary by the Council, for Temporary Uses and Interpretations of the Zoning Map.

(b) Written notice of such hearings shall also be given by mail or served personally to the owners of property within and contiguous to and directly across the street from such land to which such Appeal, Variance, Conditional Use, Exception, Nonconforming Use, or Temporary Use, or Interpretation of the Zoning Map is related.

(c) All notices shall be sent to addresses given on the last tax assessment roll or other legally designated address list.

(d) Such hearings shall be advertised by at least one (1) publication in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of such hearing

(e) The Council may recess such hearings from time to time, and if the time and place of the continued hearing shall be publicly announced at the time of adjournment, no further notice shall be required.

(Ord. 3-90. Passed 5-7-90.)

CHAPTER 1117 Boards and Commissions

1117.01 Planning Commission.

1117.02 Board of Zoning Appeals.

CROSS REFERENCES

Planning Commission established - see Ohio R.C. 713.01

Appeals from zoning decisions - see Ohio R.C. 713.11

1117.01 PLANNING COMMISSION.

(a) Duties. The Planning Commission shall be responsible for the Planning, Zoning, and Platting requirements for all lands within the corporate limits or under the jurisdiction of the Village of Jamestown, including the following duties:

- (1) Amendments. Initiate or review all proposed amendments to this Regulation and make recommendations to the Village Council for final determination in accordance with Chapter 1111;
- (2) Planning Unit Developments. Review all proposed planned unit development applications as provided in Chapter 1145;
- (3) Land Use Plan and Zoning Regulations. Develop Land Use Plan and review it for additions, deletions, and changes no less frequently than each two years.
Review the Zoning Regulations for additions, deletions, and changes no less frequently than each two years.
The Land Use Plan Review shall fall in the odd years; and the Zoning Regulation Reviews in the even years. In each case the review shall occur during the first three months of the calendar year.
Recommendations shall be presented to the Village Council.
- (4) Review of Subdivision Regulations;
- (5) Review of Subdivision Plats.
- (6) Review of Subdivision Improvement Plans.
- (7) Conditional Uses. To grant conditional use authorization for specified use of land, buildings, or other structures where the spirit of this Zoning Regulation is observed;
- (8) Agendas. To set agendas and approve minutes.

(b) Creation and Membership. The Village Council shall create and establish the Planning Commission. The Planning Commission shall be composed of five members appointed by the Village Council who reside in the incorporated area of the Village. Initially, two members shall be appointed to a term of approximately three years, two members appointed to a term of approximately two years, and the fifth member to a term of approximately one year, each term expiring on June 30th of the appropriate year. Thereafter each reappointment for an expired term shall be for three years, commencing on July 1st and expiring on June 30th of the appropriate years. Thus after the initial appointments, each subsequent member shall serve a three (3) year term and a majority of the Planning Commission will carry over each year. Each member shall serve until his or her successor is appointed and qualified. Any vacancy shall be filled by Council for the unexpired term.

(c) Removal of Member. Members of the Planning Commission shall be removable by the Village Council for non-performance of duty, misconduct in office, or other cause upon written charges being filed with the Village Council after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the member so charged at least ten (10) days prior to such hearing, either personally, by registered mail, or by leaving such copy at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(d) Organization. The Planning Commission shall elect its own officers including a chairperson and a secretary annually at the first meeting following appointment of new members and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Zoning Regulation.

(e) Meetings. Meetings shall be held at the call of the Chairperson and at such other times as the Planning Commission may determine. A majority of the Planning Commission shall constitute a quorum for conducting business. The Chairperson, or in his or her absence the Acting Chairperson, may administer oath and compel the attendance of witnesses. All meetings shall be open to the public. The Planning Commission shall keep minutes of its proceedings, and shall keep records of its examinations and other official actions, all of which shall be a public record.

(f) Official Action. Planning Commission shall review the recommendations of the Village Engineer, the Village Solicitor, and/or other technical or professional comments necessary to gain sufficient knowledge to make an informed decision on every matter before the Commission. The Planning Commission shall act by resolution or motion on which a majority of the members must concur in any action before the Commission. The results of such resolution or motion shall be forwarded to the Council for their action, showing the vote of each member upon question, or if absent or failing to vote, indicating such fact, except as may otherwise be provided herein. In the event of a tie vote, the motion only fails; a further motion must be brought to a vote to resolve the issue. If an issue cannot gain a simple majority motion vote at a meeting, then said issue is to be continued until a majority motion vote is taken. A motion can only be voted upon by members who are present at a meeting.

(g) Submissions. All applications, fees, and submissions shall be presented by the Village Clerk.
(Ord. 1-99. Passed 3-1-99.)

1117.02 BOARD OF ZONING APPEALS.

(a) Duties. The Board of Zoning Appeals shall be responsible for the following duties:

- (1) Appeals from administrative decision. To hear and decide appeals. Appeals shall include but not be limited to the following:
 - A. Alleged error in any order, requirement, decision or determination made by the Zoning Inspector, pursuant to Chapter 1113;
 - B. Determination of whether or not uses not specifically mentioned in this Regulation are similar to uses permitted within a district in accordance with Section 1125.01;
 - C. Determination of the exact location of any district boundary in accordance with Section 1107.09, if there is any uncertainty as to the exact location involved.
- (2) Authorize variances. To authorize, upon appeal, in specific cases such variances from the terms of this Zoning Regulation as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Zoning Regulation will result in unnecessary hardship, so that the spirit of this Zoning Regulation shall be observed and substantial justice done. The consideration of such variances shall be in accordance with Chapter 1149.
- (3) Agendas. To set agendas and approve minutes.

(b) Creation and Membership. The Village Council shall create and establish the Board of Zoning Appeals. The Board of Zoning Appeals shall be composed of five members appointed by the Village Council who reside in the incorporated area of the Village. Initially, two members shall be appointed to a term of approximately three years, two members appointed to a term of approximately two years, and the fifth member to a term of approximately one year, each term expiring on June 30¹ of the appropriate year. Thereafter each reappointment for an unexpired term shall be for three (3) years, commencing on July 1st and expiring on June 30¹ of the appropriate years. Thus after the initial appointments, each subsequent member shall serve a three (3) year term and a majority of the Board of Zoning Appeals will carry over each year. Each member shall serve until his successor is appointed and qualified. Any vacancy shall be filled by Council for unexpired term.

(c) Removal of Member. Members of the Board of Zoning Appeals shall be removable by the Village Council for non-performance of duty, misconduct in office, or other cause upon written charges being filed with the Council after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the member so charged at least ten (10) days prior to such hearing, either personally, by registered mail, or by leaving such copy at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(d) Organization. The Board of Zoning Appeals shall elect its own officers annually at the first meeting following appointment of new members and shall adopt the rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Regulation.

(e) Meetings. Meetings shall be held at the call of the Chairperson and at such other times as the Board of Zoning Appeals may determine. A majority of the members of the Board of Zoning Appeals shall constitute a quorum for the conducting of business. The Chairperson or, in his absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record.

(f) Official Action.

(1) Official action from appeals of administrative decisions.

- A. The Board of Zoning Appeals shall review recommendations from the Village Engineer, Village Surveyor, Village Zoning Inspector, and/or other technical or professional comments necessary to gain sufficient knowledge to make an informed decision.
- B. The Board of Zoning Appeals shall act by resolution or motion on which three members must concur; otherwise no official action is taken.
- C. The results of such action shall be forwarded to the applicant and to the Zoning Inspector. The results shall show the vote of each member upon each question or if absent or if failing to vote, indicating such fact, and a statement of the facts of each appeal considered by the Board of Zoning Appeals, and the section(s) of this Zoning Regulation where applicable, which the Board of Zoning Appeals has considered in approving or disapproving any appeal brought before it.
- D.
 1. Appeal by Applicant. Where the results of such actions are served upon the applicant and when the applicant wishes to appeal the results of such actions, the applicant shall within thirty (30) days of being served with the results of such action, file a notice of appeal with the Clerk of the Village of Jamestown, Ohio.
The Clerk, in turn, shall provide the Zoning Inspector with a copy of the applicant's notice of appeal, and shall place the matter on the agenda of the next regularly scheduled Council Meeting for final determination by the Village Council, consistent with Chapter 1115, Appeals to Village Council, Jamestown, Ohio Zoning Ordinance, dated January, 1990, and all amendments thereto.
 2. Appeal by Zoning Inspector. Where the results of such actions are served upon the Zoning Inspector and where the Zoning Inspector wishes to appeal the results of such actions, the Zoning Inspector shall within thirty (30) days of being served with the results of such action file a notice of appeal with the Clerk of the Village of Jamestown, Ohio.
The Clerk, in turn, shall provide the applicant with a copy of the Zoning Inspector's notice of appeal and shall place the matter on the agenda of the next regularly scheduled Council Meeting for final determination by the Village Council, consistent with Chapter 1115, Appeals to the Village Council, Jamestown, Ohio Zoning Ordinance dated January, 1990, and all amendments thereto.

