

# **Village of Creston**

## **Codified Zoning Ordinance**

### **Forward**

**PAGE #**

Zoning Fee Schedule.....	I-1
General Map of the Village of Creston.....	I-2
Zoning Map of the Village of Creston.....	I-3

### **Chapter 150: Building Regulations**

**PAGE #**

150.01 - Building Code Adopted by Reference.....	1
150.02 - Harboring of Rats Prohibited.....	1
150.03 - Demolition of structures; abatement of nuisances.....	2
150.04 - Collection of cost of abating dangerous property condition; injunction; rehabilitation.....	5
150.05 - Visible address numbers.....	6

### **Chapter 151: Subdivisions -(See also Section 152.501)**

**PAGE #**

151.01 - Subdivision Regulations Adopted by Reference (Wayne County).....	7
152.02 - Curbs and Gutters required.....	7

### **General Provisions**

**PAGE #**

152.001 - Short Title.....	8
152.002 - Purpose.....	8
152.003 - Interpretation of Zoning Ordinance; minimum requirements.....	8
152.004 - Conflicting Laws.....	9
152.005 - General Scope.....	9
152.006 - Severability .....	9
152.007 - Rules of Construction, Use of ordinance section references General Intent, and Definitions in general terms.....	9
152.008 - Definitions .....	10

### **Zoning Districts Established**

**PAGE #**

152.020 - Purpose.....	19
152.021 - Districts Established.....	19
152.022 - Zoning District Map.....	19
152.023 - Interpretation of district boundaries.....	19

# Village of Creston

## Codified Zoning Ordinance

### Residential Districts

PAGE #

152.035 - Purpose.....	21
152.036 - Permitted uses.....	22
152.037 - Lot area and width requirements for principal uses.....	23

\* *Schedule 152.037 Passed by Council 9/4/2001~Ord.01-7  
(See Amendment Section)*

\* *152.037(C) Additional yard requirements for the R-2 District.  
Passed by Council 9/4/2001~Ord.01-7  
(See Amendment Section)*

152.038 - Minimum yard requirements for principal uses.....	24
---	----

\* *152.038 (C) Front Yards on partially built up blocks.  
Passed by Council 7/3/2000~Ord.00-6  
(See Amendment Section)*

152.039 - Height requirements.....	26
152.040 - Minimum dwelling unit floor are requirements.....	26
152.041 - Accessory use regulations for one family districts.....	27

\* *152.041 (B) Accessory building Regulations  
Passed by Council 7/3/2000~Ord.00-6  
(See Amendment Section)*

\* *152.041 (D)(3) Private Garages and off-street parking.  
Passed by Council 7/3/2000~Ord.00-6  
(See Amendment Section)*

152.042 - Accessory use regulations for multi-family districts.....	29
152.043 - Parking of Recreational and commercial vehicles.....	29
152.044 - Home Occupations.....	29

### Business and Industrial Districts

PAGE #

152.055 - Purpose.....	31
152.056 - Permitted buildings and uses.....	31

\* *Schedule 152.056 Permitted uses  
Passed by Council 9/4/2001~Ord.01-7  
(See Amendment Section)*

152.057 - Lot area and width requirements for principal uses.....	33
152.058 - Minimum yard requirements for principal uses.....	33
152.059 - Height regulations.....	34
152.060 - Accessory uses.....	34
152.061 - Supplemental regulations for gasoline station, automobile service and repair garages and car washes.....	35
152.062 - Supplemental regulations for recreational uses.....	-

\* *152.062 (This amendment was added to this section, it was  
not a revision) Passed by Council 9/4/2001~Ord.01-7  
(See Amendment Section)*

# **Village of Creston**

## **Codified Zoning Ordinance**

### **Floodplain Overlay District**

**PAGE #**

**This section was completely amended to conform to FEMA standards**

***Passed by Council 11/20/2000 ~Ord. 00-8  
(See Amendment Section)***

152.075 -	Purpose.....	-
152.076 -	Definitions.....	-
152.077 -	Boundaries of floodplain overlay district.....	-
152.078 -	Compliance.....	-
152.079 -	Warning and disclaimer of liability.....	-
152.080 -	Zoning certificate application requirements.....	-
152.081 -	Exemption from filing a zoning certificate.....	-
152.082 -	Duties and responsibilities of the zoning inspector.....	-
152.083 -	Variance procedure.....	-
152.084 -	General provisions for flood hazard reduction.....	-
152.085 -	Specific standards.....	-
152.086 -	Floodways.....	-
152.087 -	Violations and penalties.....	-

### **Conditional and Supplemental Use Regulations**

**PAGE #**

152.100 -	Purpose.....	47
152.101 -	General standards for all conditional uses.....	47
152.102 -	Conformance with district regulations.....	48
152.103 -	Specific area and yard requirements for conditional uses	48
152.104 -	Two- family dwelling requirements.....	50
152.105 -	Public and private schools; day care centers; churches and libraries requirements.....	50
152.106 -	Nursing homes, rest homes and assisted living requirements.....	50
152.107 -	Agricultural uses and for the keeping of animals regulations.....	51
152.108 -	Manufactured home parks.....	52
152.109 -	Outdoor parking of commercial truck cab.....	52
152.110 -	Outdoor storage and display.....	53
152.111 -	Flammable and combustible liquids.....	53
152.112 -	Miniature golf.....	54
152.113 -	Residential dwelling units located above the first floor of a commercial building.....	54

# **Village of Creston**

## **Codified Zoning Ordinance**

### **Planned Residential Development**

**PAGE #**

152.125 -	Definition.....	55
152.126 -	Objectives.....	55
152.127 -	Approval criteria.....	55
152.128 -	Uses.....	56
152.129 -	Minimum land area.....	56
152.130 -	Development standards.....	56
152.131 -	Required public open space.....	57
152.132 -	Minimum dwelling unit floor area.....	58
152.133 -	Supplemental requirements.....	58
152.134 -	Procedures.....	59
152.135 -	Phasing.....	59
152.136 -	Bond or escrow agreement.....	59

### **Oil and Gas Wells**

**PAGE #**

152.150 -	Purpose.....	60
152.151 -	Application of subchapter.....	60
152.152 -	Application requirements.....	60
152.153 -	Review procedures.....	62
152.154 -	Bonding requirements.....	63
152.155 -	Easements within village property.....	64
152.156 -	Development standards.....	64
152.157 -	Minimum land area limits on unitized .....	65
152.158 -	Locational objectives and criteria.....	65
152.159 -	Access Roads.....	66
152.160 -	Fencing.....	66
152.161 -	Landscaping.....	67
152.162 -	Requirements in general.....	67
152.163 -	Notification .....	69
152.164 -	Restoration and abandonment.....	69
152.165 -	Compliance with regulations.....	70
152.166 -	Violations.....	71

### **Off-Street Parking and Loading Regulations**

**PAGE #**

152.180 -	Purpose.....	72
152.181 -	Units of measure.....	72
152.182 -	Required off street parking spaces.....	72
152.183 -	Shared parking for mixed uses.....	76
152.184 -	Deferred construction of required spaces.....	76
152.185 -	Regulations for access drives.....	76
152.186 -	Waiting spaces for drive-thru facilities.....	77
152.187 -	Improvement and maintenance standards.....	77
152.188 -	Off-street loading regulations.....	78



# **Village of Creston**

## **Codified Zoning Ordinance**

### **Sign Regulations**

**PAGE #**

152.200 - Purpose.....	79
152.201 - Classification of signs.....	79
152.202 - Computations.....	81
152.203 - Maximum sign area permitted.....	82
152.204 - Maximum sign height permitted.....	84
152.205 - Supplemental regulations.....	84
152.206 - Residential identification signs.....	84
152.207 - Requirements for freestanding signs.....	85
152.208 - Additional requirements for business identification signs.....	86
152.209 - Directional signs.....	86
152.210 - Window signs in business districts.....	86
152.211 - Construction signs.....	86
152.212 - Political signs.....	87
152.213 - Real estate signs.....	87
152.214 - Temporary promotional signs.....	88
152.215 - Safety or regulatory signs.....	89
152.216 - Design and construction standards.....	89
152.217 - Signs exempt from regulations.....	90
152.218 - Prohibited signs.....	91
152.219 - Administrative procedures.....	91
152.220 - Maintenance.....	93
152.221 - Alteration and removal of unsafe, obsolete and nonconforming signs.....	93
152.222 - Violations.....	95

### **Supplemental Regulations**

**PAGE #**

152.235 - Landscaping and screening requirements.....	96
152.236 - Architectural projections.....	97
152.237 - Height exceptions.....	97
152.238 - Fences.....	97
152.239 - Satellite dishes.....	99
152.240 - Maintenance standards.....	100
152.241 - Factory Built Housing.....	100

\* 152.241 Factory Built Housing (A) (1) & (B) (1) ,(5)  
Passed by Council 7/3/2000~Ord.00-6  
(See Amendment Section)

### **Nonconforming Buildings, Lots and Uses**

**PAGE #**

152.255 - Intent.....	102
152.256 - Nonconforming buildings.....	102
152.257 - Nonconforming use of buildings and land.....	103
152.258 - Nonconforming signs.....	104
152.259 - Nonconforming parking facilities.....	104
152.260 - Nonconforming outdoor storage and displays.....	104
152.261 - Nonconforming lots of record.....	105
152.262 - Nonconforming use due to reclassification.....	105
152.263 - Existing use deemed conditional use; permit required for change.....	105
152.264 - Change from nonconforming use.....	105
152.265 - Completion of construction with zoning certificate.....	106

# **Village of Creston**

## **Codified Zoning Ordinance**

### **Administrative and Enforcement**

**PAGE #**

152.280 -	Administrative powers and duties.....	107
152.281 -	Zoning Inspector.....	107
152.282 -	Planning Commission.....	107
152.283 -	Board of Zoning Appeals.....	109
152.284 -	Village Council.....	110
152.285 -	Schedule of fees.....	111
152.286 -	Conflict of interest of officials and employees.....	111
152.287 -	Administrative procedures.....	111
152.288 -	Zoning Certificates.....	111
152.289 -	Appeals.....	113
152.290 -	Variances.....	114
152.291 -	Amendments.....	116
152.292 -	Enforcement by Zoning Inspector.....	119
152.293 -	Certificate to be used as authorized.....	119
152.294 -	Violation procedure.....	120

### **Conditional Zoning Certificates**

**PAGE #**

152.310 -	Conditional zoning certificate required.....	121
-----------	--	-----

### **Subdivision Regulations**

**PAGE #**

(This was is an added amendment section, not a revision)..... -

*Passed by Council 7/3/2000 ~Ord. 00-6  
(See Amendment Section)*

152.501 -	Subdivision Regulations
152.502 -	Regulations of Subdivisions
152.503 -	Major Subdivisions
152.504 -	Minor Subdivisions/Lot Combinations

### **Penalty**

**PAGE #**

152.999 -	Penalty.....	125
-----------	--------------	-----

### **Amendments**

### **Miscellaneous Information**

# VILLAGE OF CRESTON

## ZONING FEE SCHEDULE

Copy of Zoning Fee Manual.....	\$ 25.00	
Residential New Construction Permit.....	\$ 105.00	
Commercial/Industrial new Construction Permit.....min.	\$ 55.00	(up to 500 sq. ft.)
.....max.	\$ 155.00	(10c per sq. ft.)
Residential Additions Permit.....	\$ 30.00	
Commercial Additions Permit.....	\$ 30.00	
Accessory Permit.....	\$ 30.00	
Fence Permit.....	\$ 10.00	
Rezoning/Amendments Permit.....	\$ 205.00	
Conditional Use Zoning Certificate Permit.....	\$ 205.00	
Variance Request Permit.....	\$ 105.00	
Minor Lot Split/Combination Permit.....	\$ 30.00	
Major Lot Split/Subdivision.....	\$ 105.00	
Appeal Permit (If appeal is approved, the fee may be waived).....	\$ 55.00	
Sign Permit.....	\$ 20.00	(up to 80 sq. ft.)
.....	\$ 50.00	(81 sq. ft. or more)
Invalid Complaint/Re-Inspection Fee.....	\$ 10.00	each re-inspection

**I-1**

\* Each Permit includes 2 Inspections per Permit Fee listed above

Revised 5/10/02



## CHAPTER 150: BUILDING REGULATIONS

---

### Section

- 150.01 Building code adopted by reference
- 150.02 Harboring rats prohibited
- 150.03 Demolition of structures; abatement of nuisances
- 150.04 Collection of cost of abating dangerous property condition; injunction; rehabilitation
- 150.05 Visible address numbers

### § 150.01 BUILDING CODE ADOPTED BY REFERENCE.

The *Wayne County Building Code* shall be adopted by reference and enforced by the Building Department of the county. All provisions therein are incorporated as fully as if set out at length in this section. (Res. 20-79, passed 10-1-79)

### § 150.02 HARBORING RATS PROHIBITED.

(A) No owner or occupant of any building or premises shall permit conditions to exist which may allow the building or premises to become a rat harbor. The following enumerated conditions shall not be deemed to be exclusive and are hereby declared to be nuisances as conducive to harboring rats:

- (1) Broken walls, building tile, floors or foundations in which there are holes or cracks of a size sufficient to permit a rat to pass through;
- (2) Materials, including rubbish, piled, stored or kept on the premises, into, among or under which rats have burrowed or may burrow;
- (3) Buildings or garages, or the foundations, floors or appurtenances thereto under which rats have burrowed;
- (4) Portable buildings, boxes, crates and materials, including rubbish, piled, stored or kept so that they rest directly on the ground surface or less than eight inches above such surface;
- (5) Garbage containers without watertight tops and bottoms or without tight-fitting tops or around or under which rats have burrowed or may burrow;
- (6) Feeding of wild animals, birds or other wild life, other than in suitable containers for food, elevated at least 36 inches above ground level; and
- (7) Compost piles or unharvested crops.

(B) No owner or occupant of any building or premises on which any rat harbor condition exists shall fail or refuse within five days after being notified thereof by the Police Chief to abate the same. In addition to any penalty for a violation hereof, such nuisance may be abated by the village in the manner now or hereafter provided by law.

(Ord. 14-80, passed 7-21-80) Penalty, see § 10.99

**Cross-reference:**

*Nuisance abatement see § 93.01 et seq*

## Creston, Ohio -- Code of Ordinances

### § 150.03 DEMOLITION OF STRUCTURES; ABATEMENT OF NUISANCES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PUBLIC NUISANCE.** Any fence, wall, garage, shed, house, building, structure, tree, pole, smoke stack, or any excavation, basement, cellar, well, cistern or sidewalk sub-space or part thereof, shall be deemed a public nuisance if by reason of the condition in which the same is permitted to be or remain, shall or may endanger the health, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more persons in the village in any one or more of the following particulars:

- (1) By reason of being detrimental to the general health of the community;
- (2) By reason of being a fire hazard;
- (3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the above the premises; and
- (4) By reason of continued vacancy thereby resulting in lack of reasonable or adequate maintenance of structures and grounds and causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such structure is situated.