- (2) Official actions upon applications for variances.
 - A. The Board of Zoning Appeals shall review recommendations from the Village Engineer, Village Surveyor, Village Zoning Inspector, and/or other technical or professional comments necessary to gain sufficient knowledge to make an informed recommendation to the Village Council upon each application or variance.
 - B. The Board of Zoning Appeals shall act by resolution or motion on which three members must concur; otherwise no official action is taken.
 - C. The result of such action shall be forwarded to the Village Council for its action.
- (3) Reconsideration. The Board of Zoning Appeals may reconsider any official action based upon the uncovering of a procedural error, or if information which was a part of the basis for decision was found to be invalid, or if additional pertinent information becomes available.

(g) Submissions. All applications, fees, and submissions shall be presented to the Village Clerk.
(Ord. 1-99. Passed 3-1-99.)

*received
4-21-08*

VILLAGE OF JAMESTOWN, OHIO

RESOLUTION 08-__

A RESOLUTION OF THE VILLAGE OF JAMESTOWN REGARDING THE
RECOMMENDATIONS OF THE VILLAGE PLANNING COMMISSION REGARDING
RESIDENTIAL ZONING.

WHEREAS, the Village of Jamestown has an overriding interest in the protection of the
character of the Village community; and

WHEREAS, the Village of Jamestown has appointed the Planning and Zoning
Commission to make recommendations to Council regarding the status of R3 and R4 zoning in
the Village; and

WHEREAS, the Village of Jamestown has received numerous requests from its citizens
to amend its Zoning Map as it relates to multi-family housing; and

WHEREAS, the now finds it necessary to alter the current Zoning Map of the Village,

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

THAT, the Village of Jamestown Council pass an ordinance
amending the Village of Jamestown Zoning Map as it relates to R-
3 and R-4 Zoning Districts pursuant to the recommendations of the
Village Planning Commission.

PASSED by the Village Council of the Village of Jamestown, Signed by the Mayor and
attested by the Clerk in authentication of such passage this 21st Day of April, 2008

Mark O. Ferrell, Mayor

Attest:

Marsha Haines, Clerk of Council

VILLAGE OF JAMESTOWN, OHIO

ORDINANCE 08-__

AN ORDINANCE ADOPTING THE RECOMMENDATIONS OF THE VILLAGE PLANNING COMMISSION REGARDING RESIDENTIAL ZONING.

WHEREAS, the Village of Jamestown has an overriding interest in the protection of the character of the Village community; and

WHEREAS, the Village of Jamestown has appointed the Planning and Zoning Commission to make recommendations to Council regarding the status of R3 and R4 zoning in the Village; and

WHEREAS, the Village of Jamestown has received numerous requests from its citizens to amend its zoning code as it relates to multi-family housing; and

WHEREAS, the now finds it necessary to alter the current zoning of the Village,

NOW THEREFORE, the Village of Jamestown hereby ordains:

Section 1: Pursuant to §111.02(a)(3) of the Codified Ordinance of the Village of Jamestown, all existing lots within the Village currently designated R-4 (Urban Residential) are now and hereinafter amended to R-3 (Suburban Residential) zoning classification.

Section 2: From the date of this Ordinance forward, any future zoning districts designated as R-3 (Suburban Residential) shall be required to maintain lot sizes consistent with the requirements of R-4 (Urban Residential) currently in effect as of the date of this Ordinance.

Section 3: This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

Passed:

Effective:

Mark O. Ferrell, Mayor

Attest:

Marsha Haines, Clerk of Village Council

TITLE THREE - Zoning Districts and Regulations

- Chap. 1121. Establishment and Purpose of Zoning Districts.
- Chap. 1125. Use Regulations.
- Chap. 1129. Lot and Yard Requirements.
- Chap. 1133. Special Provisions.
- Chap. 1137. Flood Plain Regulations.
- Chap. 1141. Conservation District Regulations.
- Chap. 1145. Planned Development Regulations.
- Chap. 1149. Sign Regulations.
- Chap. 1151. Off-Street Parking Requirements.

CHAPTER 1121

Establishment and Purpose of Zoning Districts

1121.01 Classification and purpose of districts.

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10

Location of districts - see P. & Z. 1107.08

1121.01 CLASSIFICATION AND PURPOSE OF DISTRICTS.

For the purpose of this Zoning Ordinance the following districts are hereby established and their purpose defined.

DISTRICTS		PURPOSE
(R-1)	RURAL RESIDENTIAL	For very low density residential development and other appropriate uses in areas that are relatively undeveloped.
(R-2)	SUBURBAN RESIDENTIAL	For low density single-family residential development.
(R-3)	SUBURBAN RESIDENTIAL	For medium low density single-family residential development.
(R-4)	URBAN RESIDENTIAL	For medium density single-family residential areas of the Village which have existing small lots and are generally the older portions of the Village. Some limited apartment development may be permitted by Conditional Permit of the Village Council.

DISTRICTS		PURPOSE
(R-5)	APARTMENT RESIDENTIAL	For apartment development in areas which have satisfactory site conditions such as access to Village services and good street access.
(R-C)	RESIDENTIAL COMMERCIAL	For areas where limited mixed land uses exist and are not particularly harmful to each other. Only dwellings and those uses which are reasonably compatible with existing residential development are allowed.
(C-1)	RESTRICTED COMMERCIAL	For commercial development areas with a broad range of commercial uses that are compatible with nearby residential uses and that are needed to serve the local population.
(C-2)	GENERAL COMMERCIAL	For commercial development areas with a broad range of commercial uses that are needed to serve not only local residents of the region but also tourists or travelers.
(I)	INDUSTRIAL	For industrial development at appropriate locations. Control of environmental nuisances such as smoke, noise and pollution is required.
(PD)	PLANNED DEVELOPMENT	For projects that may be unique or that would not normally be provided for in other districts. Such projects may include residential projects, recreational complexes, and commercial or industrial centers. Such projects would be built only in accord with plans approved by the Village Council after public hearings and extensive review.
(MH)	MOBILE HOME PARKS	For mobile home parks designed in accordance with the rules of the Ohio Department of Health.
(FP)	FLOOD PLAIN	For areas which are subject to periodic flooding to help minimize loss of life and health and damage to public and private property.
(CV)	CONSERVATION	For lands such as steep hillsides, marshes, natural or scenic areas, or other similar land situations which need good conservation practices applied.

(Ord. 3-90. Passed 5-7-90.)

Village of Jamestown Ordinance # 1-2018

AN ORDINANCE AMENDING SECTION 1125.01 (b) OF THE ZONING CODE ORDINANCE OF THE VILLAGE OF JAMESTOWN

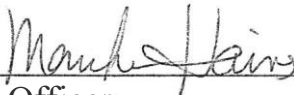
WHEREAS, the Village of Jamestown has an adopted zoning ordinance (#3-1990) and map; and

WHEREAS, the Jamestown Village Council has determined that doctor, dentist and other health practitioners' offices or clinics would be appropriate as a conditional use within the R-3 Suburban Residential District as long as they are accessed via a collector or arterial road as designated on the village thoroughfare plan and not via a local street; and

WHEREAS, the Jamestown Village Council deems this ordinance an emergency and dispenses the three readings,

NOW, THEREFORE, BE IT ORDAINED that the Village of Jamestown Council hereby initiates an amendment to Section 1125.01 (b) of the Jamestown Zoning Code to add "Doctor, dentist and other health practitioners' offices or clinics as long as they are accessed via a collector or arterial road as designated on the village thoroughfare plan and not via a local street" to the list of conditional uses requiring council approval.

Passed 4-16-18


Fiscal Officer

Village of Jamestown

Ordinance 1-2025

WHEREAS, the Village of Jamestown Council has the responsibility to ensure the general health, welfare and safety of its residents, and

WHEREAS, the current regulations regarding junk storage and sales need changed,

THEREFORE, section 1125.01 (h) – Industrial of the Village of Jamestown Codified Ordinances shall be amended as follows. Junk storage and sales is to be removed from “Conditional Uses Requiring Council Approval”

AND, a new category will be added: “Uses Not Permitted by Council”.

AND, under the new category of uses not permitted by council will be listed:
junk storage and sales.