**OWNER or OWNERS.** The owner of record of the premises in fee or lesser estate therein, a mortgagee or vendee in possession, assignee of the rents, receiver, executor, administrator, trustee, lessee, or other person, firm, or corporation in control of a building, or their duly authorized agents. Any such person thus representing the owner shall be bound to comply with the provisions of this section to the same extent as if he or she were the owner.

(B) (1) Whenever the Building Inspector suspects the existence of a public nuisance as defined in this section, he or she shall promptly cause to be inspected the premises on which he suspects such public nuisance exists. Should the Building Inspector find that a public nuisance does exist he or she shall notify the Chief of Police and the Fire Chief or their duly authorized agents and the Chief of Police or the Fire Chief or their duly authorized agents shall inspect the premises on which it is suspected such public nuisance exists.

(2) Written reports of the inspection and of the findings with respect to the existence of the public nuisance shall be filed with the Building Inspector. Should all of the aforesaid officers or their duly authorized agents concur that a public nuisance exists, it shall be the duty of the Building Inspector to make photographs of such nuisances and to file and keep in his or her office the written reports of the findings of the aforesaid officials or their agents.

### **Creston, Ohio -- Code of Ordinances**

(3) The Building Inspector shall cause a written notice to be served on the owner or owners stating the findings with respect to the existence of a public nuisance and stating that unless the owner or owners thereof shall cause the abatement of the public nuisance by removal or repair of the building or structure, the same will be abated by the village at the expense of the owner or owners. At least 30 days prior to the removal or repair of any insecure, unsafe, or structurally defective building, the municipal corporation shall give notice by certified mail of its intention with respect to such removal or repair to the holders of legal or equitable liens of record upon the real property on which such building is located and to owners of record of such property. The owners of record of such property or the holders of liens of record upon such property may enter into an agreement with the municipal corporation to perform the removal or repair of the insecure, unsafe, or structurally defective building. If an emergency exists, as determined by the municipal corporation, notice may be given other than by certified mail and less than 30 days prior to such removal or repair. If for any reason notice is not given, the lien provided for in R.C. § 715.261 as a result of such removal or repair is subordinate to any liens of prior record. (R.C. § 715.26)

(C) (1) If service of the written notice is not perfected by any of the described methods, then the Building Inspector shall cause such notice to be published in a newspaper of general circulation of the village once each week for two consecutive weeks and shall further cause a copy of the aforesaid notice to be left with the person, if any, in possession of the premises on which it is alleged such public nuisance exists or if there be no person in possession thereof, he or she shall cause a copy of the notice to be posted on the premises.

(2) The Building Inspector shall cause a return of service in the form of an affidavit to be made by the person served it, which affidavit shall set forth the name and address of the person served, the manner of service, and the date thereof.

(D) Upon being served notice, the owner or owners may make immediate application in writing or in person to the Building Inspector for a special building permit to undertake the repairs or replacement of items found to constitute a public nuisance.

(E) Adequate plans and specifications as required by the Building Inspector, covering the repairs or replacements shall be furnished by the owner or owners to the Building Inspector within 15 days after receipt of notice or such additional time as the Building Inspector may deem necessary to complete plans and specifications, not to exceed 90 days.

(F) The Building Inspector shall upon approval of the plans and specifications cause a special building permit to be issued to the owner or owners. The special building permit to be issued by the Building Inspector shall be for a period of 30 days and within the 30 days the owner or owners will effect and complete the repairs and/or replacements, or the Inspector may grant an extension to the special building permit if the owner or owners show reason or cause for the requested extension and which extension will more readily effect the repairs and/or replacements.

(G) All appeals from the orders of the Building Inspector or his or her authorized assistants in the administration of this section shall be made to the Board of Zoning Appeals. The power of that Board in reference to these appeals shall be the same where applicable as

### **Creston, Ohio -- Code of Ordinances**

granted to the Board of Zoning Appeals from the orders issued under authority of the zoning code. The Board shall further have the power to adopt such rules and regulations as may be necessary to carry into effect the provisions of this section. The procedure for appeals shall be the same as the procedure for appeals to the Board of Zoning Appeals from orders issued under authority of the zoning code.

(H) Should the nuisance not be abated at the expiration time stated in the notice or expiration of the time stated in the special building permit issued by the Building Inspector, or such additional time as the Hearing Board may grant, the Building Inspector shall be authorized, at any time thereafter to enter upon the premises and the owner shall permit him or her entry to abate the nuisance by demolition and removal of the structure or by taking any other such action as may be required.

(I) In abating such nuisance the Building Inspector may call upon any department, division or bureau of the village for whatever assistance may be necessary; or may, by private contract, obtain the abatement thereof, and the cost of such private contract shall be paid for from village funds specifically authorized by the Village Council in order to abate such public nuisance.

(J) In abating such nuisance, the owner or owners may go to whatever extent necessary to complete the abatement of the same and the cost of the abatement action shall be recovered from the owner in the following procedure:

(1) The owner or owners shall be billed directly by certified mail for the cost of the abatement. The bill for the cost of the abatement shall be paid within 60 days after receipt of the bill.

(2) If costs are not recovered then the village shall cause the cost of the abatement to be levied as an assessment and recovered in accordance with § 150.04.

(K) This section shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the village, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of Ohio, or any ordinance heretofore enacted by the village.

(L) Should any section or provision of this chapter be held by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.  
(Ord. 12-75, passed 9-15-75)



**§ 150.04 COLLECTION OF COST OF ABATING DANGEROUS PROPERTY CONDITION;  
INJUNCTION; REHABILITATION.**

**(A) *Collection of costs of abating dangerous property conditions.***

(1) As used in this division, **TOTAL COST** means any costs incurred due to the use of employees, materials, or equipment of the municipality, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under this division.

(2) The municipality may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance by any of the following methods:

(a) The Clerk/Treasurer of the Legislative Authority of the municipality may certify the total costs, together with a proper description of lands to the County Auditor who shall place the costs upon the tax duplicate. The costs are a lien upon such lands from and after the date of entry. The costs shall be collected as other taxes and returned to the municipality.

(b) The municipality may commence a civil action to recover the total costs from the owner.

(3) This division (A) applies to any action taken by the municipality pursuant to R.C. § 715.26, which authorizes the inspection, removal and repair of buildings, or pursuant to the Ohio Constitution, Article XVIII, Section 3.

(4) The municipality shall not certify to the County Auditor for placement upon the tax list and duplicate the cost of any action that it takes under division (A)(2) of this section if the action is taken on land that has been forfeited to the state for delinquent taxes, unless the owner of record redeems the land. (R.C. § 715.261)

(B) *Injunction may be granted for failure to comply.* No person shall erect, alter, repair or maintain any residential building, office, mercantile building, workshop or factory, including a public or private garage, or other structure, within the municipality unless all ordinances or resolutions enacted pursuant to R.C. §§ 715.26 through 715.30 are fully complied with. In the event any building or structure is being erected, constructed, altered, repaired or maintained in violation of such ordinances or resolutions, or there is imminent threat of violation, the municipality or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation. (R.C. § 715.30)

**(C) *Appropriation of property to rehabilitate; demolition or sale.***

(1) In order to rehabilitate a building or structure that the municipality has determined to be a threat to the public health, safety or welfare, that has been declared a nuisance under R.C. Chapters 3707, 3709 or 3781, and that either has been found to be insecure, unsafe, structurally defective, unhealthful, or unsanitary under R.C. §§ 715.26 through 715.30 or violated a building code or ordinance adopted under R.C. § 731.231, the municipality may appropriate, in the manner provided by R.C. §§ 163.01 through 163.22, any such building or structure and the real property of which it is a part. The municipality shall rehabilitate the building or structure or cause it to be rehabilitated within two years after the appropriation so that the building or structure is no longer a public nuisance, insecure, unsafe, structurally defective, unhealthful or unsanitary, or a threat to the public health, safety, or welfare, in violation of a building code or ordinance adopted under R.C. § 731.231. Any building or structure appropriated pursuant to this division which is not rehabilitated within two years shall be demolished.

(2) If, during the rehabilitation process, the municipality retains title to the building or structure and the real property of which it is a part, then within 180 days after the rehabilitation is complete, the municipality shall appraise the rehabilitated building or structure and the real property of which it is a part, and shall sell the building or structure and property at public auction. The municipality shall advertise the public auction in a newspaper of general circulation in the municipality once a week for three consecutive weeks prior to the date of sale. The municipality shall sell the building or structure and real property to the highest and best bidder. No property that the municipality acquires pursuant to this division shall be leased. (R.C. § 719.012)

***Statutory reference:***

*Adoption of technical ordinances and codes by reference, see R.C. § 731.231*

## **§ 150.05 VISIBLE ADDRESS NUMBERS.**

(A) The owner of any building upon any street shall place or cause to be placed the street address number assigned by the village in a conspicuous place on the front of such building. The number shall be a minimum of three and a half inches high, shall be in contrasting color with the front of the building and shall not be in script. If the building is more than 50 feet from the curb, the property shall also be numbered at the driveway within 20 feet of the street right-of-way. The provisions of this section apply only to the main building at each premise and does not apply to accessory buildings, such as garages or storage buildings.

(B) Council finds that the continued existence of buildings not in conformity with this section would constitute a nuisance and danger to the safety of persons and property in the village and therefore, this section shall be fully applied to buildings constructed prior to its taking effect.  
(Ord. 99-3, passed 1-19-99) Penalty, see § 10.99

## **CHAPTER 151: SUBDIVISIONS**

---

### **Section**

151.01 Subdivision regulations adopted by reference  
151.02 Curbs and gutters required

### **§ 151.01 SUBDIVISION REGULATIONS ADOPTED BY REFERENCE.**

The Wayne County Subdivision Regulations are adopted by reference and incorporated herein as fully as if set out at length in this section.  
(Ord. 95-7, passed 3-20-95)

### **§ 151.02 CURBS AND GUTTERS REQUIRED.**

In addition to compliance with the Wayne County Subdivision Regulations, all new subdivisions must have concrete curbs and gutters.  
(Ord. 95-3, passed 1-23-95)



# VILLAGE OF CRESTON CODE OF ORDINANCES

## GENERAL PROVISIONS

### § 152.001 SHORT TITLE.

This zoning code shall be known as the zoning code of the Village of Creston, Ohio.  
(Ord. 96-9, passed 6-3-96)

### § 152.002 PURPOSE.

This zoning code is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the village; to conserve and protect the property rights of all individuals and the value of property by assuring the compatibility of uses and practices within zoning districts; to provide for orderly growth and development; to insure the most appropriate use of lands; to facilitate the adequate and economic provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this zoning code, including the provision of penalties for its violation; and for any other purpose provided in this zoning code, the Ohio Revised Code, or under common law rulings.  
(Ord. 96-9, passed 6-3-96)

8

### § 152.003 INTERPRETATION OF ZONING ORDINANCE; GREATER RESTRICTIONS; MINIMUM REQUIREMENTS.

(A) In interpreting and applying the provisions of this zoning code, the provisions shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

(B) This zoning code shall not interfere with, abrogate or annul any easement, covenant or other agreement between parties except that in cases where this zoning code imposes a greater restriction upon the use of buildings or premises, upon the height of buildings, upon the lot area per family, or requires larger yards or other open spaces than are imposed or required by such easements, covenants or agreements, the provisions of this zoning code shall control.

(C) The lot or yard areas of any use existing on the date of passage of this zoning code (Ordinance 96-9, passed June 3, 1996) shall not be diminished below the requirements imposed by this zoning code for any use to be made hereafter.  
(Ord. 96-9, passed 6-3-96)

## **Creston, Ohio -- Code of Ordinances**

### **§ 152.004 CONFLICTING LAWS.**

This zoning code shall not repeal, abrogate, annul or in any way interfere with any existing law or ordinance, or any rules or regulations heretofore or hereafter adopted or promulgated pursuant to law regulating the use of land or buildings. However in cases where this zoning code imposes a greater restriction upon the use of buildings or premises, upon the height of buildings, upon the lot area per family, or requires larger yards or other open spaces than are imposed or required by such other laws or codes or by such rules and regulations, the provisions of this zoning code shall control.

(Ord. 96-9, passed 6-3-96)

### **§ 152.005 SCOPE (GENERAL).**

Nothing in this zoning code shall be construed to limit Council in the exercise of all of the powers to zone or redistrict now or thereafter authorized by the Ohio Constitution or state statutes.

(Ord. 96-9, passed 6-3-96)

**9**

### **§ 152.006 SEVERABILITY.**

Sections and subsections of this zoning code and the several parts or provisions thereof are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, part or provision thereof.

(Ord. 96-9, passed 6-3-96)

### **§ 152.007 RULES OF CONSTRUCTION; USE OF ORDINANCE SECTION REFERENCES; GENERAL INTENT; DEFINITIONS OF GENERAL TERMS.**

(A) Throughout this zoning code, reference to section numbers means the numbered sections of this zoning code. Reference to section numbers separated by the word "to" (such as §§ 152.005 to 152.007) is to be taken as equivalent to the words "to and including."

(B) For the purpose of this zoning code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) All words used in the singular include the plural and the plural includes the singular.

### **Creston, Ohio – Code of Ordinances**

(2) All words used in the present tense include the future tense, unless the context clearly indicates the contrary.

(3) The masculine, feminine or neuter gender includes either of the others.

(4) The word “shall” is to be interpreted as mandatory and not directory; the word “may” is permissive.

(5) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” or “occupied for.”

(6) The word “lot” includes the word “plot” or “parcel.”

(7) The word “erected” includes the word “used” and the word “altered.”

(8) The word “build” shall include to “erect,” “convert,” “enlarge,” “reconstruct” or “structurally alter” a building or structure or part thereof.

(9) “Such as” shall be construed as introducing a typical or illustrative enumeration of uses. A colon used to introduce an enumeration shall be construed as being the complete enumeration of uses and not illustrative.  
(Ord. 96-9, passed 6-3-96)

**10**

### **§ 152.008 DEFINITIONS OF GENERAL TERMS.**

For the purpose of this zoning code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACCESSORY BUILDING.*** A subordinate building which is incidental to or customarily in connection with the principal building or use and which is detached from the principal building but located on the same lot as the principal building or use.