THEREFORE, Jamestown Council mandates that there will be no junk storage or sales within the Village of Jamestown

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JAMESTOWN, OHIO, THAT THIS ORDINANCE SHALL TAKE EFFECT AT THE EARLIEST PERIOD ALLOWED BY LAW.

Passed July 21, 2025



Mayor



Fiscal Officer

CHAPTER 1125 Use Regulations

1125.01 Permitted and conditional uses.

CROSS REFERENCES

Uses defined - see P. & Z. 1109.01

Approval of conditional uses - see P. & Z. 1115.01

1125.01 PERMITTED AND CONDITIONAL USES.

The Permitted and Conditional Uses for each District are provided in the following paragraphs. Uses given in the following zoning districts shall be interpreted according to the definitions (when given) in this Zoning Ordinance. Uses which cannot be clearly and easily interpreted as permitted by the definition given shall be determined by the Village Council. Uses not specifically listed or not interpreted to be included in the zoning districts shall not be permitted except by Amendment or Exception to this Zoning Ordinance. Conditional uses shall only be permitted after a public hearing and approval by the Village Council as required by this Zoning Ordinance.

(a) R-1 RURAL RESIDENTIAL

Permitted Uses

Agriculture
Single-family dwellings
Non-commercial recreation facilities
Home occupations
Essential
services
Accessory uses
Semi-public uses
Public uses

Conditional Uses Requiring Council Approval

Two-family dwellings
Nurseries (Child Care)
Nursing homes
Cemeteries
Commercial recreation facilities
Mineral extraction, storage, and processing, including oil and gas wells
(See Special Provisions, Section 1133.06)
Farm vacation enterprises
Vacation or seasonal homes
Mortuaries
Airports
Kennels or animal hospitals
Television or radio stations, transmitters or towers
Institutions
Tourist homes
Public service facilities

(b) R-2 and R-3 SUBURBAN RESIDENTIAL

Permitted Uses

Single-family dwellings
Home occupations
Essential services
Accessory uses
Public uses

Conditional Uses Requiring Council Approval

Non-commercial recreation facilities
Semi-public uses
Public service facilities

(c) R-4 URBAN RESIDENTIAL

Permitted Uses

Single-family dwellings
Home occupations
Essential services
Accessory uses
Public uses

Conditional Uses Requiring Council Approval

Two-family dwellings
Multiple-family dwellings having not more than four dwellings
Non-commercial recreation facilities
Semi-public uses
Public service facilities

(d) R-5 APARTMENT RESIDENTIAL

Permitted Uses

Multi-family dwellings
Home occupations
Essential services
Accessory uses
Public uses

Conditional Uses Requiring Council Approval

Single-family dwellings
Two-family dwellings
Non-commercial recreation facilities
Semi-public uses
Public service facilities

(e) R-C RESIDENTIAL-COMMERCIAL

Permitted Uses

Single-family dwellings
Two-family dwellings
Nurseries (Child Care)
Nursing homes
Tourist homes
Mortuaries
Non-commercial recreation facilities
Home occupations
Essential services
Accessory uses
Semi-public uses
Public uses

Conditional Uses Requiring Council Approval

Multi-family dwellings
Mixed-use dwellings
Commercial uses
Commercial recreation facilities
Public service facilities

(f) C-1 RESTRICTED COMMERCIAL

Permitted Uses

Grocery stores and other food stores
Eating and drinking places, except drive-ins
Drug stores
Carry outs and liquor stores
Cigar stores, news stands, and florists
Financing, insurance, and real estate establishments
Garment pressing and laundry and dry cleaning agents
Self-service laundries
Barber and beauty shops
Shoe, watch and other small item repair shops
Doctor, dentist and other health practitioners' offices or clinics
Offices of professionals and non-professionals
Essential services
Accessory uses
Semi-public uses
Public uses

Conditional Uses Requiring Council Approval

Dwellings including mixed use dwellings, as determined appropriate and compatible by the Council
All other commercial uses determined appropriate and compatible by the Council
Public service facilities

(g) C-2 GENERAL COMMERCIAL

Permitted Uses

All commercial uses including retail trade, finance, insurance, real estate, and service establishments except those listed as Conditional Uses
Essential services
Accessory uses
Public uses
Semi-public uses
Public service facility

Conditional Uses Requiring Council Approval

Dwellings, including mixed use dwellings, as determined appropriate and compatible by the Council
Used merchandise stores with outdoor display
Construction establishments such as building, plumbing, heating or other special trade contractors
Manufacturing establishments
Trucking terminals and facilities
Wholesale and warehousing facilities
Commercial laundries and dry cleaning plants
Other uses as determined appropriate and compatible by the Council
(Ord. 3-90. Passed 5-7-90.)
Adult entertainment facility (Subject to all Adult Entertainment Facility Regulations as set forth in Section 1133.09.)
(Ord. 98-2. Passed 10-19-98.)

(h) I INDUSTRIAL

Permitted Uses

Manufacturing meeting nuisance requirements
Research and testing facilities
Offices and laboratories
Grain elevators and feed mills
Manufacture, sale, and storage of building materials
Wholesale and warehousing activities
Transport and trucking terminals
Equipment storage and sales
Restaurants
Recreational facilities (commercial and non-commercial)
Essential services
Accessory uses
Public service facilities

Conditional Uses Requiring Council Approval

Mineral extraction, storage and processing, including oil and gas wells (See Special Provisions)
Junk storage and sales
Dwellings, including mixed use dwellings, as determined appropriate and compatible by the Council
Other uses as determined appropriate and compatible by the Council

(i) PD PLANNED DEVELOPMENT

Permitted Uses with an Approved Development Plan

Large recreational complexes having several types of recreational uses and including any of the above uses
Industrial parks
Housing projects over five (5) acres or twenty-five (25) dwelling units
Shopping centers
Combinations of the above uses
Facilities needed in support of any of the above such as shopping, schools, churches, clubs, parks, water and/or sewage treatment facilities, etc., when submitted as a part of the overall Development Plan.
Home occupations
Essential services
Accessory uses
Public uses
Public service facilities

Conditional Uses Requiring Council Approval

Any additional uses after construction of the planned development project that are not in accord with the Approved Development Plan

(j) MH MOBILE HOME PARKS

Mobile home parks are permitted with a plan approved by the Greene County Building Department and the Ohio Department of Health and the conditions as stated in Section 1133.03. A mobile home park includes three or more mobile homes used for habitation and any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

(k) CV CONSERVATION

Permitted and Conditional Uses
(See Conservation District Regulations)
(Ord. 3-90. Passed 5-7-90.)

CHAPTER 1129
Lot and Yard Requirements

- | | | | |
|---------|--|---------|------------------------------------|
| 1129.01 | Yard, area and height requirements for dwellings. | 1129.04 | Lot review by County Board Health. |
| 1129.02 | Yard, area, height and lot coverage requirements for all buildings other than dwellings. | 1129.05 | Application of yard requirements. |
| 1129.03 | Existing lots of record. | 1129.06 | Dwelling unit minimum size. |

CROSS REFERENCES
Lot and yard defined - see P. & Z. 1109.01

1129.01 YARD, AREA AND HEIGHT REQUIREMENTS FOR DWELLINGS.

Table I establishes the minimum yard, area and height requirements for dwellings and structures accessory to dwellings by district.

TABLE I
MINIMUM YARD, AREA AND HEIGHT REQUIREMENTS FOR DWELLINGS

District	Minimum Lot Width at Building Line	Minimum Lot Area (per family)	Minimum Yard Depth (in feet)		Minimum Yard Width (in feet)		Maximum Height of Buildings		Maximum Percent Lot Coverage
	(in feet)	(in square feet)	Front	Rear	Either Side	Sum of Side Yards	Stories	Feet	
R-1									
Single-family dwelling	100	20,000	50	40	15	40	2 1/2	35	20%
Two-family dwelling	150	15,000	50	40	15	40	2 1/2	35	20%
R-2									
Single - family dwelling	85	13,600	30	30	8	20	2 1/2	35	20 %
R-3									
Single -family dwelling	70	9,800	30	30	8	20	2 1/2	35	20%
R-4									
Single-family dwelling	60	7,200	10	25	15	30	2 1/2	35	30%
Two-family dwelling	60	3,600	10	25	15	30	2 1/2	35	30 %
Multiple -family dwelling	120	3,600	10	25	10	25	3	45	30%
R-5									
Single-family dwelling	60	7,200	10	25	15	30	2 v2	35	30%
Two-family dwelling	60	3,600	10	25	15	30	2 1/2	35	30 %
Multiple-family dwelling	120	2,500	10	25	10	25	3	45	40%
R-C, C-1, C-2 & I									
Single-family dwelling	60	7,200	10	25	5	10	2 v2	35	30%
Two-family dwelling	60	3,600	10	25	5	10	2 v2	35	30%
Multiple-family dwelling	120	2,500	10	25	10	25	3	45	40%
Mixed use dwelling	none	2,500	10	20	none	none	3	45	50%

(1) See Lot Review by the County Board of Health if central water and/or sewage facilities are not available.