***ACCESSORY USE OR STRUCTURE.*** A use or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use or structure, and which is: subordinate to or serves the principal use or structure; is subordinate in area to the principal use or structure; and is customarily incidental to the principal use or structure. Among other things, an accessory use or structure may include anything of a subordinate nature attached to or detached from a principal structure, such as fences, walls, sheds, garages, gardens, parking places, decks, pools, poles, and poster panels.

***AGRICULTURE.*** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal husbandry. Agriculture does not include the feeding of garbage to animals, the operation or maintenance of a commercial stockyard or feedyard or any other level of concentration that exceeds normal field grazing, or a

**Creston, Ohio -- Code of Ordinances**

kennel which, for the purposes of this code, shall be considered a commercial establishment.

**APARTMENT BUILDING.** A multi-family dwelling consisting of dwelling units which share common access to individual units and yards. See also **DWELLING, MULTI-FAMILY**.

**ASSISTED LIVING.** See **NURSING HOME**.

**ATTACHED DWELLING UNITS or TOWNHOUSES.** Dwelling units physically attached side-by-side to one another by a common or adjoining vertical wall, and which have individual entrance ways at the ground level, individual heating and plumbing systems, and which may be individually owned, rented, or sold as condominiums. Less than three attached units or townhouses satisfies the definition of a two-family dwelling.

**AUTOMOBILE SERVICE AND REPAIR GARAGE.** A building or part of a building, structure or space used for servicing and repairing motor vehicles, and which may provide for the retail sale of liquid fuel, lubricants and motor vehicle accessories.

**BASEMENT.** The portion of a building, the floor of which is below the adjoining grade, and which does not have more than one-half of its height above the adjoining grade.

**11**

**BED AND BREAKFAST.** Guest bedrooms within a private dwelling unit which are offered for compensation by the day, week or month, for lodging, or meals and lodging, and in which no cooking or similar housekeeping equipment is provided and no more than five tourists or boarders are accommodated.

**BOARD.** The Board of Zoning Appeals of Creston, Ohio, as set forth in § 152.283 of this zoning code.

**BUILDING.** Any structure designed or intended for the shelter, support, or enclosure of persons, animals, or personal property of any kind.

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

**BUILDING LINE.** An imaginary linear extension of the building wall parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the side yard abutting the street.

**CHILD DAY-CARE.** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day in a place or residence other than a child's own home.

**CHILD DAY-CARE CENTER.** Any place other than a child day-care home in which



## **Creston, Ohio -- Code of Ordinances**

child day-care is provided.

**CHILD DAY-CARE HOME.** A permanent residence of the provider in which child day-care is provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the child day-care home shall be counted.

**COMMERCIAL VEHICLE.** Any motor vehicle licensed by the state as a commercial vehicle.

**COMMISSION.** The Village Planning Commission of Creston, Ohio.

**CONDITIONAL USE.** A use that, owing to some special circumstances attendant to its operation, is permitted in a district only in accordance with the administrative procedures of § 152.310, and which requires a conditional use certificate, review by Planning Commission and approval by Council.

**COUNCIL.** The Village Council of Creston, Ohio.

**DATE OF PASSAGE.** The date upon which this zoning code was passed by Council, being June 6, 1996.

**DENSITY.** A unit of measure expressing the number of dwelling units per acre which may be permitted.

**DISTRICT.** A part of the village wherein regulations of this zoning code are uniform.

**DRILLING UNIT.** The minimum acreage on which one well may be drilled but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir and which may be several parcels or a single tract.

**DRIVE-THRU FACILITY.** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle. The term **DRIVE-THRU** shall also include "drive-up" and "drive-in."

**DWELLING.** Any building which is wholly or partially used or intended to be used for living or sleeping by one or more human occupants. A dwelling may be comprised of more than one dwelling unit.

**DWELLING, MULTI-FAMILY.** A building arranged, intended or designed to be occupied by three or more families, living independently of each other in three or more dwelling units, with varying arrangements of entrances and party walls.

**DWELLING, ONE-FAMILY.** A building designed for or occupied by one family, separated from other dwelling units by open space.

## Creston, Ohio -- Code of Ordinances

**DWELLING, TWO-FAMILY.** A building designed for or occupied exclusively by two families in two separate dwelling units which may be either attached side-by-side or one above the other.

**DWELLING UNIT.** Space within a dwelling comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family living as a single housekeeping unit.

**FAMILY.** One or more persons living together as a single housekeeping unit in a dwelling unit which may include: persons related to each other by blood, marriage, or legal adoption, plus no more than one unrelated individual; or no more than five unrelated individuals.

**FLOOR AREA.** The sum of the gross horizontal areas of a building measured from the exterior faces of exterior walls or from the center line of common walls separating two dwelling units. **FLOOR AREA** shall not include unfinished basements, attached garages, attics, terraces, breezeways, open porches, and covered steps.

**FRONTAGE.** The property line abutting the principal street.

### 13

**GARAGE, PRIVATE.** A detached accessory building or portion of the principal building, on the lot on which the principal building is located, designed to store motor vehicles and other normal household accessories of the residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature.

**GASOLINE STATION.** An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include facilities available for the sale of other retail products but which shall not be used for the making of repairs to motor vehicles.

**GRADE.** The average level of the finished surface of the ground adjoining a building.

**GROUP HOME.** A community residential facility, licensed and/or approved and regulated by the state, which provides rehabilitative or habilitative services for six or more persons.

**HOME OCCUPATION.** An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, which is conducted entirely within the dwelling unit, without adverse affect upon the surrounding neighborhood, and is further defined in § 152.044.

**INOPERABLE MOTOR VEHICLE.** Any motor propelled vehicle or accessory to same which is wrecked or in the process of being dismantled, or stored or which does not have a license thereon which is valid or was valid not more than six months previous, shall be considered an **INOPERABLE MOTOR VEHICLE**.

**Creston, Ohio -- Code of Ordinances**

**INSTITUTION.** A building occupied by a non-profit organization or non-profit establishment for public use.

**JUNK.** Any worn out, cast-off litter or debris or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered **JUNK**.

**JUNK YARD or JUNK SHOP.** More than 25 square feet of any land used for private and/or commercial purposes, where junk is sold, stored, bought, exchanged, baled, packed, sorted, disassembled or handled.

**LOADING SPACE, OFF-STREET.** An area located totally outside of any public right-of-way for the temporary parking of vehicles entering the premises for picking up and making deliveries.

**LOT.** For the purposes of this zoning code, a lot is a parcel of land of sufficient size to meet minimum zoning requirements of this code for use, coverage, and area, and to provide such yards and other open spaces as herein required. The term **ZONING LOT** is used synonymously with **LOT** in this zoning code. Such lot shall have frontage on an improved public or private street, but not include any portion thereof, and may consist of:

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

**LOT LINE or PROPERTY LINE.** The boundary lines defining the limits of the lot.

(1) **FRONT LOT LINE.** The right-of-way line separating the lot from the street right-of-way on which the lot fronts. On a corner lot, the owner or developer may elect either right-of-way line as the front lot line subject to the approval of the Zoning Inspector.

(2) **REAR LOT LINE.** The lot line opposite and most distant from the front lot line.

(3) **SIDE LOT LINE.** Any lot line which is not a front lot line or a rear lot line.

**LOT MEASUREMENTS.** A lot shall be measured as follows:

(1) **DEPTH.** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**Creston, Ohio -- Code of Ordinances**

(2) **WIDTH.** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

**LOT TYPES.** Terminology used in this zoning code with reference to corner lots, interior lots and through lots is as follows:

(1) **CORNER LOT.** A lot located at the intersection of two or more streets, whether public or private, where the angle of such intersection is not more than 135 degrees.

(2) **INTERIOR LOT.** A lot with only one frontage on a street.

(3) **THROUGH LOT.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**MANUFACTURED HOME.** Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

**MANUFACTURED HOME PARK.** Any tract of land upon which two or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though two or more manufactured homes are parked hereon if the roadways are dedicated to the village. **MANUFACTURED HOME PARK** does not include any tract of land used solely for the storage or display for sale of manufactured homes.

**MOBILE HOME.** See **MANUFACTURED HOME.**

**NONCONFORMITY.** Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this zoning code or its amendments which do not conform to the regulations of the district or zone in which they are located and are therefore incompatible.

(1) **NONCONFORMING BUILDING.** A building lawfully existing on the effective date of this zoning code or any amendment thereto, which, on such effective date, does not conform to the area, height, or bulk regulations pertaining to buildings or yard regulations of the district in which it is located.

## **Creston, Ohio -- Code of Ordinances**

(2) **NONCONFORMING LOT.** A lot lawfully existing on the effective date of this zoning code or any amendment thereto which on such effective date, does not conform to the lot area, width or frontage requirements of the district in which it is located.

(3) **NONCONFORMING SITE CONDITION.** Any structure lawfully existing on the effective date of this zoning code or any amendment thereto which, on such effective date, does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.

(4) **NONCONFORMING USE.** Any building or land lawfully occupied by a use on the effective date of this zoning code or any amendment thereto which, on such effective date, does not conform with the use regulations or the performance standards of the district in which it is situated.

**NURSING HOME, REST HOME, ASSISTED LIVING.** An extended or intermediate care facility which provides skilled nursing and dietary care for persons who are elderly, ill, or incapacitated, or which provides services for the rehabilitation of the persons who are convalescing from illness or incapacitation. **NURSING HOMES** and **REST HOMES** shall not include homes or similar institutions or facilities for persons suffering from acute or chronic alcoholism, or other drug dependency, or persons who are mentally incapacitated from causes other than simple senility or who regularly require restraint.

**OUTDOOR DISPLAY.** Any outside area devoted to the viewing from the street a representative sample of goods and merchandise for sale, rent, or lease from the premises.

**OUTDOOR STORAGE.** The keeping in an unroofed area of any goods, material, merchandise, vehicles, or junk in the same place for more than 24 hours.

**PARKING LOT.** An area not within a building where motor vehicles may be stored for the purposes of temporary and daily or overnight off-street parking.

**PARKING SPACE, OFF-STREET.** An open or enclosed area adequate for parking an automobile with room for opening doors on both sides, with access to a public street. Arrangement of the parking space shall be such as to allow ingress and egress of an automobile without the necessity of moving any other automobile, and shall be located totally outside of any public right-of-way.

**PLANNED RESIDENTIAL DEVELOPMENT.** An area of land in which a variety of housing units is accommodated in a preplanned environment under more flexible standards, such as lot size and setbacks, than those that would normally apply under other one-family regulations, allowing for the clustering of houses to preserve common open space for scenic beauty and recreation for its residents.

**PROPERTY LINE.** See **LOT LINE**.

## Creston, Ohio -- Code of Ordinances

**PUBLIC NOTICE.** Advance notice of a hearing or proceeding as prescribed in this code which states the subject matter to be heard and the time and place of the hearing or proceeding, printed once in a newspaper of general circulation in the village.

**PUBLIC SAFETY FACILITY.** A public facility providing services necessary for the safety of the residents of the village including police, fire protection, and rescue activities.

**PUBLIC SERVICE FACILITY.** A structure providing for public services such as power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures operated by a public utility, by a public or private railroad, or by a municipal or other governmental agency.

**RECREATIONAL VEHICLE.** A portable structure built on a chassis or designed to be mounted on or drawn by a motor vehicle, and intended to be used for temporary occupancy for travel, recreational or vacation use.

**RIGHT-OF-WAY.** A strip of land taken, dedicated, or otherwise recorded as an irrevocable area for use as a public way. In addition to the thoroughfare or roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by topography or special conditions) such as grade separation, landscaped areas, viaducts, and bridges. **RIGHT-OF-WAY** line is a line separating the right-of-way from a lot, and is synonymous with "street line".

17

**SETBACK LINE.** A line established by the zoning code, general with and measured from the lot line, defining the limits of a yard in which no building, other than accessory structure may be located above ground, except as may be provided in the code. (See **YARD, REQUIRED**).

**SIGN.** Any visual communication display, object, device, graphic, structure or part, independently situated on the parcel, or attached to, painted on, or displayed from a building, structure, or vehicle in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization, or the like, by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images, or illuminations.

**STORY.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, as defined in this zoning code, shall not be included as a story.

**STORY, HALF.** A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

**STREET.** A public way which affords the principal means of access to abutting property.

**STREET LINE.** See **RIGHT-OF-WAY**.

## **Creston, Ohio -- Code of Ordinances**

**STRUCTURAL ALTERATION.** Any change that would prolong the life of supporting members of a building or structure, such as the bearing columns, beams, or girders.

**STRUCTURE.** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including buildings, walls, signs, fences, pools, decks, and tents.

**TRAILER, HOUSE.** See **MANUFACTURED HOME**.

**TRAILER, TRAVEL.** See **RECREATIONAL VEHICLE**.

**VARIANCE.** A modification of the strict terms of the relevant regulations where such modification will not be contrary to the general purpose of this zoning code and the public interest, and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in practical difficulty.

**VILLAGE.** The Village of Creston, Ohio.

**YARD.** An open space on the same lot with a building or a structure, unoccupied and unobstructed by any portion of a structure from the ground upward, except as may otherwise be provided in this code.

**YARD, FRONT.** A yard extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the front lot line and the front of the principal building.

**YARD, REAR.** A yard extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building.

**YARD, REQUIRED.** The open space between a lot line and a setback line that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this zoning code. (See **SETBACK LINE**.)

**YARD, SIDE.** A yard between the side of the principal building and the side lot line, extending from the front lot line to the rear lot line, and being the minimum horizontal distance between the side lot line and the side of the principal building.

**ZONING INSPECTOR** or **INSPECTOR.** The official designated to administer the zoning code of the Village of Creston, Ohio.

**ZONING LOT.** See **LOT**.  
(Ord. 96-9, passed 6-3-96)





**Creston, Ohio -- Code of Ordinances**

**ZONING DISTRICTS ESTABLISHED**

**§ 152.020 PURPOSE.**

The purpose of this subchapter is to establish zoning districts in order to realize the general purpose set forth in this code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

(Ord. 96-9, passed 6-3-96)

**§ 152.021 DISTRICTS ESTABLISHED.**

The following zoning districts are hereby established for the Village of Creston, Wayne County, Ohio:

R-1	One-Family Residential District
R-2	One-Family Residential District
MF-1	Multi-Family Residential District
R-B	Retail Business District
G-B	General Business District
I-1	Industrial District
FP	Floodplain Overlay District

(Ord. 96-9, passed 6-3-96)

**§ 152.022 ZONING MAP.**

The districts established in § 152.021 are shown on the Zoning Map, which together with all accompanying notations, references, rules and designations is hereby adopted and made a part of this zoning code, thereby having the same force and effect as if herein fully described in writing. The map is entitled "Zoning Map of the Village of Creston" and, with all its future additions, amendments, changes and supplements, designates the area assigned to the respective use districts and their boundaries.

(Ord. 96-9, passed 6-3-96; Am. Ord. 96-11, passed 6-17-96)

**§ 152.023 INTERPRETATION OF DISTRICT BOUNDARIES.**

- (A) The following rules shall be used to determine the precise location of any zoning
- American Legal Publishing Corporation

### **Creston, Ohio -- Code of Ordinances**

district boundary unless such boundary is specifically indicated on the Zoning Map of the Village of Creston.

(1) Where district boundaries are so indicated as approximately following the center lines, right-of-way lines, or street lines of highways, streets, or railroad lines, such center lines, right-of-way lines or street lines shall be construed to be the boundaries.

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.

(3) Where district boundaries are so indicated that they are approximately parallel to the center lines, right-of-way lines, or street lines of highways, streets, or railroad lines, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map of the Village of Creston. If no distance is given, such dimensions shall be determined by the use of the scale shown on such zoning map.

(4) Where district boundaries are so indicated that they follow or approximately follow the limits of the village corporation, such boundaries shall be construed as following such limits.

(5) Whenever any street or other public way is vacated by the action of the Planning Commission and with the approval of the Village Council, the zoning district adjoining each side of such thoroughfare, street or other public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall here forth be subject to all regulations appropriate to the respective extended districts.

(B) All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.  
(Ord. 96-9, passed 6-3-96)

**Creston, Ohio -- Code of Ordinances**  
**RESIDENTIAL DISTRICTS**

**§ 152.035 PURPOSE.**

The R-1 and R-2 One-Family Residential Districts and the MF-1 Multi-Family Residential District are established to accomplish the general purpose of this zoning code as stated in §§ 152.001 through §§ 152.006, and to achieve the following objectives:

(A) To establish the R-1 One-Family Residential District which provides for future one-family residential development leaving a minimum lot size of 12,000 square feet, and which is compatible with the existing larger lot one-family residential developments as a means of preserving the lower density character of these areas and to better preserve the natural environment;

(B) To establish the R-2 One Family Residential District which provides for one-family dwelling units on smaller lots with a minimum of 7,500 square feet that are compatible with the existing neighborhoods of older and historic homes on medium sized lots, and which permits, as a conditional use, two-family dwellings;

(C) To establish the MF-1 Multi-Family Residential District which accommodates two and one-half story attached dwelling units and apartment buildings with ample open space and parking, and which permits as a conditional use nursing homes and assisted living facilities;

(D) To reduce the problems created by intensive development of areas which have excessively high water tables, which are subject to flooding, or which are topographically or otherwise unsuited for urban uses;

(E) To encourage flexible residential development, as a conditional use in appropriate areas of the village, which promotes creative and efficient use of land in a unified development.  
(Ord. 96-9, passed 6-3-96)

**§ 152.036 PERMITTED USES.**

In the R-1, R-2, and MF-1 Residential Districts, land shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved or structurally altered only in accordance with the schedules and use regulations of this zoning code.

(A) *Principal uses.* The principal uses, buildings, and structures enumerated in Schedule 152.036, denoted with a P, are permitted by right in the district indicated, provided that all requirements of other village ordinances and this code have been met.

(B) *Conditional uses.* The conditional uses, buildings, and structures enumerated in Schedule 152.036, denoted with a CU, may be permitted in the district indicated, provided they conform to the conditions, standards, and requirements of §§ 152.100 through 152.113, conditional use regulations, and are approved for a particular zoning lot in accordance with the administrative procedures of § 152.310, conditional zoning certificates.

(C) *Accessory uses.* The accessory uses, buildings, and structures enumerated in § 152.041 are permitted when such accessory use is associated with, subordinate to, and located on the same zoning lot as the principal use.

(D) *Schedule 152.036. Permitted buildings and uses.*

<b>PERMITTED USES</b>	<b>R-1 ONE-FAMILY DISTRICT</b>	<b>R-2 ONE-FAMILY DISTRICT</b>	<b>MF-1 MULTI-FAMILY DISTRICT</b>
<b>Residential Use</b>			
One-family dwellings	P	P	P
Two-family dwellings		CU	P
Multi-family dwellings			P
Planned residential developments	CU	CU	
Bed and breakfasts		CU	
Manufactured home park	CU		
<b>Open Space Use</b>			
Parks and playgrounds	CU	CU	CU
Cemeteries	CU	CU	CU
Agriculture	CU	CU	
<b>Institutional Use</b>			
Churches	CU	CU	CU
Public/private schools	CU	CU	CU
Day care centers	CU	CU	CU
Nursing homes, convalescent homes, assisted living			CU
Public safety facilities	CU	CU	CU
<b>Other</b>			
Outdoor parking of commercial truck cab	CU	CU	
Gas and oil wells	CU		
<b>Blank cell = Use not permitted</b>			

**Creston, Ohio -- Code of Ordinances**

**§ 152.037 LOT AREA AND WIDTH REQUIREMENTS FOR PRINCIPAL USES.**

(A) *Minimum requirements.* The minimum area and width of a lot that may be used for purposes of a dwelling in residential districts are established in Schedule 152.037.

(B) *Schedule 152.037. Minimum lot, area and width requirements.*

	<i><b>R-1 One-Family</b></i>	<i><b>R-2 One-Family</b></i>	<i><b>MF-1 Multi-Family</b></i>
Minimum lot size	11,250 sq. ft.	7,500 sq. ft.	One-half acre
Maximum density			6 units per acre
Minimum lot width at building line	85 feet	50 feet	100 feet
Minimum lot width at street right-of-way line	50 feet	35 feet	70 feet
Blank Cell = Use not permitted			

(Ord. 96-9, passed 6-3-96)

**Creston, Ohio – Code of Ordinances**

**§ 152.038 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES.**

(A) *Minimum requirements.* For each principal use located in a R-1, R-2 and MF-1 district, front, side, and rear yards shall be provided in accordance with the dimensions specified in Schedule 152.038, except as regulated in divisions (C) and (D) below. Each yard shall be unobstructed by any structure except as otherwise provided in this zoning code. Such areas, together with all other portions of the zoning lot not covered by permitted structures, shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which shall be adequately maintained, so as to assure absorption of rainfall, and to prevent erosion from rapid runoff of surface water.

(B) *Schedule 152.038. Minimum yard requirements.*

	<i>R-1 One-family</i>	<i>R-2 One-family</i>	<i>MF-1 Multi-family</i>
Minimum front yard	30 feet	20 feet	40 feet
Minimum side yard	10 feet	5 feet provided that the total of both side yards equals 15 feet	20 feet
Corner lot - minimum width of side yard facing street	30 feet	10 feet	40 feet
Minimum rear yard	50 feet	30 feet	30 feet
Minimum distance between principle buildings on the same lot			See §152.038(D)
Blank cells = Use not permitted			

(C) *Front yards on partially built-up blocks.* Whenever 50% or more of the frontage within 300 feet of the lot is occupied by buildings having a front yard less than the requirements set forth in Schedule 152.038, then the minimum required front yard shall be the average of the existing front yards along the same side of the street within 300 feet of the lot.

(D) *Additional yard requirements for multi-family dwellings.* In the MF-I Multi-Family District, principal buildings shall be designed and arranged in accordance with the following:

(1) For the purposes of this zoning code, the following definitions shall apply.

(a) **MAIN WALL.** Any exterior wall containing the principal windows of a living, dining or sleeping room or rooms, and/or windows.

**Creston, Ohio – Code of Ordinances**

(b) ***SECONDARY WALL.*** An exterior wall, other than a main wall, containing minor windows of a dining or sleeping room, or principal or minor windows of kitchens or bathrooms, or a blank surface.

(2) Not less than 40 feet shall be maintained between a main wall of a principal building facing a main wall of another principal building.

(3) Not less than 30 feet shall be maintained between a main wall of a principal building facing a secondary wall of another principal building.

(4) Not less than 20 feet shall be maintained between two secondary walls of principal buildings.

(5) Minimum distances between principal buildings and front, side, and rear lot lines shall be as specified in Schedule 152.038.

(6) The minimum distance between principal buildings and accessory buildings and between accessory buildings shall be as specified in § 152.042.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.039 HEIGHT REQUIREMENTS.**

The maximum height regulations for principal buildings and structures in residential districts shall be 35 feet or 2½ stories, except as regulated in § 152.237. Accessory buildings shall not exceed 15 feet in height.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.040 MINIMUM DWELLING UNIT FLOOR AREA REQUIREMENTS.**

The minimum floor area of a dwelling or dwelling unit shall not be less than specified below. For the purposes of determining the minimum floor area, unfinished basements, attached garages, attics, terraces, breezeways, open porches, steps, or other attached structures not intended for human occupancy shall be excluded.

(A) *One-family dwellings.*

(1) A one-story dwelling shall have a minimum of 1,000 square feet.

(2) One- and a-half story and two-story dwellings shall have a minimum of 750 square feet on the first floor.

(B) *Two-family dwellings.*

(1) Each unit in a two-family dwelling shall have a minimum of 1,000 square feet.

(2) The total for both units in a two family dwelling shall be at least 2,000 square feet.

(C) *Multi-family dwellings.* The minimum floor area for a multi-family dwelling unit shall be 650 square feet plus 150 square feet for every bedroom.  
(Ord. 96-9, passed 6-3-96)



## **§ 152.041 ACCESSORY USE REGULATIONS FOR ONE-FAMILY DISTRICTS.**

Accessory uses, buildings, and structures permitted in R-1 and R-2 Districts are enumerated below and shall conform to the standards in this section.

(A) *Permitted accessory uses.* The following accessory uses are permitted in association with and subordinate to a permitted or conditionally permitted use in the R-1 and R-2 Districts and are limited to the following:

- (1) Private garages and off-street parking;
- (2) Recreational and commercial vehicles;
- (3) Temporary buildings;
- (4) Signs;
- (5) Storage sheds;
- (6) Enclosed and unenclosed porches, decks, patios, steps, and ramps;
- (7) Swimming pools;
- (8) Satellite dishes;
- (9) Fences;
- (10) Waste and recycling receptacles;
- (11) Day care homes;
- (12) Temporary sales and garage sales; and
- (13) Home occupations.

(B) *Accessory building regulations.* An accessory building in an R-1 or R-2 District shall conform to the regulations set forth in this section.

(1) *Location in yard.* Accessory buildings shall be permitted to be located in a side and rear yard and shall be no closer than five feet to the side and rear lot line.

(2) *Location by buildings.* Accessory buildings shall be located no closer than ten feet to a dwelling on the same lot.

(3) *Height requirements.* Accessory buildings shall conform to the height requirements of § 152.039.

(C) *Maximum area and yard coverage.* The sum total of all accessory buildings shall not exceed 1,200 square feet, or 20% of the yard area in which permitted, whichever is less.

(D) *Private garages and off-street parking.*

(1) Attached garages as part of a dwelling are subject to the yard and height requirements for the principal use, as specified in Schedule 152.038 and § 152.039.

rear yard, and shall be no closer than ten feet from the principal building.

(3) No person shall park a motor vehicle in any portion of a front, side, or rear yard which is not a hard surfaced driveway or parking lot.

(4) The outdoor parking of an inoperable or junk motor vehicle on a lot in a residential district shall comply with § 152.240(C).

(5) Garages in one-family residential districts shall be maintained in accordance with the maintenance provisions of § 152.240.

(E) *Recreational and commercial vehicles.* Recreational and commercial vehicles shall be regulated by § 152.043.

(F) *Temporary building.* Temporary buildings or uses for purposes incidental to construction work shall be permitted, provided these buildings or uses shall not be continued as permanent structures or uses.

(G) *Signs.* Signage for uses, buildings, and structures in residential districts shall be regulated by §§ 152.200 through 152.222.

(H) *Storage sheds.* Storage sheds shall be maintained in accordance with the maintenance provisions of § 152.240.

(I) *Porches, decks, patios, steps, and ramps.* Porches, decks, patios, steps, and ramps shall be maintained in accordance with the maintenance provisions of 152.240. Such structures may not extend into required yards except as permitted in § 152.236.

(J) *Swimming pools.* Any in-ground pool or above ground pool that has a height less than four feet, when containing water to a depth of one and one-half feet or more, shall be completely surrounded by a chain-link fence or equivalent, or a wall. Such fence or wall shall be at least four feet high, placed at least four-feet from the water's edge, except that a fence or wall that is at least six feet high shall not be required to meet the four foot separation from the water's edge. Such fence or wall shall have no openings, holes, or gaps larger than three inches in width, except for doors or gates, which shall be equipped with locking devices to prevent unauthorized or accidental intrusion. The construction and operation of a pool shall meet all state and county requirements.

(K) *Satellite dishes.* Satellite dishes in residential districts shall be further regulated in § 152.239.

(L) *Fences.* Fences in residential districts shall be further regulated in § 152.238.

(M) *Day care homes.* Day care homes, as defined in § 152.008, are a permitted accessory use in residential districts and do not require a zoning certificate.

(N) *Temporary sales and garage sales.* Temporary sales and garage sales, which for the purpose of this section shall include yard sales, house sales, and similar activities, may be permitted in residential districts. Any individual, family, or conditionally permitted institution may conduct three such sales within any 12-month period upon the property at which he, she or they reside or on which the conditionally permitted institution is located, for a period not to exceed three consecutive days without obtaining a zoning permit, on the condition that the provisions of this code pertaining to signs and parking are met. The permitted garage sales shall be in addition to the annual village yard sale.

(O) *Home occupations.* Home occupations shall be regulated by § 152.044.  
(Ord. 96-9, passed 6-3-96)

## **§ 152.042 ACCESSORY USE REGULATIONS FOR MULTI-FAMILY DISTRICTS.**

Accessory uses, buildings, and structures permitted in multi-family districts shall conform to the standards of §§ 152.041, 152.043 and 152.044 with the following exceptions:

(A) Detached garages and other accessory buildings shall be permitted in multi-family developments, provided that such buildings shall comply with the yard requirements for principal buildings set forth in Schedule 152.038 and shall be located no closer than 20 feet to a principal building or ten feet to another accessory building.

(B) Parking areas, including driveways and aisles, shall be permitted in side and rear yards only, provided that such parking area is ten feet from the side and rear lot lines. Parking areas shall be no less than 15 feet from the main wall of principal buildings, as defined in § 152.038(D), and no less than five feet from the secondary wall of a principal building, as defined in § 152.038(D).

(C) No recreational vehicle shall be permitted to be stored on a multi-family lot unless it is completely enclosed in a garage.