(2) Except when an adjacent building is closer to the front lot line, then that distance shall be the Minimum Front Yard Depth.

(3) Except lots having less than 60' Lot Width shall have a Minimum Yard Width of 5' for either side and 10' for sum of side yards.

(4) Percent of lot coverage shall mean the percentage of all building coverage (including all structures, garages, carports, etc.) on the total area of the lot on which such buildings are located.

(Ord. 3-90. Passed 5-7-90.)

1129.02 YARD, AREA, HEIGHT AND LOT COVERAGE REQUIREMENTS FOR ALL BUILDINGS OTHER THAN DWELLINGS.

Table II establishes the yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings by district.

**TABLE II
BASIC YARD, AREA, HEIGHT AND LOT COVERAGE REQUIREMENTS FOR ALL BUILDINGS OTHER THAN DWELLINGS**

District	Minimum Lot Width (in feet)	Minimum (1) Lot Area	Minimum Depth (in feet)		Minimum Width Each Side Yard	Maximum Height of Buildings		Maximum Percentage Lot ⁽³⁾ Coverage
			Front Yard ⁽²⁾	Rear Yard	(in feet)	Stories	Feet	
R-1	150	1 acre	50	40	30	3	40	20 %
R-2	150	30,000 sq.ft.	30	30	20	3	40	20 %
R-3	150	30,000 sq.ft.	30	30	20	3	40	20 %
R-4	100	15,000 sq.ft.	10	25	10	3	40	40%
R-5	100	15,000 sq.ft.	10	25	10	3	40	40%
R-C	60	10,800 sq.ft.	10	25	5	3	40	40%
C-1	none	none	10	20	none	3	45	50%
C-2	none	none	10	20	none	3	45	no restriction
I	none	none	20	20	none	3	45	no restriction
PD		-----See Planned Development Regulations -----						
(1) See Lot Review by the County Board of Health if central water and/or sewage facilities area not available.								
(2) Except when the existing or an adjacent building is closer to the front lot line, then that distance shall be the Minimum Front Yard Depth.								
(3) Percent of lot coverage shall mean the percentage of all building coverage (including all structures, garages, carports, etc.) on the total area of the lot on which such buildings are located.								

(Ord. 3-90. Passed 5-7-90.)

1129.03 EXISTING LOTS OF RECORD.

Any lot of record existing at the effective date of this Zoning Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of permitted and conditional uses even though its area and width are less than the minimum requirements of this Zoning Ordinance but only to the extent granted by the Village Council.

(Ord. 3-90. Passed 5-7-90.)

1129.04 LOT REVIEW BY COUNTY BOARD OF HEALTH.

(a) Prior to issuance of any Zoning Permit for any residential, commercial, industrial public, or semi-public structure when central water and/or sewage disposal facilities are not available or not used the County Board of Health shall be requested to establish the minimum lot area for any permitted or conditional uses in all districts but in no case shall the lot area be less than those specified in Table I or Table II for the various districts.

(b) If in the opinion of the County Board of Health the development of any such lot or lots regardless of size would lead to the creation of a serious health threat then all Zoning Permits for such lot or lots shall be withheld and development not permitted until and unless an agreement for appropriate health safeguards can be reached between the owner or his agent, the Village Council, and the County Board of Health.

(Ord. 3-90. Passed 5-7-90.)

1129.05 APPLICATION OF YARD REQUIREMENTS.

(a) Lots which abut on more than one street shall provide the required front yards along every street.

(b) Structures and accessory structures, whether open or closed such as garages, carports, porches, balconies, or plat forms above grade level, shall be considered a part of the structure to which they are attached and shall not project into any required front side or rear yards except as permitted in this Zoning Ordinance.

(c) When the rear lot line is adjacent to any alley, garages and other accessory structure may be constructed in the required rear yard but shall not be closer than fifteen feet from the side lot line without the written permission of the neighborhood property owner.

(d) Yard requirements shall not apply to steps, overhanging eaves and cornices however these portions of buildings shall not project over any property line or street right-of-way.

(Ord. 3-90. Passed 5-7-90.)

1129.06 DWELLING UNIT MINIMUM SIZE.

(a) Dwelling units shall contain a minimum of 700 square feet living area per unit for one bedroom units, 800 square feet for two bedroom units, 900 square feet for three bedroom units and shall contain 200 square feet additional area for each additional bedroom therein.

(b) Platted areas after 1978 shall contain 1,000 square feet living area per unit, 1,200 square feet for three bedroom, each additional bedroom 200 square feet.

(Ord. 3-90. Passed 5-7-90.)

Village of Jamestown Ordinance 1-2017

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF JAMESTOWN AS IT PERTAINS TO THE KEEPING OF ANIMALS, FOWL AND BEES

BE IT ORDAINED BY THE VILLAGE OF JAMESTOWN COUNCIL THAT CHAPTER 1133 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF JAMESTOWN BE AMENDED AS FOLLOWS:

SECTION 1.

Chapter 1133.01 (c) shall read as follows:

Chickens, fowl and/or rabbits shall not be kept on lots having less than 500 square feet. The total number of such chickens, fowl and/or rabbits or any combination thereof shall not exceed one (1) for each 500 square feet of property, with a limit of six (6) maximum. One additional shall be allowed for each 500 square feet over 24,500 square feet per parcel. No roosters over the age of six (6) months shall be kept which neighbors can hear. The number of young chickens, fowl and/or rabbits under the age of six (6) months allowed on the property at any one time shall not exceed three times the allowable number of chickens, fowl and/or rabbits over the age of six (6) months.

SECTION 2.

Chapter 1133.01 (e) (2) shall read as follows:

Chicken, fowl and/or rabbit pens shall be no closer than 100 feet from the front property line nor closer than 25' from any neighboring dwelling.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JAMESTOWN, OHIO, THAT THIS ORDINANCE SHALL TAKE EFFECT AT THE EARLIEST PERIOD ALLOWED BY LAW.

Passed 5-15-2017

Fiscal Officer



CHAPTER 1133
Special Provisions

1133.01	Limitation on keeping animals, fowl and bees.	1133.06	Mineral extraction, storage and processing, including oil and gas wells.
1133.02	Public nuisances prohibited.		
1133.03	Mobile home parks.	1133.07	Fences, walls and obstructions to vision on corner lots.
1133.04	Industrialized unit housing.	1133.08	Classes of business prohibited.
1133.05	Temporary structures.	1133.09	Adult entertainment facility.

CROSS REFERENCES

Animals generally - see GEN. OFF. Ch. 505

Nuisances generally - see GEN. OFF. Ch. 521

Indecency and obscenity - see GEN. OFF. Ch. 533

1133.01 LIMITATION ON KEEPING ANIMALS, FOWL AND BEES.

(a) The following regulations shall govern the keeping of cows, horses, sheep or goats, and bees on lots that are less than five (5) acres of land in area. All larger lots or parcels shall be exempt from these limitations.

(b) Cows, horses, sheep or goats shall not be kept on lots having an area less than two (2) acres. This provision shall not apply to the keeping of any such animals prior to the adoption of this provision.

(c) Chickens, fowl and/or rabbits shall not be kept on lots having less than 24,500 square feet. The total number of such chickens, fowl and/or rabbits or any combination thereof shall not exceed one for each 500 square feet of property over 24,500 square feet. No roosters over the age of six (6) months shall be kept which neighbors can hear. The number of young chickens, fowl and/or rabbits under the age of six (6) months allowed on the property at any one time shall not exceed three times the allowable number of chickens, fowl and/or rabbits over the age of six (6) months.

(d) Colonies of bees cannot be kept on lots having less than 25,000 square feet. The total number of colonies of bees allowed on a lot shall be limited to one colony for each 1,000 square feet of lot area over 24,500 square feet.

(e) Animal runs or barns, chicken, fowl and/or rabbit pens, and colonies of bees shall be restricted as follows:

- (1) Animal runs or barns shall be no closer than 150 feet from the front property line nor closer than 50 feet from any neighboring dwelling.
- (2) Chicken, fowl and/or rabbit pens shall be no closer than 100 feet from the front property line nor closer than 50 feet from any neighboring dwelling.
- (3) Colonies of bees shall be no closer than 100 feet from the front property line nor closer than 50 feet from any neighboring dwelling.

(f) Animals, chickens and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.
(Ord. 3-90. Passed 5-7-90.)