(D) Waste containers and dumpsters may be located in a side or rear yard, provided that such container or dumpster is setback ten feet from any side or rear lot line. Waste receptacles and dumpsters shall be screened according to § 152.235.  
(Ord. 96-9, passed 6-3-96)

**29**

## **§ 152.043 PARKING OF RECREATIONAL AND COMMERCIAL VEHICLES.**

(A) A recreational vehicle, camper, or boat, on or off wheels, may be stored outdoors on a zoning lot provided such structure is located in the rear of the yard no less than 20 feet from the rear and side lot lines with appropriate screening from adjacent property, has no connections to any electric, telephone, water, gas, or fuel source, and is stored on a paved or gravel surface.

(B) The recreational vehicle shall not be used as a dwelling, office, or other business structure, or for storage of material.

(C) No more than two pieces of recreational equipment, including any combination of vehicle, camper, or boat, that exceed 20 feet in length shall be stored on a lot, unless stored in a fully enclosed building.

(D) No commercial vehicle shall be permitted on a lot in any residential district except that an occupant shall be permitted to park one truck not exceeding one ton capacity that is used in connection with the occupant's livelihood, unless otherwise permitted as a conditional use according to Schedule 152.036.  
(Ord. 96-9, passed 6-3-96)

## **§ 152.044 HOME OCCUPATIONS.**

The purpose of this section is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations

### **Creston, Ohio -- Code of Ordinances**

being located and conducted in such a manner that their existence is not detectable in any manner from outside of the dwelling unit.

(A) The home occupation shall be clearly incidental and secondary in importance to the use of the dwelling for dwelling purposes.

(B) Any on-site business related in any manner to the home occupation shall be conducted by occupants of the dwelling unit. One additional employee shall be permitted to be employed on the premise.

(C) The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation shall be conducted entirely within the dwelling unit and no use of a garage, an accessory building or an outdoor area shall be permitted.

(D) A home occupation may be conducted in any area of the dwelling including the basement provided such home occupation shall occupy no more than one room in the dwelling unit or an area equal to 20% of the area of the main floor of the dwelling unit, whichever is greater. The area of an attached garage shall not be included when calculating the area of the main floor of the dwelling unit.

(E) Any activity, material, goods, or equipment indicative of the proposed use shall be carried on, utilized or stored within the dwelling unit and shall not be visible from any public way or adjacent property.

(F) The business activity shall not create a nuisance by reason of generating any noise, odor, dust, vibrations, fumes, smoke, electromagnetic interference or truck or delivery vehicle traffic which would depreciate or change the residential character of the neighborhood in which the proposed use is located.

(G) There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation.

(H) The business activity shall not constitute a fire hazard endangering the site of the home occupation and adjoining property sites. There shall be no storage of hazardous, combustible or flammable matter, accumulation of rubbish or waste paper, and storage of cartons and/or boxes situated in a manner that would endanger life or property in case of an actual fire.

(I) The business activity shall not cause an increase in the use of any one or more public utilities (water, sewer, electric, sanitation, and the like) so that the combined use of the residence and home occupation does not exceed the average use for residences in the neighborhood of the proposed use.

(J) The number of automobiles or trucks attracted to the premise shall not be greater than that which is normally associated with residential uses including normal fluctuations in level of residential activities.

(Ord. 96-9, passed 6-3-96)

# BUSINESS AND INDUSTRIAL DISTRICTS

## § 152.055 PURPOSE.

The R-B and G-B District and the I-1 Industrial District are established to accomplish the general purposes of this zoning code as stated in §§ 152.002 through 152.008 and to achieve the following specific objectives:

(A) To establish the R-B Retail Business District which provides standards for the existing commercial center of the village and to concentrate new commercial development in buildings that typically locate side-by-side and near the street in order to encourage pedestrian activity;

(B) To establish the G-B General Business District which accommodates higher intensity commercial uses including automotive uses along arterial streets where the level of traffic volume warrants such uses;

(C) To establish the I-1 Industrial District which provides standards for existing and new industrial development;

(D) To provide sufficient land area for office, retail, service, commercial and industrial uses in the village, while protecting and maintaining residential and rural areas from commercial encroachment; and

(E) To reduce the problems created by development of areas which have excessively high water tables, which are subject to flooding, or which are topographically or otherwise unsuited for urban uses.

(Ord. 96-9, passed 6-3-96)

## § 152.056 PERMITTED BUILDINGS AND USES.

In the R-B and G-B Business Districts, and in the I-1 Industrial District, land shall be used or occupied, and structures shall be erected, reconstructed, enlarged, moved, or structurally altered only in accordance with the schedules and use regulations of this zoning code.

(A) *Principal uses.* The principal uses, buildings, and structures enumerated in Schedule 152.056, denoted with a P, are permitted by right in the district indicated, provided that all requirements of other village ordinances and this code have been met.

(B) *Conditional uses.* The conditional uses, buildings, and structures enumerated in Schedule 152.056, denoted with a CU, may be permitted in the district indicated, provided they conform to the conditions, standards, and requirements of §§ 152.100 through 152.113, conditional use regulations, and are approved for a particular zoning lot in accordance with the administrative procedures of § 152.310 conditional zoning certificates.

(C) *Accessory uses.* The accessory uses, buildings, and structures enumerated in § 152.060 are permitted when such accessory use is associated with, subordinate to, and located on the same zoning lot as the principal or conditional use.

Permitted Uses	R-B Retail Business	G-B General Business	I-1 Industrial
<b>Office Use</b>			
Professional, administrative and business offices	P	P	P
Medical office	P	P	
Sales office provided only samples are displayed and stored on lot	P	P	
Banks, financial institutions, without drive-thru	P	P	
<b>Business Uses</b>			
Stores or shops for conducting retail business in wholly enclosed building	P	P	
Personal Services	P	P	
Restaurants without drive-thru	P	P	
Funeral homes		P	
Shops, studios for skilled craftsmen, including woodworking and cabinetry		P	
Outdoor display		CU	
Outdoor storage		CU	
Residential dwelling units located above the first floor in a commercial building	CU		
<b>Auto-Oriented</b>			
Gasoline station	CU	P	
Service and repair garage		P	
Drive-thru facilities in association with a permitted use	CU	P	
Motor vehicle sales		P	
<b>Industrial Uses</b>			
Manufacturing			P
Assembly			P
Warehousing			P
Wholesale distributors			P
Outdoor storage			P
Storage flammable and combustible liquids			CU
<b>Recreational Uses</b>			
Indoor bowling alley		P	
Indoor skating rink		P	
Outdoor miniature golf		CU	
<b>Institutional Uses</b>			
Churches	CU	P	
Public safety facilities, libraries and other semi-public uses	CU	P	P
Public administration	P	P	P
Public service facilities		P	P
<b>Other Uses</b>			
Oil and Gas Wells		CU	
Blank cells = Use not permitted			

## § 152.057 LOT AREA AND WIDTH REQUIREMENTS FOR PRINCIPAL USES.

(A) *Regulations.* Principal buildings and uses permitted in the R-B Retail Business, G-B General Business, and I-1 Industrial Districts shall be located only on a lot that complies with the lot area and lot width regulations set forth in this section, unless otherwise specifically provided for elsewhere in this code.

(B) *Schedule 152.057. Minimum requirements.*

	<i>R-B Retail Business</i>	<i>G-B General Business</i>	<i>I-1 Industrial</i>
Minimum lot size		20,000 sq. ft.	20,000 sq. ft.
Minimum lot width at building lot line		100 feet	100 feet
Blank cell = Use not permitted			

(Ord. 96-9, passed 6-3-96)

## § 152.058 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL USES.

(A) *Yard requirements.* In R-B, G-B and I-1 Districts, each zoning lot shall maintain the minimum front, side, and rear yards specified in § 152.058, except as otherwise provided for in this zoning code. Each yard shall be unobstructed by a principal use, including outdoor storage of goods, supplies and equipment as permitted in this zoning code, or a principal building, or parking area, except as otherwise provided in this code. Such areas, together with all portions of the zoning lot not covered by permitted structures, shall be landscaped with grass, trees shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition so as to ensure adequate screening of parking and loading areas, as well as absorption of rainfall.

(B) *Schedule 152.058. Minimum yard requirements.*

	<i>R-B Retail Business</i>	<i>G-B General Business</i>	<i>I-1 Industrial</i>
<b>Building Setbacks</b>			
Front yard (any yard adjacent to a street right-of-way )		40 feet	40 feet
Side and rear yards adjacent to non-residential uses		20 feet	20 feet
Side and rear yards adjacent to residential uses	10 feet	30 feet	30 feet
Blank cell = Use not permitted			
<b>Parking Setbacks</b>			
Distance from street rights-of-way		10 feet	10 feet
Distance from Side and Rear Lot Line		5 feet	5 feet
Blank cell = Use not permitted			

(Ord. 96-9, passed 6-3-96) American Legal Publishing Corporation

## Creston, Ohio – Code of Ordinances

### § 152.059 HEIGHT REGULATIONS.

The maximum height for principal building or structure in business and industrial districts shall be 35 feet and the maximum height of accessory structures shall be 15 feet, except as regulated in § 152.237.

(Ord. 96-9, passed 6-3-96)

### § 152.060 ACCESSORY USES.

Accessory uses, buildings, and structures permitted in business and industrial districts are enumerated below and shall conform to the requirements of this section.

(A) *Permitted accessory uses.*

- (1) Parking garages and off-street parking and loading;
- (2) Accessory buildings;
- (3) Temporary buildings;
- (4) Signs;
- (5) Waste or recycling receptacles;
- (6) Fences and walls;
- (7) Satellite dishes.

(B) *Yard requirements.* Accessory uses, buildings, and structures shall meet all the yard requirements of Schedule 152.058 unless otherwise specified in this section.

(C) *Height requirements.* Accessory buildings and structures shall meet the height requirements of § 152.059.

(D) *Parking garages and off-street parking and loading.*

(1) Off-street parking and loading areas shall conform to the minimum parking setback requirements specified in Schedule 152.058, and shall otherwise conform to the regulations of §§ 152.180 to 152.188.

(2) Parking garages shall comply with the yard and height requirements for principal buildings set forth in §§ 152.058 and 152.059.

American Legal Publishing Corporation



## **Creston, Ohio -- Code of Ordinances**

(3) **Parking garages and off-street parking lots** may be located on the same lot as the principal use or may be located on a separate lot in accordance with § 152.058.

(E) **Temporary buildings and uses.** Temporary buildings or uses for purposes incidental to construction work shall be permitted, provided these buildings or uses shall not be continued as permanent structures or uses.

(F) **Signs.** Signage for uses, buildings, and structures in business and industrial districts shall be regulated by §§ 152.200 through 152.222.

(G) **Waste or recycling receptacles.** All solid waste products resulting from any permitted principal, conditional or accessory use shall either be disposed of, or stored in a building or completely enclosed container. Such building, container or dumpster may be located in a side or rear yard and shall comply with the minimum parking setbacks established in Schedule 152.058, and the screening requirements of § 152.235.

(H) **Fences and walls.** Fences and walls shall be permitted accessory uses provided they comply with § 152.238.

(I) **Satellite dishes.** Satellite dishes shall be a permitted accessory use provided they comply with § 152.239.  
(Ord. 96-9, passed 6-3-96)

**35**

### **§ 152.061 REGULATIONS FOR GASOLINE STATIONS, AUTOMOBILE SERVICE GARAGES AND CAR WASHES.**

In addition to the above regulations of this zoning code, gasoline stations, automobiles service garages, and car washes shall comply with the following regulations.

(A) **Gasoline stations and automobile service and repair garages** located on a corner lot shall have not less than 100-foot frontage on each of the two intersecting streets.

(B) **Fuel pumps** may be erected in a front yard but not less than 20 feet from the public right-of-way.

(C) **Pavement to provide access to a gasoline pump** shall be located no less than ten feet from the public right-of-way. The resulting open space shall be landscaped and maintained in satisfactory condition in accordance with § 152.058 and, except for entrance and exit drives and permitted signs, shall not be used for any other purpose.

(D) **A canopy** may be constructed over the pump island provided the canopy shall be no closer than 20 feet to the right-of-way.

(E) **No junk or inoperative or unlicensed motor vehicles** will be permitted to remain

on the property for more than seven days.

(F) All activities provided at gasoline stations, except those required to be performed at a fuel pump, air dispenser, or self-serve automobile vacuum, shall be carried on entirely inside a building.

(G) On a corner lot, the location of access drives to the street shall be placed as far from the intersections as possible and shall be limited to no more than one access drive per fronting street.

(H) An automobile service and repair garage or a gasoline station may be combined with a car wash provided the minimum lot area shall be no less than 30,000 square feet, and that all activities provided by the car wash take place inside the building.  
(Ord. 96-9, passed 6-3-96)

**§ 152.075 PURPOSE.**

The Floodplain Overlay District is established to achieve the general purpose of this zoning code, as stated in §§ 152.001 through 152.006, to protect human life and health; to minimize expenditure of public money for costly flood control projects and rescue and relief efforts; to ensure that potential buyers are notified that property is in an area of special flood hazard; to minimize private losses; and to ensure that those who occupy areas within the Floodplain Overlay District assume responsibility for their actions.

(Ord. 96-9, passed 6-3-96)

**§ 152.076 DEFINITIONS.**

For the purpose of this zoning code, the following words and phrases shall have the meanings ascribed to them respectively.

**ALTERATION OF WATERCOURSE.** Any action that serves to increase or decrease the carrying capacity of a watercourse.

**AREA OF SPECIAL FLOOD HAZARD.** The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

**BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year. The **BASE FLOOD** may also be referred to as the 100 year flood.

**37**

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

**FLOOD INSURANCE STUDY.** The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

**FLOODPLAIN.** Any land susceptible to being inundated by water from the base flood.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than .5 foot.

**OVERLAY DISTRICT.** A district described by the zoning map and superimposed on other districts, within which further regulations apply in addition to those of the underlying districts to which such designation is added.

***SUBSTANTIAL IMPROVEMENT.*** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, ***SUBSTANTIAL IMPROVEMENT*** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. 96-9, passed 6-3-96)

#### **§ 152.077 BOUNDARIES OF FLOODPLAIN OVERLAY DISTRICT.**

The boundaries of the Floodplain Overlay District shall include all areas of special flood hazard within the jurisdiction of the village. The areas of special flood hazard within the village have been identified by the Federal Emergency Management Agency, and are identified in a Flood Insurance Rate Map entitled Wayne County, Ohio and Incorporated Areas, Panel 35, dated May 17, 1989. The areas appearing on this map which have been identified as areas of special flood hazard shall be considered the Floodplain Overlay District within the village. The Flood Insurance Rate Map entitled Wayne County, Ohio and Incorporated Areas, Panel 35, dated May 17, 1989, and any revisions thereto is hereby adopted by reference and declared to be part of this zoning code, and is on file at the Clerk of Council's office. (Ord. 96-9, passed 6-3-96)

**38**

#### **§ 152.078 COMPLIANCE.**

Unless specifically exempted from filing a zoning certificate as stated in § 152.082, no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this zoning code. (Ord. 96-9, passed 6-3-96)

#### **§ 152.079 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this zoning code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. Therefore, this code shall not create liability on the part of the village, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this code or any administrative decisions lawfully made thereunder. (Ord. 96-9, passed 6-3-96)

#### **§ 152.080 ZONING CERTIFICATE APPLICATION REQUIREMENTS.**

(A) A zoning certificate shall be obtained before any construction, development, substantial improvement (as defined in § 152.076), extension, conversion, or enlargement begins within the Floodplain Overlay District established in this zoning code. Application forms for a zoning certificate shall be made on forms furnished by the Zoning Inspector. In addition to the general requirements of § 152.288, an application for a zoning certificate for a property within the Floodplain Overlay District shall include, but not be limited to:

(1) Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;

(2) Existing or proposed structures;

(3) Fill;

(4) Storage of materials;

(5) Drainage facilities; and

(6) The location of the foregoing.

(B) Specifically, the following information is required:

(1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;

(2) Certification by a registered professional engineer or architect stating that the provisions of § 152.085(B)(3) have been met; and

(3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(Ord. 96-9, passed 6-3-96)

**39**

#### **§ 152.081 EXEMPTION FROM FILING A ZONING CERTIFICATE.**

An application for a zoning certificate shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small development activities (except for filling and grading) valued at less than \$1,000.

(Ord. 96-9, passed 6-3-96)

#### **§ 152.082 DUTIES AND RESPONSIBILITIES OF THE ZONING INSPECTOR.**

For the purposes of this zoning code, the Zoning Inspector shall have the following duties in addition to the duties summarized in § 152.281:

(A) *Permit review.*

(1) Review all zoning certificate applications to assure that all necessary permits have been received from those federal, state, and local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required.

(2) Review all developments to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Insurance Rate Map entitled Wayne County, Ohio and Incorporated Areas, Panel 35, dated May 17, 1989. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the provisions of § 152.086 are met.

**Creston, Ohio -- Code of Ordinances**

(3) Require, if necessary, any certification other than that required in § 152.085(B)(3) that verifies compliance with the standards of § 152.084 and 152.085.

(B) *Use of other base flood elevation and floodway data.*

(1) Areas of special flood hazard, where base flood elevation data have not been provided by the Federal Emergency Management Agency, are designated as Zone A on the Flood Insurance Rate Map.

(2) Within these areas, the Village Engineer and Zoning Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this zoning code.

(C) *Information to be obtained and maintained.*

(1) Where base flood elevation data are utilized within areas of special flood hazard on the Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:

(2) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement.

(3) For all new or substantially-improved floodproofed structures:

(a) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

(b) Maintain the floodproofing certifications required in § 152.085(B)(3).

(4) Maintain for public inspection all records pertaining to the provisions of this zoning code.

(D) *Alteration of watercourses.*

(1) Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(2) Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

(Ord. 96-9, passed 6-3-96)

## **Creston, Ohio -- Code of Ordinances**

### **§ 152.083 VARIANCE PROCEDURE.**

(A) *Board of Zoning Appeals.* When evaluating requests for variances, the Board of Zoning Appeals shall consider, in addition to the requirements of § 152.290, all technical evaluations, all relevant factors, standards specified in other sections of this zoning code, and the following:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The necessity to the facility of a waterfront location, where applicable;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the flood plain management program for the area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport or the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(B) *Conditions for variances.*

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded

### **Creston, Ohio -- Code of Ordinances**

by lots with existing structures constructed below the base flood level, providing items (A)(1) through (11) in this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(c) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this code, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 96-9, passed 6-3-96)

### **§ 152.084 GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION.**

Within the Floodplain Overlay District the following standards are required:

(A) *Anchoring.* All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.



### **Creston, Ohio -- Code of Ordinances**

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **(C) *Utilities.***

(1) All new and replaced water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

#### **(D) *Subdivision proposals.***

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage and grading provided to reduce exposure to flood damage;

(4) Base flood elevation data shall be provided for subdivision proposals;

(5) A zoning certificate for any subdivision which contains land within the Floodplain Overlay District, shall not be given unless the plat and development plans shows the boundary of the Floodplain Overlay District and contains in clearly discernable print the statement that such land is restricted by §§ 152.075 through 152.087 of this zoning code.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.085 SPECIFIC STANDARDS.**

In addition to the general provisions of § 152.084, the following specific standards are required within the Floodplain Overlay District.

(A) *Residential construction.* New construction and substantial improvement of any

American Legal Publishing Corporation

### **Creston, Ohio -- Code of Ordinances**

residential structure shall have the lowest floor, including the basement, elevated to at least one foot above the base flood elevation.

(B) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this section. Such certification shall be provided to the official as set forth in § 152.080(B).

**44**

(C) *Accessory structures.* An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 500 square feet or less in gross floor area. Such structures must meet the encroachment provisions of § 152.086 and the following additional standards:

(1) They shall not be used for human habitation;

(2) They shall be designed to have low flood damage potential;

(3) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood water;

(4) They shall be firmly anchored to prevent flotation; and,

(5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(D) *Manufactured homes.* The following standards shall apply to all new and substantially improved manufactured homes. Where the provisions of this section conflict or overlap with state law, whichever imposes the more stringent restrictions shall prevail.

(1) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(2) Manufactured homes shall be elevated on a permanent foundation such

American Legal Publishing Corporation

## **Creston, Ohio -- Code of Ordinances**

that the lowest floor of the manufactured home is at or above the base flood elevation.

(3) Necessary surface drainage and easy access for manufactured home haulers shall be provided in manufactured home parks.

(4) Load bearing foundation supports must be placed on stable soil or concrete footings no more than ten feet apart, and if the support height is greater than 72 inches, the support must contain steel reinforcement.

(E) *Enclosures below base flood elevation.* The following provisions shall apply to all new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts or which contain a crawl space. These structures may enclose the area below the base flood elevation provided the following conditions are met:

(1) Fully enclosed areas below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls allowing for the entry and exit of flood waters. Designs for meeting this requirement must be certified by a registered professional engineer or architect; or, must meet or exceed the following criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;

(b) The bottom of all openings shall be no higher than one foot above grade; and,

(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(2) Any enclosure which meets these criteria shall be considered as having met the requirements of § 152.084(A).

(F) *Water supply and sanitary sewer systems.* Whenever any portion of a proposed development is located within the Floodplain Overlay District, the agency or agencies responsible for certifying the adequacy of the water supply and sewage disposal system for the village shall be notified. Such agency shall certify that any new water supply or sanitary sewer system is adequately designed to minimize or eliminate infiltration of flood waters into it, to eliminate discharge from sewers into floodwaters, and to avoid impairment during times of flooding.

(G) *Drainage and erosion control.*

(1) Whenever any portion of a floodplain is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive forces of the base flood.

(2) To the extent practicable, all development shall conform to the natural

American Legal Publishing Corporation

### **Creston, Ohio -- Code of Ordinances**

contours of the land and natural and preexisting man-made drainage ways shall remain undisturbed.

(3) All developments shall be provided with a drainage system that prevents retention of surface water on the development site, unless the retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.

(4) No surface water may be channeled or directed into a sanitary sewer.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.086 FLOODWAYS.**

The Flood Insurance Rate Map referenced in § 152.077 identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas.

(A) *Encroachments.* No encroachments, including fill, new construction, substantial improvements, and other development shall be permitted in a flood way.

(B) *Artificial obstructions.* Any obstructions other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream, shall not be located in a floodway, except as provided in § 152.086(C).

(C) *Permissible uses within floodways.* Permitted uses within a floodway are limited to the following:

(1) Agriculture, as defined in § 152.008.

(2) Ground level parking and loading areas.

(3) Public and private parks.

(D) *Improvements permitted within floodways.* Maintenance work, such as roofing, painting, and basement sealing, and improvements which are not substantial, as defined in § 152.076, shall be permitted within floodways.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.087 VIOLATIONS.**

Violations of the provisions of this zoning code or failure to comply with any of its requirements shall constitute a violation under the terms of §§ 152.292 through 152.294.  
(Ord. 96-9, passed 6-3-96)

# **CONDITIONAL USE REGULATIONS**

## **§ 152.100 PURPOSE.**

Conditional use regulations are established to accomplish the general purpose of this zoning code as stated in § 152.002, and to achieve the following objectives:

(A) To recognize that certain types of principal uses, due to their unique characteristics, infrequency of occurrence, large land area requirements, or other features, cannot be permitted in certain locations by right, but shall require special consideration, conditions, and approval by the Planning Commission, as outlined in § 152.310;

(B) To provide regulations and standards designed to accommodate these conditional uses in a reasonable and equitable manner;

(C) To insure that conditional uses are compatible with other uses permitted in districts; and

(D) To safeguard both the property rights of all individuals and the health, safety, and general welfare of the community.  
(Ord. 96-9, passed 6-3-96)

## **§ 152.101 GENERAL STANDARDS FOR ALL CONDITIONAL USES.**

**47**

(A) A conditional use and uses accessory to such conditional use shall be permitted in a district only when specified as a permitted conditional use in such district, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such category of use set forth in this zoning code.

(B) The Planning Commission and Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

(1) The conditional use in the proposed location will be harmonious and in accordance with the general purpose of this zoning code set forth in §§ 152.001 through 152.006, and with the objectives of § 152.100 and for the district in which located.

(2) The conditional use will not be hazardous or disturbing to the use and enjoyment of property in the immediate vicinity for the existing and future uses permitted, nor substantially diminish or impair property values within the neighborhood.

(3) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding public streets.

(4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

(5) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets.

(6) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirement at public cost for public facilities such as police, fire and schools.

(7) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

(8) The design and arrangement of circulation aisles, parking areas, and access drives shall provide for interconnecting circulation among adjacent parcels.

(9) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as specifically otherwise proved in this zoning code.

(Ord. 96-9, passed 6-3-96)

#### **§ 152.102 CONFORMANCE WITH DISTRICT REGULATIONS.**

(A) A conditional use shall conform to the regulations for the district in which such use is to be located unless otherwise specifically provided in this zoning code. Whenever there is a difference between the provisions of the conditional use regulations of this subchapter and the district regulations, the provisions of this subchapter shall prevail.

(B) Each conditional use shall comply with the parking regulations of §§ 152.180 through 152.188 and the sign regulations in §§ 152.200 through 152.222.

**48**

(C) Certain conditional uses are defined in § 152.008, and shall be limited to uses which meet the definition of the particular use.

(Ord. 96-9, passed 6-3-96)

#### **§ 152.103 SPECIFIC AREA AND YARD REQUIREMENTS FOR CONDITIONAL USES.**

(A) *Requirements.* The minimum area and yard requirements for permitted conditional uses in residential districts are established in Schedule 152.103(B), and the minimum area and yard requirements for permitted conditional uses in business and industrial districts are established in Schedule 152.103(C). Additional standards and requirements pertaining to such uses are set forth in §§ 152.104 through 152.113 and are referenced in Schedules 152.103(B) and 152.103(C).

**(B) Schedule 152.103(B). Area and yard requirements for conditional uses in residential districts.**

<b>Conditional Uses</b>	<b>Minimum lot size</b>	<b>Minimum lot width</b>	<b>Front yard (a)(b)</b>	<b>Side/rear yard (c)</b>	<b>See also section</b>
Two-family dwelling	10,000 sq. ft.	70 ft.	(d)	(d)	§152.104
Planned residential development	10 acres				§§152.125 - 152.136
Bed and breakfast	(d)	(d)	(d)	(d)	
Manufactured home park			30 ft.	30 ft.	§152.108
Cemetery (e)	10 acres	200 ft.	40 ft.	40 ft.	
Agriculture					§152.107
Public/private schools, day care center, churches and libraries	20,000 sq. ft.	100 ft.	30 ft.	20 ft.	§152.105
Nursing homes, rest homes, assisted living	1 acre	150 ft.	40 ft.	20 ft.	§152.106
Public safety facility	1 acre	150 ft.	30 ft. (f)	20 ft.	
Outdoor parking of commercial truck cabs	(d)	(d)	(d)	(d)	§152.109
Oil and gas wells					§§152.150 - 152.166

(a) Parking areas shall not be permitted in the required front yard

(b) For corner lots, the side yard abutting the secondary street shall comply with the front yard requirement

(c) Parking lots shall be located a minimum of five feet from a side or rear lot line when abutting a residential use

(d) Shall comply with the district requirements for one-family dwellings

(e) The required setback for all structures, including graves and burial lots shall be the requirements set forth in this schedule

(f) Or the requirements of the district in which the conditional use is located whichever is greater

Blank cell = Use not permitted

**(C) Schedule 152.103(C). Area and yard requirements for conditional uses in business and industrial districts.**

<b>Conditional Uses</b>	<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Front Yard</b>	<b>Side/Rear Yard (a)</b>	<b>See Also Section</b>
Residential dwelling units located above the first floor in a commercial building	(b)	(b)	(b)	(b)	§152.113
Gasoline station	20,000 sq. ft.	100 ft.	20 ft.	0	§152.061
Drive-thru facility	20,000 sq. ft.	100 ft.	20 ft.	0	§ 152.186
Outdoor storage and display	(b)	(b)	(b)	(b)	§152.110
Public safety facility, library, other semi-public uses	20,000 sq. ft.	100 ft.	20 ft.	0	
Storage of flammable and combustible liquids	(b)	(b)	(b)	(b)	§152.111
Miniature golf	1 acre	100 ft.	20 ft.	0	§152.112
Oil and gas wells					§§ 152.150 - 152.166
(a) Except that when abutting a residential use, the side and rear yard shall be 20 feet for buildings and five feet for parking areas					
(b) Shall comply with the district regulations					
Blank cell = Use not permitted					

**50** (Ord. 96-9, passed 6-3-96)

**§ 152.104 TWO-FAMILY DWELLINGS REQUIREMENTS.**

In an R-2 District, two-family dwellings may be permitted in compliance with the following:

(A) In locations where the proposed site is within 300 feet of another two-family dwelling, or a school, church or nonresidential district.

(B) Each dwelling unit complies with the minimum floor area requirements set forth in § 152.040, including units converted from a single-family dwelling.  
(Ord. 96-9, passed 6-3-96)

**§ 152.105 PUBLIC AND PRIVATE SCHOOLS, DAY CARE CENTERS, CHURCHES AND LIBRARIES REQUIREMENTS.**

In R-1, R-2 and MF-1 Districts, public and private schools, day care centers, churches and libraries may be permitted in compliance with the following:

(A) Outdoor playgrounds, tot lots, exercise areas or activity areas shall be fully enclosed by a fence subject to the approval of the Planning Commission.