1133.02 PUBLIC NUISANCES PROHIBITED.

(a) No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements.

(b) 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.

(c) 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.

(d) Noise. Noise shall be so controlled that at the property line on which such noise is produced it will not be at a level above that normally perceptible from other development at the street right-of-way line on the lot, except occasional blast required in normal operation and produced in such manner as not to create a hazard. If such blast or other noise creates an objectionable noise as determined by the Village Council such noise shall be muffled or otherwise controlled. Sirens and related apparatus used solely for public purposes are exempt from this regulation.

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

(f) Air Pollution. No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted which are harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

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

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

(i) Water Pollution. No pollution of any stream, reservoir, aquifer (underground water supply), or other water body within or surrounding the Village, shall be permitted which would create a serious threat to the health, safety or welfare of the residents of the Village.

(j) Litter. Litter constituting a detriment to public health which has been placed on any property shall be removed. Litter includes any garbage, waste, peelings of vegetables or fruit, rubbish, ashes, cans, bottles, wire, paper, boxes, parts of automobiles, furniture, glass or oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(k) Junk. Junk such as abandoned vehicles, household appliances, farm equipment, or any other matter, for which no future use is contemplated or which has deteriorated to the point of creating a visual blight on the landscape shall be removed from the view from any public road or right-of-way.

(l) Enforcement Provisions. The Zoning Inspector or Village Council, prior to the issuance of a Zoning Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerance. The Zoning Inspector shall investigate all complaints, if the Inspector finds a property in violation of this chapter, he shall give a written notice by registered mail or in person to the owner or person in charge of the property requiring him/her to remove the nuisance within fifteen days (thirty days for dilapidated structures) of receipt of the notice. If the nuisance is not removed within this period, the Inspector shall hire someone to remove the nuisance and bill the owner or person in charge of the property for the cost of the labor and any materials used. If the bill is not paid, it will be added to the tax duplicate of such property.

(m) Measurement Procedures. Methods and procedures of the Village for the determination of the existence of any dangerous or objectionable elements which constitute a public nuisance may utilize any applicable and reliable measurement procedure; or the Village may request the assistance of reputable consultants, government organizations, or other sources if authorized by the Village Council.

(n) Existing Public Nuisances Subject to Discretion of Council. Any public nuisance as described in this Zoning Ordinance and existing at the time of its adoption shall be subject to the discretion of Village Council prior to any action on the part of the Village to abate or take any other action against such public nuisance. In the utilization of such discretion, the Council shall determine what reasonable action, if any, should be taken by the Village to bring about the partial or total abatement of such public nuisance in question.
(Ord. 3-90. Passed 5-7-90.)

1133.03 MOBILE HOME PARKS.

- (a) Mobile home parks shall only be permitted in Mobile Home Districts.
- (b) Mobile Home Parks are not permitted, except by approval of Council of the Zoning of such in a Mobile Home District. Prior to such consideration by Council, ninety percent (90%) of all property owners within the Village owning property with a 1000 foot radius from the exterior property lines of the property on which the mobile home park is situated, shall consent, in writing, to the placement, keeping, maintaining, storing or occupying of the mobile home park on the property, and shall file a true copy of the consent with the Clerk of the Village.
- (c) All mobile home parks shall comply with rules of the Ohio Department of Health, Chapter 3701-27, as amended.
- (d) No construction of any street or part of any park shall be started prior to the issuance of a Zoning Permit and no Zoning Permit shall be issued prior to State Health Department approval.
- (e) Mobile home parks shall not be subject to the Lot and Yard Requirements of this Zoning Ordinance since these matters shall be regulated by the Ohio Health Department Regulations and Village Ordinance 1430.
- (f) Mobile homes prohibited - except: Except as provided in this Section, no person shall park or occupy any mobile home or double-wide mobile home, or any manufactured unit, on any premises in any district outside an approved mobile home park. The parking of an unoccupied mobile home in an accessory private garage building shall be permitted in any district, provided no living quarters shall be maintained or any business conducted in such mobile home while so parked or stored.
(Ord. 3-90. Passed 5-7-90.)

1133.04 INDUSTRIALIZED UNIT HOUSING.

Notwithstanding the provisions of Section 1133.03, industrialized unit housing as defined under Chapter 1109 of these regulations is permitted or conditionally permitted in residential and other zoning districts according to the particular requirements pertaining to each or any zoning district as stated elsewhere in the zoning code and as further required herein.

- (a) The building lot and the industrialized unit home must meet all of the other zoning, building and service requirements of the Village, similar to a site built dwelling unit.
- (b) The industrialized unit home shall not otherwise be classified or defined as either a mobile home or double wide mobile home (see Chapter 1109).
- (c) The industrialized unit home shall be permanently attached to a masonry foundation similar in both construction and appearance to a conventional site built dwelling unit.
- (d) The industrialized unit home shall require no additional skirting or underpinning of a style, or type customarily associated with or used on mobile homes.

- (e) The industrialized unit home shall be approved by the State of Ohio under the applicable State Building Code reference. State building approval must be demonstrated at the time of application for a Zoning Permit. Industrialized unit homes not approved by the State of Ohio will not be permitted.
- (f) Zoning Permit must be obtained by the applicant as required elsewhere in these regulations before any construction is started and before any industrialized unit home is moved to the building site.
- (g) The industrialized unit homes shall be properly connected to approved Village and other public utilities the same as for any other residential dwelling structure.
- (h) The industrialized unit home shall not be occupied until the home is fully erected on a permanent foundation and otherwise fully assembled and permanently connected to approved utilities, and until such time as all other conditions of occupancy are met.
- (i) The industrialized unit home shall not be less than twenty-four feet wide and thirty-six feet long (exterior dimensions), and must contain at least 1000 square feet of living area.
(Ord. 3-90. Passed 5-7-90.)

1133.05 TEMPORARY STRUCTURES.

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress and shall be approved by the Village Council (Section 1115.01). Portable toilets for construction workers and other such small structures shall not require a Temporary Use approval by the Council.
(Ord. 3-90. Passed 5-7-90.)

1133.06 MINERAL EXTRACTION, STORAGE AND PROCESSING, INCLUDING OIL AND GAS WELLS.

- (a) Extraction, storage and processing of minerals of all types shall be allowed only in those districts where expressly permitted, except the extraction and storage of sand or gravel on farms of five (5) acres or more shall be exempt when such sand or gravel is for use on such farm.
- (b) Mineral extraction, storage, or processing shall not be conducted closer than two hundred (200) feet from any structure used for human occupancy.
- (c) The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.
- (d) The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table unless exempted by Village Council.
- (e) The operator shall file with the Zoning Inspector, unless exempted by Village Council, a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses, or other improvements contemplated.

(f) The operator shall file, unless exempted by the Village Council, with the Village a bond, payable to the Village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be fixed by the Council. The bond shall be released upon written certification of the Village's designated inspector that the restoration is complete and in compliance with the restoration plan. State bonding shall be acceptable in lieu of Village bonding when applicable as determined by Council or law.

(g) No mineral extraction, storage, or processing shall be started prior to issuance of a Zoning Permit and no Zoning Permit shall be issued prior to posting of bond with the Village, unless such bond is exempted.
(Ord. 3-90. Passed 5-7-90.)

1133.07 FENCES, WALLS AND OBSTRUCTION TO VISION ON CORNER LOTS.

(a) No fence or wall over two and one-half feet shall be permitted in the front yard of any R-2, R-3, R-4, or R-5 District.

(b) No fence or wall over eight feet shall be permitted in any side or rear yard of any R-2, R-3, R-4, or R-5 District.

(c) On any corner lot there shall be no planting, structures, fences, shrubbery or obstruction to vision more than two and one-half feet higher than the curb level within 25 feet of the intersection of any two streets in all Districts.
(Ord. 3-90. Passed 5-7-90.)

1133.08 CLASSES OF BUSINESSES PROHIBITED.

No gasoline or diesel filling station or both, public garage, public automobile repair shop, automobile wrecking or storage yard, junk yard or junk shop, blacksmith shop, metal forging plant, boiler works, foundry, grain elevator, planing mill, sawmill, poultry raising or poultry killing establishment for commercial purposes shall be erected or constructed or established or maintained on any location, acreage, or lot which is within 250 feet of any residence or residence property, without obtaining the approval of the Village Council by a majority vote thereof and without obtaining the written consent of two-thirds of the owners of that residence real estate within the distance of 250 feet. For the purpose of this section, the owner or owners of vacant lots shall be considered residence owners. The written consent required herein shall stipulate in complete detail its intended usage. In addition, all other provisions of this zoning code shall be met.