(B) The parking and circulation plan shall include a drop-off point for children.

(C) The access points should be located to minimize thru traffic on residential streets.  
(Ord. 96-9, passed 6-3-96)

**§ 152.106 NURSING HOMES, REST HOMES AND ASSISTED LIVING REQUIREMENTS.**

Nursing homes, rest homes, and assisted living facilities may be permitted in an MF-I District provided that:



**Creston, Ohio -- Code of Ordinances**

(A) All structures and activities shall be located so as to abide by the required yards of Schedule 152.103(B).

(B) The density shall not exceed 25 patients per acre.  
(Ord. 96-9, passed 6-3-96)

**§ 152.107 AGRICULTURAL USES AND FOR THE KEEPING OF ANIMALS  
REGULATIONS.**

In the R-1 and R-2 One Family Residential Districts, agriculture, as defined in § 152.008, is a permitted conditional use in accordance with the following requirements:

(A) The minimum area of a lot for grazing, dairying, and animal husbandry shall be five acres. Apiculture, horticulture, floriculture, and viticulture shall be permitted on any size lot, provided that buildings and structures accessory to an agricultural use shall be on a lot with a minimum area of five acres.

(B) Private stables for the keeping of one or more horses or ponies shall be permitted as an accessory use on a lot having a minimum of five acres, and shall be permitted only for the use of the property owner or lessee thereof and his or her family and/or friends invited to use the animals without the payment of any fee.

(C) The maximum number of animals permitted shall be one animal per acre provided the lot complies with the minimum requirement of five acres set forth in divisions (A) and (B) above.

(D) Dwellings shall conform to the minimum lot width and setback requirements specified in Schedule 152.038.

(E) Private stables and associated structures, buildings, and structures accessory to a permitted agricultural use and any fenced enclosure in which farm animals, horses or ponies are kept shall be no less than 100 feet from any lot line, except that roadside stands for the sale of products grown on the premises may be located no less than 30 feet from the front lot line. A perimeter fence shall be permitted provided such fence does not constitute a corral or fenced area used for the purpose of containing such animals.

(F) Fenced enclosures for the keeping of farm animals, horses and/or ponies closer than 100 feet to a lot line may be approved by the Planning Commission provided that neighboring property owners within 100 feet shall be notified, in writing, when the proposed placement of the fence is less than 100 feet from the lot lines.

(G) Roadside stands shall not exceed 100 square feet in area and shall require a conditional use permit.  
(Ord. 96-9, passed 6-3-96)

## **Creston, Ohio -- Code of Ordinances**

### **§ 152.108 MANUFACTURED HOME PARKS.**

(A) Existing mobile home parks are a conditionally permitted use in the R-1 One-Family District. No new mobile home parks, as defined in § 152.008, shall be permitted, and no expansions to land area devoted to existing mobile home parks shall be permitted.

(B) All manufactured home parks shall comply with the requirements of Ohio Administrative Code Chapter 3701, promulgated by the Ohio Public Health Council in accordance with R.C. Chapter 3733.

(1) Such regulations are adopted and made a part hereof as though the same were rewritten in full herein.

(2) The purpose of such regulations is to provide minimum standards for existing manufactured home parks in the village.

(3) At least one copy of the regulations shall be on file with the Clerk of Council for inspection by the public. One copy shall also be on file in the Wayne County Law Library. In addition, the Clerk of Council shall have copies available for distribution to the public at cost.

(Ord. 96-9, passed 6-3-96)

### **§ 152.109 OUTDOOR PARKING OF COMMERCIAL TRUCK CABS.**

The outdoor parking of a commercial truck cab is permitted as a conditional use in the R-1 and R-2 Districts and shall comply with the following:

(A) The outdoor parking of a commercial truck cab shall be permitted only on a lot that has direct access to one of the following truck routes:

- (1) Sterling Street;
- (2) Burbank Street;
- (3) Myers Street;
- (4) State Route 3;
- (5) Pine Street;
- (6) County Road 59; or
- (7) County Road 70.

American Legal Publishing Corporation

## **Creston, Ohio -- Code of Ordinances**

(B) There shall be a maximum of one commercial truck cab permitted to be parked on a residential lot. For the purposes of these regulations, a commercial truck cab shall include any tractor designed and intended to pull trailers or semitrailers.

(C) Trailers and semitrailers shall not be permitted to be parked on a residential lot.

(D) Only a commercial truck cab used on a regular basis by the resident for the resident's occupation shall be permitted to be parked on the resident's lot.

(E) No maintenance, service or extended running of a commercial truck cab shall be permitted on a residential lot.

(F) The Planning Commission may limit the maximum gross vehicle weight of a commercial truck cab depending on the capacity of the street to which the lot has access.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.110 OUTDOOR STORAGE AND DISPLAY.**

Outdoor storage and outdoor display of goods, supplies, and equipment which are used or to be sold on the premises are permitted to the extent appropriate to a permitted use in G-B and I-1 Districts in compliance with the following regulations:

(A) All areas to be devoted to outdoor storage and/or display shall be clearly indicated on the site plan.

(B) All storage and display areas shall meet the yard requirements of the principal use as specified in Schedule 152.058.

(C) Storage of any materials out of doors (except the display of merchandise for sale) shall be located in the rear yard and shall be effectively screened from any observer's view at grade level on an adjoining road or residential premises, pursuant to § 152.235. Such storage or display shall be located to permit the free access of fire fighting equipment around the building at all times.

(D) The outdoor display of goods for sale shall not be located in areas intended for traffic circulation, according to the site plan.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.111 FLAMMABLE AND COMBUSTIBLE LIQUIDS.**

The storage of flammable and combustible liquids shall be in compliance with state and national fire code regulations. This shall be enforced by the Fire Chief.  
(Ord. 96-9, passed 6-3-96)

American Legal Publishing Corporation

**§ 152.112 MINIATURE GOLF.**

Land for the purpose of operating a miniature golf course shall have all outdoor play areas enclosed with a fence subject to the approval of the Planning Commission.  
(Ord. 96-9, passed 6-3-96)

**§ 152.113 RESIDENTIAL DWELLING UNITS LOCATED ABOVE THE FIRST FLOOR IN A COMMERCIAL BUILDING.**

Residential dwelling units may be permitted as a conditional use in the R-B Retail Business District provided such dwelling units comply with the following:

(A) Residential dwelling units shall only be permitted when located above the first floor in a commercial building. For the purposes of this provision, a commercial building shall be a building which is designed and constructed to be occupied by either a retail, personal service or office use or restaurant.

(B) No more than two dwelling units shall be permitted in any one building.

(C) The floor area of each dwelling unit shall not be less than 850 square feet plus 150 square feet for each bedroom over one.

(D) A minimum of two parking spaces shall be provided for each unit. All parking spaces shall be reserved for the exclusive use of the occupants of the dwelling units and be located within a reasonable walking distance to the building. Parking spaces which are not located on the same lot as the dwelling unit(s) shall be restricted by a lease agreement or other instrument of record describing the premises for which the parking is provided and ensuring the retention of such parking for the exclusive use of the occupants of the dwelling units. All such agreements shall be established for periods not less than one year and renewable on an annual basis. Copies of the agreement shall be submitted annually to the Zoning Inspector.  
(Ord. 96-9, passed 6-3-96)

## **PLANNED RESIDENTIAL DEVELOPMENT**

### **§ 152.125 DEFINITION.**

A Planned Residential Development (PRD) is a conditionally permitted use in an R-1 or R-2 Residential District in accordance with the standards and regulations set forth in this section. (Ord. 96-9, passed 6-3-96)

### **§ 152.126 OBJECTIVES.**

These regulations are intended to encourage the use of Planned Residential Developments in order to accomplish the general purpose of this zoning code, as stated in § 152.008, and to achieve the following objectives:

(A) To allow creativity, variety and flexibility in design as necessary to implement the various goals and objectives set forth in this section.

(B) To encourage the development of housing types which are not generally found in the village such as cluster housing and townhouse developments.

(C) To promote economical and efficient use of land through unified development.

(D) To permit the application of modern planning techniques in the development of such residential areas.

(E) To reduce the problems created by intensive development of areas which have excessively high water tables, which are subject to flooding, or which are topographical or otherwise unsuited for urban uses.

(F) To ensure that the proposed Planned Residential Development occurs in a unified manner in accordance with a development plan prepared by the property owner. (Ord. 96-9, passed 6-3-96)

### **§ 152.127 APPROVAL CRITERIA.**

A Planned Residential Development shall be reviewed by the Planning Commission according to the conditional use procedures set forth in § 152.310. In addition to the general review criteria for conditional uses set forth in § 152.101, the Planning Commission shall review a proposed PRD giving particular consideration to the following:

(A) Uses within the proposed PRD shall be located so as to reduce any adverse influences and to protect the residential character of areas both within and adjacent to the PRD;

(B) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land;

(C) Significant buffer zones with adequate landscaping shall be provided between different types of dwellings;

(D) Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the PRD shall be so designed as to have access to public, primary and

**Creston, Ohio -- Code of Ordinances**  
secondary streets without creating traffic hazards or congestion;

(E) The layout of parking areas, service areas, entrances, exits, yards, courts, landscaping, signs, lighting, noise or other potentially adverse influences shall be designed and located to protect the residential character within and adjacent to the PRD.  
(Ord. 96-9, passed 6-3-96)

**§ 152.128 USES.**

The following uses and dwelling types may be included as part of a planned residential development.

(A) *Principal uses.*

(1) One-family dwellings that may be, but are not required to be, on individually subdivided lots.

(2) Two-family dwellings (attached side-by-side).

(3) Attached dwelling units and townhouses, with a maximum of four attached units.

(4) The conditional uses enumerated in Schedule 152.036 may be permitted in a Planned Residential Development.

(B) *Accessory uses.* The accessory uses enumerated in Schedule 152.036 and regulated in §§ 152.041 and 152.042, except as otherwise regulated in this section, and accessory recreational and community facilities for use by residents of PRD, are permitted when such accessory use is associated with and subordinate to the principal uses in the Planned Residential Development.  
(Ord. 96-9, passed 6-3-96)

**§ 152.129 MINIMUM LAND AREA.**

The gross area of a tract of land proposed to be developed in a PRD shall be no less than ten acres.  
(Ord. 96-9, passed 6-3-96)

**§ 152.130 DEVELOPMENT STANDARDS.**

A PRD approved as a conditional use shall comply with the purpose and approval criteria in §§ 152.100 and 152.101 and may vary as follows from the standard requirements of the district

## **Creston, Ohio -- Code of Ordinances**

in which it is located:

(A) *Maximum density.* Permitted maximum density in planned residential developments is determined so as to permit no greater density than if the land area was developed in the minimum square foot lot areas and lot widths as required for the R-1 and R-2 One-Family Districts. The maximum density of a PRD in a particular zoning district shall be:

(1) Three dwelling units per acre in an R-1 District.

(2) Four dwelling units per acre in an R-2 District.

(B) *Dwelling unit arrangement and yard requirements.*

(1) *Front yards.* Dwelling units shall be located no closer than 30 feet to a public street and 20 feet to a common drive.

(2) *Side/rear perimeter yards.* All dwelling units shall be a minimum of 50 feet from the boundary lines of the PRD.

(3) *Yards between buildings.* The minimum distance between two dwellings shall be 40 feet, except that two walls facing each other and having no windows of living rooms family rooms may have a distance between them of no less than 15 feet.

(C) *Height regulations.* The height of buildings and structures shall not exceed the height limits specified in the respective district regulations.

(D) *Attached units.* Attached dwelling units or townhouses (as defined in § 152.008), shall consist of no more than four attached dwelling units.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.131 REQUIRED PUBLIC OPEN SPACE.**

(A) *Minimum amount of land required.* A minimum of 20% of the total area of a Planned Residential Development shall be reserved as common open space.

(B) *Ownership.* The common open space shall be reserved in perpetuity for such use. Common open space shall not be further subdivided in the future.

(C) *Maintenance.* An agreement concerning the maintenance of common open space, which is acceptable to the village's legal advisor, must be approved by the Planning Commission.

(D) *Criteria for common open space.* Common open space shall meet the following criteria:

(1) Common open space shall be exclusive of all streets, parking areas,

American Legal Publishing Corporation

### **Creston, Ohio -- Code of Ordinances**

driveways, non-recreational buildings, individually owned land, and land fragments between buildings, between buildings and parking areas, and between lot lines and building or parking areas.

(2) Common open space may be improved with appropriate accessory recreational and community facilities for the use of residents.

(3) Significant natural features, such as tree stands, ponds, ravines, and stream channels should be left in their natural state and will be considered part of the required common open space.

(4) Storm water detention and retention areas may receive full credit towards the common open space requirement only if they are designed and improved for an appropriate open space or recreation use, in addition to storm water detention.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.132 MINIMUM DWELLING UNIT FLOOR AREA.**

**58**

The minimum floor area of a dwelling unit shall not be less than specified in § 152.040, for the district in which the Planned Residential Development is located.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.133 SUPPLEMENTAL REQUIREMENTS.**

A Planned Residential Development shall comply with the following supplemental requirements.

(A) *Streets and vehicular circulation.* All public and private streets in a Planned Residential Development shall be improved to public street standards. Vehicular circulation shall provide a logical pattern and adequate maneuvering room for residents as well as service and emergency vehicles.

(B) *Parking and private garages.* Parking and private garages for dwelling units and recreational uses shall be in accordance with the requirements specified in the respective district regulations and in §§ 152.180 through 152.188, except that the Planning Commission may require additional parking as deemed necessary.

(C) *Landscaping and screening.* Landscaping and screening shall be provided in accordance with § 152.235.

(D) *Additional standards.* Additional site specific development requirements formulated to achieve the general purpose of this zoning code and the objectives of this zoning code shall be established at the time the conditional use request and Development Plan are reviewed. Any dimensional specifications adopted with such plan become binding land use



## **Creston, Ohio -- Code of Ordinances**

requirements for the PRD and shall supersede those contained in the district regulations.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.134 PROCEDURES.**

The procedures for the approval of a PRD shall comply with the conditional use procedures set forth in § 152.310, conditional zoning certificates, including the submission of a development plan. It is suggested that the applicant confer informally with the Planning Commission and present preliminary sketches regarding basic concepts of the proposed PRD, prior to submitting the formal development plan.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.135 PHASING.**

If the development is to be implemented in phases, each phase must have adequate provision for access, parking, storm water management and other public improvements to serve the development in accordance with the applicable criteria set forth. Where the overall development of an entire PRD site will require more than 24 months to complete, such developments shall be required to be phased. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent damage to completed phases, to future phases, and to adjoining property.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.136 BOND OR ESCROW AGREEMENT.**

(A) As a prerequisite to the issuance of a conditional use certificate under this section for any project involving new construction on a ten-acre parcel or larger, the applicant shall file with the Planning Commission within ten days after approval of the Development Plan a surety bond or escrow agreement to insure the construction of the project within the period specified in § 152.310(K), conditional zoning certificates or as extended or changed by the Planning Commission.