(Ord. 3-90. Passed 5-7-90.)

1133.09 ADULT ENTERTAINMENT FACILITY.

(a) Adult entertainment facility, as defined in Chapter 1109, of this Zoning Code, shall be permitted upon application and approval of a conditional use permit under the provisions of Section 1115.01 of this Zoning Code, provided that all of the following conditions have been met:

- (1) No adult entertainment facility shall be established within 2,500 feet of any area currently zoned or used for residential purposes.

- (2) No adult entertainment facility shall be established within a radius of 2,500 feet of any school, library, youth or teaching facility, whether public or private, governmental or commercial, that is attended by persons under eighteen years of age.
- (3) No adult entertainment facility shall be established within a radius of 2,500 feet of any park, recreational facility, fraternal organization or club.
- (4) No adult entertainment facility shall be established within a radius of 2,500 feet of any other adult entertainment facility.
- (5) No adult entertainment facility shall be established within a radius of 2,500 feet of any church, synagogue or permanently established place of religious services.
- (6) For the purposes of this section, distances shall be measured from the property lines of any lot or parcel of land which includes, or which is operated or used in connection with a building in which an adult entertainment facility is located, or in which any activity designed or referred to in this section is located.
- (7) Subsections (a)(1) through (6) hereof, may be waived by the Village Council of Jamestown, Ohio, provided that the applicant provides affidavits of fifty-one percent of the property owners and resident freeholders within the above described radii, giving their consent to the establishment of an adult entertainment facility, and if the Village Council of Jamestown, Ohio, determines that all other applicable regulations of this section will be complied with. The radii will be the boundary lines of said property.
- (8) Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas, public or semi-public, except that the business may display signage up to the allowable amount with the name of the business only.
- (9) All building openings, entries, windows, etc., for adult uses shall be located, covered or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- (10) No employees of the subject establishment shall conduct themselves outside the confines of the structure in such attire and/or by such actions that are distracting, distasteful and/or detrimental to adjacent business interests, residents or passersby.
- (11) No screens, loudspeakers or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public or semi-public areas.
(Ord. 98-2. Passed 10-19-98.)

CHAPTER 1137 Flood Plain Regulations

1137.01	Purpose.	1137.04	Conditional uses.
1137.02	Flood Plain District.	1137.05	Special uses.
1137.03	Permitted uses.		

CROSS REFERENCES

County flood control aid to governmental units - see Ohio R.C. 307.77

Basis of zoning districts - see Ohio R.C. 713.10

Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06

Flood hazards; marking flood areas - see Ohio R.C. 1521.14

Review of flood plain ordinances - see Ohio R.C. 1521.18

1137.01 PURPOSE.

The regulations governing the development and use of land subject to flooding, are established for the following purposes:

- (a) To avoid or lessen the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood waters;
 - (b) To protect stream channels from encroachment;
 - (c) To maintain the capacity of the flood plain to retain flood water s;
 - (d) To provide for the development of flood plain lands with uses not subject to severe damage by flooding;
 - (e) To permit only uses and improvements in flood plain lands that are not hazardous during flood periods;
 - (f) To avoid the creation of new flood problems.
- (Ord. 3-90. Passed 5-7-90.)

1137.02 FLOOD PLAIN DISTRICT.

(a) The Flood Plain District is a district which may be (superimposed over another district) used in combination with any other district which lies in a flood hazard area. To any district which is combined with a Flood Plain District, the following regulations shall apply in addition to the regular district regulations.

(b) The Flood Plain District is that area shown on the Zoning Map and which would be inundated (under water) by a 100 year frequency flood or which is identified as having alluvial (bottom soil) or other flood prone soils on soil surveys.

(Ord . 3-90. Passed 5-7-90.)

1137.03 PERMITTED USES.

The following open space uses shall be permitted within the Flood Plain District to the extent that they are not prohibited by the district with which they are combined and provided they do not require structures, fill or storage of materials or equipment:

- (a) Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - (b) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (c) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and natural preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horse back riding trails.
 - (d) Residential uses such as lawns, gardens, parking areas, and play areas.
 - (e) Extraction of sand or gravel.
- (Ord. 3-90. Passed 5-7-90.)

1137.04 CONDITIONAL USES.

(a) Conditional uses require the issuance of a Zoning Permit by the Zoning Inspector, however, this Permit shall not be issued by the Zoning Inspector until he is authorized to do so by the Village Council as specified in Chapter 1115 of this Zoning Ordinance. The following are those uses which are conditionally permitted within the Flood Plain District to the extent that they are prohibited by the district with which they are combined and provided such uses are not in conflict with the purpose of the Flood Plain District:

- (1) Storage yards for equipment, machinery, or materials provided stored materials are heavier than water and are not toxic or highly flammable.
- (2) Accessory uses or structures necessary to permitted uses provided:
 - A. The structures not be designed for human habitation.
 - B. The structures have a low flood damage potential.
 - C. The structures be constructed and placed on the building site as to offer the minimum obstruction to the flow of flood waters.
- (3) Dikes and/or earthen structures.
- (4) Oil and Gas Extraction.
- (5) Wells or well fields.
- (6) Channel modification.
- (7) Filling or land fills.

(b) The Village Council shall require all conditions or restrictions to be complied with, and in addition, may require additional conditions and safeguards as required to assure that the purpose of this Flood Plain District is achieved. All conditions, safeguards, or restrictions shall be listed on the Zoning Certificate issued by the Zoning Inspector. The Village Council may request assistance from the Ohio Department of Natural Resources or other agencies or persons in assessing the effect of the proposed conditional use.

(Ord. 3-90. Passed 5-7-90.)

1137.05 SPECIAL USES.

(a) Where there is a disagreement over the exact location of the boundary of the Flood Plain District, the Village Council shall direct the person questioning the boundary location to retain at their own expense a registered surveyor or professional engineer to undertake a flood hazard study to determine the point on the land which corresponds to the profile for the 100 year flood.

(b) If a person desires to utilize the land as permitted by the district with which the Flood Plain District is combined but such utilization is not permitted or conditionally permitted in the Flood Plain District, and it can be shown that such use will not increase flood stages during the 100 year flood or be subject to physical harm such use may be permitted. Field survey costs and engineering consultant costs must be paid by the person proposing the special use.
(Ord. 3-90. Passed 5-7-90.)

CHAPTER 1141
Conservation District Regulations

1141.01 Purpose.

1141.03 Conditions may be required.

1141.02 Review required prior to development.

1141.01 PURPOSE.

The Conservation District is a district which may be used in combination with any other district where such other district does not suppose great enough restrictions on land that should be subject to review prior to development for land conservation purposes. Such areas that should be included in the Conservation District may include but not be limited to the following:

- (a) Steep hillsides or marshes in areas where conservation of land is important.
 - (b) Natural areas of land which have unusual flora, fauna, geological, archeological, scenic, or similar features of scientific or educational interest.
 - (c) Scenic highways with adjacent lands.
 - (d) Other land areas where, for sound reasons, conservation of the land is important to the general health, safety, and welfare of the people.
- (Ord. 3-90. Passed 5-7-90.)

1141.02 REVIEW REQUIRED PRIOR TO DEVELOPMENT.

Prior to issuance of any Zoning Permit for any construction or development in any Conservation District, a review of the development proposal shall be held as follows:

- (a) The applicant shall submit five (5) copies of a written statement and/or development plan to the Zoning Inspector which adequately explains and shows the extent and type of development proposed.
- (b) The Zoning Inspector shall within five (5) days notify the Village Council and set a review meeting date within thirty days of submittal of required information by the applicant.

- (c) The Zoning Inspector shall also notify the Regional Planning Commission, the Village Council, the District Soil Conservationist, and other necessary parties of such proposal and the review meeting and submit with such notice a copy of the written statement and/or development plan and such other information as necessary and request a review and comment on such proposal in writing or in person at such review meeting.
- (d) The proposal at such meeting shall be discussed in terms of conservation controls needed in such development proposals to protect and/or preserve the particular characteristics of the land area in question and to protect the public health, safety, and welfare.
(Ord. 3-90. Passed 5-7-90.)

1141.03 CONDITIONS MAY BE REQUIRED.

(a) Within twenty (20) days of such review meeting the Village Council acting upon information gained from the review meeting and comments or suggestions from the Regional Planning Commission, the District Soil Conservationist or others may attach reasonable conditions to the development proposal to protect and/or preserve particular characteristics of the land area in question and to protect the public health, safety, and welfare.

(b) Prior to issuance of any Zoning Permit, any such conditions shall be attached and made a part of such Permit by the Zoning Inspector.
(Ord. 3-90. Passed 5-7-90.)

CHAPTER 1145
Planned Development Regulations

1145.01 Purpose.	1145.05 Development plan required.
1145.02 Uses permitted upon approval of development plan.	1145.06 Zoning Permit.
1145.03 Conformity to Village plans.	1145.07 Conditional uses requiring Council approval.
1145.04 Arrangement of structures and yards.	

CROSS REFERENCES
Defined - see P. & Z. 1109.01

1145.01 PURPOSE.

The Planned Development Regulations are intended to permit greater flexibility in land development than that permitted by strict interpretation of the Zoning Ordinance requirements. The Planned Development District should only be used for development projects of high quality development that would not normally be provided for in other districts or for projects where extensive review of plans is desirable. Planned development projects may include residential projects such as mobile home parks, single-family homes or multiple-family houses; commercial or industrial centers; large recreational complexes, or other planned projects.
(Ord. 3-90. Passed 5-7-90.)

1145.02 USES PERMITTED UPON APPROVAL OF DEVELOPMENT PLAN.

- (a) No uses are permitted outright.
- (b) The following planned development may be permitted after extensive plan review and rezoning to Planned Development District:
 - (1) Mobile home parks.
 - (2) Large recreational complexes having several types of recreational use and including any of the above uses.
 - (3) Industrial parks.
 - (4) Housing projects over five (5) acres or twenty-five (25) dwelling units.
 - (5) Shopping centers.
 - (6) Facilities needed in support of any of the above, such as shopping, schools, churches, clubs, parks, water and/or sewage treatment facilities, etc., when submitted as a part of the overall Development Plan.

- (7) Combinations of the above uses.
 - (8) Home occupations.
 - (9) Essential services.
 - (10) Accessory uses.
 - (11) Public uses.
 - (12) Public service facilities.
- (Ord. 3-90. Passed 5-7-90.)

1145.03 CONFORMITY TO VILLAGE PLANS.

A Planned Development project shall generally conform to any adopted Village Plans and any standards proposed therein.
(Ord. 3-90. Passed 5-7-90.)

1145.04 ARRANGEMENT OF STRUCTURES AND YARDS.

The physical relation of structures and their yard space shall be determined in accordance with one or a combination of the following methods:

- (a) The Lot and Yard Requirements of the zoning district specified as most appropriate or similar to the type of structure shall apply.
 - (b) State Health Department Regulations for Mobile Home Parks.
 - (c) Specific yard and lot requirements (made a part of the Development Plan text) prepared by the developer and approved by the Village Council.
 - (d) Arrangement in accord with a map plan of the site showing arrangement of site and structure and approved by the Village Council.
- (Ord. 3-90. Passed 5-7-90.)

1145.05 DEVELOPMENT PLAN REQUIRED.

(a) Development Plan is required for each proposed PD District. The Development Plan shall include the following:

- (1) The proposed location and size of areas (all land uses) indicating types of uses for each different type of land use area.
- (2) Square footages of building area and location of any uses other than residential.
- (3) The location of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units in the Development Plan, and showing boundaries of all sites or lots.
- (4) The proposed provision of water, sewage disposal, and surface drainage facilities.
- (5) The proposed traffic circulation pattern, including public and private streets, parking areas, walks, and other access ways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
- (6) The proposed use of any required recreational land and any other land for recreational or leisure use.
- (7) The proposed schedule of site development, construction of structures, and associated facilities.

- (8) Sketches and other text or materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features.
- (9) Plans or text showing or describing the arrangement of structures and yards as required in the arrangement of Structures and Yards above.
- (10) Any other information required by the Zoning Commission necessary in determining the appropriateness of the proposal.

(b) Five (5) copies of the Development Plan shall be submitted to the Zoning Inspector at least fifteen (15) days prior to the preliminary discussion meeting at which it is to be considered. Prior to the discussion meeting the Zoning Inspector shall provide copies of the Development Plan to the Village Council, the County Health Department, and other appropriate agencies or persons for study and comment and request their attendance at the discussion meeting.

(c) At the discussion meeting it shall be determined if the application is eligible for further consideration and if so the Village Council shall proceed to consider the requested zoning amendment in the same manner as other zoning amendments.
(Ord. 3-90. Passed 5-7-90.)

1145.06 ZONING PERMIT.

(a) No Zoning Permit shall be issued for any construction in a Planned Development District unless the proposed development is entirely in accord with the approved Development Plan and any additional conditions that may have been imposed by the Village Council at its time of approval.

(b) In addition, no Zoning Permit shall be issued for mobile home parks unless the required State or County Health approval has been obtained as required in the Special Provisions of this Zoning Ordinance.
(Ord. 3-90. Passed 5-7-90.)

1145.07 CONDITIONAL USES REQUIRING COUNCIL APPROVAL.

Once the Planned Development District is underway or completed, no change in use is permitted except by approval of the Village Council. The Council may, after a public hearing as set forth in this Zoning Ordinance, approve any proposed change or proposed use.
(Ord. 3-90. Passed 5-7-90.)

CHAPTER 1149 Sign Regulations

1149.01	Purpose.	1149.05	Outdoor advertising display and/or billboards.
1149.02	Definition of sign types.	1149.06	Violation of sign regulations.
1149.03	Signs permitted in all districts; no permit required.	1149.07	Signs prohibited in all districts.
1149.04	Signs permitted for business and industrial uses; permit required.		

CROSS REFERENCES

Variances - see P. & Z. 1115.01, 1117.02

1149.01 PURPOSE.

The purpose of these Sign Regulations is to promote and protect the public health by regulating existing and proposed 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 and preserve the scenic and natural beauty of the Village, reduce sign advertising distraction and obstructions that may contribute to traffic accidents, provide more open space, and generally curb the deterioration of the natural environment.
(Ord. 3-90. Passed 5-7-90.)

1149.02 DEFINITION OF SIGN TYPES.

(a) "Farm Sign" means a sign or signs which is on a farm over five (5) acres denoting such messages as name and address of occupants, produce for sale and membership organization or other information generally related to activities conducted on the farm.

(b) "Ground Sign" means a sign which is supported by one or more columns, uprights, or braces in or upon the ground.

(c) "Outdoor Advertising Display and/or Billboard" means any outdoor sign display, device, figure, painting, drawing, message placard, poster, billboard or any other contrivance designed intended, or used to advertise or to give information in the nature of advertising for a product or service not located on the premises on which the sign is located, which advertisement is visible by persons walking or riding in a motor vehicle. All other signs as permitted by this ordinance shall not be considered as outdoor advertising displays and/or billboards.

(d) "Projecting Sign" means a sign which projects from and is supported by a wall of a building or structure.

(e) "Wall Sign" means a sign which is affixed directly to the exterior wall and confined within the limits thereof and which projects from that surface not more than twelve (12) inches at all points.

(Ord. 3-90. Passed 5-7-90.)

1149.03 SIGNS PERMITTED IN ALL DISTRICTS; NO PERMIT REQUIRED.

(a) The following types of signs shall be permitted in all districts within the Village according to the limits specified:

- (1) Signs advertising the sale, lease, or rental of the premises upon which the sign is located, not exceeding thirty (30) square feet in area.
- (2) Professional name plates or home occupation signs not exceeding six (6) square feet in area and not exceeding one sign per home or business.
- (3) Signs denoting the name and address of the occupants of the premises, not exceeding four (4) square feet in area; and not exceeding one sign per home.
- (4) Farm signs for farms or orchards over five (5) acres denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms, and denoting membership organizations, not to exceed twenty-five (25) square feet of sign face area per farm or orchard.
- (5) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies, which total area of signs or bulletin board shall not exceed forty (40) square feet and which shall be located on the premises of such institutions.
- (6) Entrance and exit signs containing only directional information.
- (7) Temporary signs announcing special public or institutional events, the erection of a building, or signs for similar uses. Such signs shall be removed within two (2) weeks of the completion of the event or project.
- (8) Signs advertising garage sales are only permitted on the property where the sale is taking place or on other private property when the owner or person in charge of the property grants permission. Such signs(s) shall not be placed on public rights of way, utility poles, traffic signs, nor street signs. Garage sale signs shall not exceed four square feet per side. Garage sale signs improperly placed on private property may be removed by the owner of such property. Such signs placed on public property may be removed by an authorized official of the Village.
- (9) Political signs, provided such signs shall be removed within two (2) weeks of the completion of the event or project.
- (10) Existing signs which are in place or under construction at the time of adoption of this Zoning Ordinance.

(b) Existing signs, as defined above, are permitted to continue and to be maintained as they existed at the time of adoption of this Zoning Ordinance; however, replacement signs shall meet all requirements of this Ordinance.

(c) A Zoning Permit is not required for the above defined signs.
(Ord. 3-90. Passed 5-7-90.)

**1149.04 SIGNS PERMITTED FOR BUSINESS AND INDUSTRIAL USES;
PERMIT REQUIRED.**

- (a) The following shall be permitted for business and industrial use:
- (1) Each business or industry shall be permitted one on-premise wall or one projecting sign for each face of the building facing a street. Projecting signs shall not exceed four (4) feet measured from the face of the building nor more than twelve (12) square feet on any one face of the signs. Wall signs shall not exceed an area equivalent of one and one-half (1^{1/2}) square feet of sign area for each lineal foot of building frontage, but in no case shall exceed a maximum area of one hundred (100) square feet.
 - (2) In addition to the above each business or industry shall be permitted one on-premise ground sign on the premises, provided all parts of the signs shall be set back five (5) feet from the street right-of-way or thirty (30) feet from the street centerline, whichever is greater. The maximum area of such sign shall not exceed thirty (30) square feet on any face of the sign.
 - (3) In addition to the above each business or industry shall be permitted two (2) small on-premise free standing or portable advertising signs not exceeding eight (8) feet in height or twelve (12) square feet on any face of the sign. Such signs shall not be located in any street right-of-way.
 - (4) In lieu of the permitted ground signs as permitted in subsection (a)(2) hereof groups or establishments of four (4) or more businesses shall be permitted one (1) larger ground sign for all businesses. Such sign shall not exceed eighty (80) square feet on any face nor exceed thirty (30) feet in height and shall be set back at least ten (10) feet from the street right-of-way.
 - (5) Larger signs or advertising devices for businesses or industries adjacent to the interstate and primary highways as regulated by the Ohio Revised Code Sections 5516.01 to 5531.07 as amended shall be permitted in accord with those State laws. Such signs shall not be subject to the above regulations but shall require a permit from the Village Zoning Inspector and the owner or agent of such sign and must show proof of having obtained the required State of Ohio approval.

(b) A Zoning Permit shall be required for all signs listed in this Ordinance as "Signs Permitted for Commercial and Industrial Uses; Permit Required" that are erected after the adoption of this Zoning Ordinance. The Zoning Permit may be included as part of the Zoning Permit approving the erection or alteration of a structure. However, any change in signs or additional signs constructed after issuance of the initial Zoning Permit shall require another Permit before such changes or additions are made.

(c) Any application for a Zoning Permit for which a sign is to be constructed or altered shall include a written application and a diagram showing the size of the sign and location on the property, and the name and address of the owner and/or agent of the sign.
(Ord. 3-90. Passed 5-7-90.)

1149.05 OUTDOOR ADVERTISING DISPLAY AND/OR BILLBOARDS.

(a) Existing outdoor advertising displays and billboards shall be permitted to continue as they existed at the time of adoption of this Zoning Ordinance unless voluntarily discontinued for at least two (2) years, however, any expansion of such displays or signs shall meet the following regulations.

(b) Outdoor advertising displays or billboards shall not be located in the Village except by permission of Village Council, after a public hearing (unless determined unnecessary by Council), and when the following requirements are met:

- (1) Such display or sign must be in one of the following districts: R-1, C-1, Restricted Commercial; C-2, General Commercial; or I, Industrial. Other location such as ball diamonds or similar locations where advertising is often located may be considered.
- (2) Such displays or signs would not impose a nuisance or blighting effect on any residential, public or semi-public property.
- (3) Such displays or signs shall not be located within twenty (20) feet of any street right-of-way.
- (4) Such displays or signs shall not be located so as to interfere with the visibility and safe operation of vehicles entering or leaving the premises or intersecting street.
- (5) Such signs or structures shall not exceed one hundred (100) square feet on one face and/or two hundred (200) square feet for two or more faces, and in no case shall more than one hundred (100) square feet of display or sign area be visible from any one point. However, these size limitations may be increased by 100% in commercial and industrial areas upon approval by the Council.
- (6) Such signs or displays shall in no other way adversely affect the public health, safety or welfare.

(c) A Zoning Permit is required for all advertising displays and/or billboards but shall not be granted by the Zoning Inspector until after approval by Council.

(d) Larger advertising devices adjacent to the interstate and primary highways as regulated by the Ohio Revised Code Sections 5516.01 to 5516.13 and 5531.07 as amended, may be permitted in accord with those State laws, however, Council approval and a Zoning Permit is also required.

(Ord. 3-90. Passed 5-7-90.)

1149.06 VIOLATION OF SIGN REGULATIONS.

Any violation of these Sign Regulations shall be deemed a violation of the Zoning Ordinance and shall be subject to the penalties as set forth herein.

(Ord. 3-90. Passed 5-7-90.)

1149.07 SIGNS PROHIBITED IN ALL DISTRICTS.

The following signs are prohibited in all districts.

- (a) Signs or advertising erected or maintained on trees, or painted or drawn upon rocks or other natural features.
 - (b) Signs or advertising devices which, in the opinion of the Zoning Inspector, are traffic hazards or a danger to the safety of the traveling public.
 - (c) Signs or advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view of official sirens and approaching or merging traffic.
 - (d) Signs or advertising devices illuminated so as to interfere with the effectiveness, of or obscure, an official sign, signal or device.
 - (e) Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal or device.
 - (f) Signs or advertising, except public signs, in the right-of-way of any street or road.
 - (g) Signs not mentioned by these Sign Regulations unless determined by the Village Council to be permitted as an exception.
 - (h) Trailer mounted signs or similar portable signs are prohibited, except by permission of Council for a specified period of time.
- (Ord. 3-90. Passed 5-7-90.)

CHAPTER 1151 Off-Street Parking Requirements

1151.01 General requirements.

1151.02 Schedule for off-street parking spaces.

CROSS REFERENCES

Parking definitions - see P. & Z. 1109.01

Off-street parking facilities - see Ohio R.C. 717.05 et seq.

1151.01 GENERAL REQUIREMENTS.

(a) Number of Spaces. In all instances (excepting the Downtown C-2 District) in connection with every business, institutional, recreational, residential or other use, there shall be provided, at any time any new structure is erected, any existing structure is enlarged or increased in capacity, off-street parking spaces for automobiles for the amount of new structure or increase in capacity in accordance with the Schedule for Off-Street Parking Spaces. Required parking in the Downtown C-2 District shall be determined by the Village Council.

(b) Area. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet unless marked for small cars.

(c) Location. Location of off-street parking spaces shall be provided on the premises intended to be serviced, or on an adjoining or near-by property within three hundred (300) feet of any part of the premises. A distance further than this shall require approval by the Village Council.

(d) Surfacing. Any off-street parking for more than five (5) vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

(e) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residences.

(f) Setback from Streets. No part of any parking area for more than five (5) vehicles shall be closer than five (5) feet to any established street right-of-way.
(Ord. 3-90. Passed 5-7-90.)

1151.02 SCHEDULE FOR OFF-STREET PARKING SPACES.

<u>Use</u>	<u>Off-Street Parking Spaces Required</u>
One-family dwellings	1 for each dwelling unit
Two-family and multiple-family dwellings	1 1/2 for each dwelling unit
Tourist homes, hotels, motels, etc.	1 for each sleeping room
Clubs and lodges	1 for each five (5) members
Churches	1 for each five (5) seats in main auditorium
School (except high school)	1 for each six (6) seats in auditorium or main assembly room, or one (1) for each classroom, whichever is greater
High School	1 for each teacher and employee, and 1 for each five (5) students
Community center, library, museum or art gallery	10 plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet
Hospital, sanitarium, convalescent home, home for the aged, nursing home or similar institution	1 for each three (3) beds
Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium	1 for each five (5) seats or both ten (10) lineal feet of bench seating spaces, whichever is greater
Bowling Alley	5 for each lane; plus one (1) additional space for each 200 square feet of area used for eating, drinking, or other recreation
Mortuary or funeral home	1 for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms

Use	Off-Street Parking Spaces Required
Retail commercial or business service establishment except as otherwise specified herein	1 for each one hundred fifty (150) square feet of gross floor area
Personal or professional services; restaurants, nightclubs, cafes or similar recreation or amusement establishments, dance halls, assembly or exhibition halls without fixed seats	1 for each two hundred (200) square feet of floor area
Offices and institutions, furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service	1 for each three hundred (300) square feet of gross floor area
Printing or plumbing shop or similar service establishment	1 for each two (2) persons employed therein
Manufacturing or industrial establishment, research or testing laboratory, dairy processing, bakery, bottling plant, warehouse or similar establishment	1 for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith

(Ord. 3-90. Passed 5-7-90.)