(B) The bond or escrow shall be enforceable by or payable to the village in a sum at least equal to the estimated costs of all of the site improvements (streets, drives, walks, walls, storm and sanitary sewers, landscape planting, ornamental features not on a building, and terraces, but not buildings) for the entire project.

(C) The bond or escrow shall be in a form and with surety and conditions approved by the village's legal advisor.

(D) In the event of default under such bond or escrow, the village may use the sum defaulted to construct such site improvements to the extent of the funds available.

(Ord. 96-9, passed 6-3-96)

American Legal Publishing Corporation



## **OIL AND GAS WELLS**

### **§ 152.150 PURPOSE.**

(A) Gas and oil wells shall be permitted only under the following conditions and such other conditions as determined by the village to be necessary to safeguard the health, safety, and welfare of the community. These regulations are prescribed as minimum standards and requirements to make drilling fracturing, operation (including storage and transmission), reopening, conversion, abandonment and capping of wells consistent with the public safety and welfare standards applicable to other uses of land and activities within the village, and to ensure that all areas of the village are protected from the encroachment of well drilling, storage and other equipment and from vehicles used in the drilling of and production from such wells.

(B) Oil and gas wells are a conditionally permitted use in the I-1 Industrial District and in certain areas of the G-B General Business District and the R-1 One-Family District, and shall comply with the procedures and requirements of §§ 152.287 through 152.291 and § 152.310, except as modified by this section.  
(Ord. 96-9, passed 6-3-96)

**60**

### **§ 152.151 APPLICATION OF SUBCHAPTER.**

(A) No person shall commence to drill, deepen, or reopen a well for oil, gas or other hydrocarbons within the corporate limits of the village until all applicable provisions of this subchapter have been complied with, and a conditional zoning certificate has been granted by the Planning Commission with the approval of Council.

(B) A separate conditional use certificate is required for each gas and/or oil well.

(C) All provisions of this zoning code shall apply to the heirs, executors and assigns of any individual certificate holder and to the successors and assigns of any firm, partnership, association or corporate certificate holder, as fully as such provisions apply to the original certificate holder.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.152 APPLICATION REQUIREMENTS.**

(A) Any person desiring to drill, deepen, or reopen a well for oil, gas or other hydrocarbons within the corporate limits of the village shall make written application for a conditional zoning certificate to the Zoning Inspector upon such forms as he or she may

## **Creston, Ohio -- Code of Ordinances**

prescribe.

(B) Each application shall include or be accompanied by the following:

(1) The date the application is submitted to the Zoning Inspector.

(2) The name and address of the applicant and if the applicant is a corporation, the state of incorporation, and if the applicant is a partnership, the names and addresses of the general partners.

(3) The number of acres in the lease or unitized lease over which the applicant has control of oil or gas rights, and which the applicant shall be required to own in fee, or hold under lease or drilling contract from the property owner. Lots and lands across a public street shall be deemed as being contiguous.

(4) A copy of the signed lease(s) between the property owner(s) and the applicant. Such lease(s) shall explicitly incorporate this section by reference and shall state, in bold letters, in the body of the lease that: "a conditional use certificate pursuant to the Oil and Gas Well Regulations of the Village of Creston is not transferable. Any new owner of a proposed well, or well in operation, must be issued a new conditional zoning certificate by the village and the Division of Oil and Gas. Before such certificate can be issued, the new owner must comply with all regulations, procedures, and standards of this section including the bonding and insurance requirements."

(5) A copy of the state permit including the state's drilling number.

(6) Map(s), prepared by an Ohio registered surveyor showing and containing the following data:

(a) The size and dimensions of the drilling unit upon which the well is to be drilled, which shall show all tracts of land with dimensions for which a lease has been obtained.

(b) Existing contours with intervals of not more than two feet.

(c) The location of the proposed well and the proposed location of storage tanks and other storage areas on the drilling unit, and the location of any consolidated storage units located off-site.

(d) All existing buildings, parking areas, and natural features, such as major areas of tree cover, streams, ditches or severe topography on the drilling unit and on any portion of abutting property which is within 500 feet of the proposed well location, with the 500 feet radius from the well site indicated on the map.

(e) The location, size and slope of all drainage facilities, tiles, ditches, etc. which lie within the work limits of the proposed well and storage tank sites.

American Legal Publishing Corporation

## **Creston, Ohio -- Code of Ordinances**

(f) The location of any existing wells or storage equipment on the drilling unit, and on abutting property within 1,000 feet of the well site.

(g) Dimensions, in feet, from the proposed well site and all storage tanks to the boundary lines of the drilling unit and distances to all buildings and to existing wells or storage facilities.

(h) The location and the construction specifications of planned improvements for the proposed access drive and related gates, fences and screening.

(i) Proposed access routes to be used going to and from the site to state or federal highways.

(j) Copies of easements or options for easements for off-site access drives.

(k) In order that some responsible person may be reached at any time in the event of an emergency, the name, address and telephone numbers of the persons responsible for the ownership, operation and all maintenance of each drilled well, whether capped, temporarily out of production, not yet fractured, or in production, located within the village, shall be furnished to the Director of Public Safety, Service Director, Police Department and Fire Department. This information shall include the street location and state permit number and name of the well. The Fire Chief shall prepare a list of such names, addresses and well information and shall keep the list posted in a conspicuous place in the Police and Fire Departments for ready reference.

(l) The waste disposal applications submitted to the state and copies of the permits issued for these applications.

(m) A plan for the restoration of the disturbed land upon completion of the drilling operations and a plan for the total restoration of the site when the well is abandoned.

(n) The proposed landscaping and screening plans, in compliance with § 152.235, along with a cost estimate.

(o) The proposed complete casing program for the well.

(p) A nonrefundable application fee established by Village Council to cover the costs of administrative review.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.153 REVIEW PROCEDURES.**

(A) Gas and oil wells are permitted in the village subject to regulations unless

American Legal Publishing Corporation

**Creston, Ohio -- Code of Ordinances**  
otherwise restricted by state and local laws.

(B) The conditional use certificate shall only be issued subject to the following:

(1) The proposed application shall be processed in accordance with the procedures for conditional uses in §§ 152.287 through 152.290 and § 152.310, conditional zoning certificates.

(2) Prior to the date of the public hearing required by § 152.310, conditional zoning certificates, the Zoning Inspector, along with the Fire Chief and Village Engineer, shall investigate the site for which the application is sought and review the application. The Zoning inspector and Fire Chief shall complete their investigation and shall forward a written report to the Planning Commission prior to the public hearing.

(3) Any conditional use certificate granted by the Planning Commission, in accordance with the conditional use procedures, shall be confirmed by Council resolution. If Council does not so confirm the approval of the Planning Commission, the certificate shall be denied.

**63**

(4) No conditional use certificate pursuant to this zoning code shall be issued until the applicant has received a permit for the proposed well from the Division of Oil and Gas (Department of Natural Resources) pursuant to R.C. Chapter 1509 and a copy of such permit is submitted to the Zoning Inspector.

(5) If drilling has not commenced within 180 days from the date of issue, the conditional use certificate shall expire.  
(Ord. 96-9, passed 6-3-96)

**§ 152.154 BONDING REQUIREMENTS.**

Prior to the issuance of the conditional zoning certificate for any drilling activities, the following financial guarantees shall be posted with the Zoning Inspector:

(A) A cash deposit or irrevocable letter of credit for the required amount established by council to ensure compliance with the landscaping requirements of § 152.235. The determination of the amount of the required deposit shall be based on the landscaping plan and estimate of costs provided by § 152.235.

(B) A surety bond or other assurance of payment acceptable to the village's legal counsel in the amount established by Council issued by a reputable surety company, conditioned upon compliance with the initial restoration requirement of § 152.136.

(C) A surety bond for other assurance of payment acceptable to the village's legal counsel in the following amounts, issued by a reputable surety company, conditioned upon compliance with final restoration requirements. The amount of the surety bond required by this

American Legal Publishing Corporation

### **Creston, Ohio -- Code of Ordinances**

section shall be established by Council. In the event the applicant drills more than seven wells within the village the amounts of the bond shall be increased.

(D) An initial inspection fee to defray the village's cost of inspecting the oil and/or gas well and the oil and/or well site during the first three years of operation. Thereafter, the certificate holder shall pay to the village an annual inspection fee. The certificate holder shall further be responsible for any costs related to the inspection that exceed the amount of the fee.

(E) If a compressor station is proposed, an initial inspection fee to cover costs of inspection of the compressor station during the first three years of operation. Thereafter, an annual fee to cover the cost of inspection by the village. The certificate holder shall further be responsible for any costs related to the inspection that exceed the amount of the fee.

(F) A certificate of liability insurance policy naming the village as an additional insured for injury or death to persons and for damages or liability arising out of the drilling and/or operation of the gas and/or oil well, in the amounts established by ordinance.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.155 EASEMENTS WITHIN VILLAGE PROPERTY.**

**64**

(A) No holder of a conditional use certificate shall, without the express consent of Council, be authorized to locate gas lines or other structures or appurtenances associated with oil or gas wells within any public property.

(B) In the event that Council grants easement to any such conditional use certificate holder, the fee for such utilization of such property shall be established by Council. In addition thereto, any such permission shall contain a requirement that a bond in the amount established by Council for restoration of the property where the line is located; a requirement that the holder shall landscape any metering, processing or other equipment areas associated with the gas line and/or wells; a requirement of a minimum line depth of 30 inches; and a requirement that the applicant post with the insurance, satisfactory to the village for property damage and personal injury, which insurance will remain in effect for the use-life of the pipeline.

(C) If any gas/oil lines interfere with other public utilities servicing village right-of-ways, these gas/oil lines shall be relocated at the owner's expense.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.156 DEVELOPMENT STANDARDS.**

An oil and/or gas well shall comply with the development standards set forth in § 152.130.  
(Ord. 96-9, passed 6-3-96)

## **Creston, Ohio -- Code of Ordinances**

### **§ 152.157 MINIMUM LAND AREA LIMITS ON UNITIZED PROPERTY.**

(A) No certificate shall be issued to drill, deepen, reopen or plug a well for oil, gas or other hydrocarbons unless the proposed well is located upon a drilling unit containing not less than 40 acres.

(B) Furthermore, a drilling unit shall comply with the following:

(1) A tract of land, or any portion thereof, may be combined with contiguous tracts as part of a unitized lease or other agreement to comply with the area required for a well site. However, any owner who has unitized any portion of his or her property by entering into a lease or other agreement shall not enter into any other lease or agreement to create another drilling unit. It is the expressed intention of this section to prohibit a property owner from unitizing identical property under more than one lease or agreement.

(2) Tracts of land across a public street shall be deemed as being contiguous.

(3) No more than six tracts shall be utilized to form a drilling unit required for any one well.

(Ord. 96-9, passed 6-3-96)

### **§ 152.158 LOCATIONAL OBJECTIVES AND CRITERIA.**

As a basis for assuring that gas and oil wells and any associated equipment will be of minimum hazard to and compatible with surrounding development, the location evaluation and approval of a proposed well site and associated production and processing equipment site shall be based upon the following criteria:

(A) *Existing and future development.* Proposed sites will be considered from the perspective of both existing and future development and should not be located so as to be potentially detrimental to the future use and development of the parcel(s) upon which the well is to be located or of any adjoining parcels.

(B) *Well storage tank and other equipment location.*

(1) A minimum distance of 150 feet from any habitable building on the drilling unit in an industrial district, and 500 feet from any habitable building on the drilling unit in all other zoning districts, shall be maintained. In the case of particular installations where compliance with the distance requirement of 500 feet may be a handicap to the use of the property and where no undue hazard shall be treated, the distance may be reduced to not less than 150 feet for any industrial or commercial building at the discretion of the Planning Commission, with the approval of Council, after due consideration of such special features as, but not limited to, topographical conditions, nature of occupancy and proximity of storage tanks, degree of fire

American Legal Publishing Corporation



## **Creston, Ohio -- Code of Ordinances**

protection provided and the facilities available at the Fire Department to cope with controlling liquid fires.

(2) The Commission may consider any and all other special features it deems important in determining whether or not an undue hazard is created.

(3) The drilling site, storage tanks, and other equipment shall be a minimum distance of 500 feet from any boundary of the drilling unit.

(4) The drilling site, storage tanks and other equipment shall be a minimum distance of 150 feet from a public right-of-way. These spacing requirements shall remain in effect until the well has been plugged and the site restored to the satisfaction of the village and Division of Oil and Gas, and shall apply equally to existing buildings and structures and to new construction proposed in the vicinity of an existing oil or gas well, tank, or other equipment.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.159 ACCESS ROADS.**

**66**

Access roads from the drilling site or storage equipment shall be provided prior to the drilling of any oil and/or gas well according to the following:

(A) All access drives shall be constructed with suitable slag, gravel, sand and/or limestone and shall be maintained in good condition free and clear of mud or dust. The certificate holder shall notify the Zoning Inspector to inspect the road for suitability before moving any equipment onto the site.

(B) Access drives shall maintain adequate clearance at all times to allow access for emergency vehicles.

(C) The access drive shall have a gate at or near the public road. The gate shall have a locking device to prevent unauthorized entry from the public road.

(D) During the entire time of drilling or production of an oil or gas well, a metal sign identifying the site, owner/operator of the well, emergency telephone number, street name and number, as approved by the Planning Commission, shall be installed on the access drive gate to facilitate emergency access. The sign shall be continually updated whenever any changes are made.

(Ord. 96-9, passed 6-3-96)

### **§ 152.160 FENCING.**

All well sites, storage tanks, equipment and appurtenant structures, shall be enclosed and protected by an eight-foot galvanized or aluminum chain link fence with barbed wire on top

American Legal Publishing Corporation

### **Creston, Ohio -- Code of Ordinances**

unless the Fire Chief, in his or her investigation required in §§ 152.153 and 152.238, advises otherwise. Such fence or fences shall be erected within six weeks after fracturing or within six months after commencement of drilling whichever occurs first, and shall be kept in good repair until the well site is abandoned and the site is restored.  
(Ord. 96-9, passed 6-3-96)

#### **§ 152.161 LANDSCAPING.**

(A) The application required by § 152.152 shall be accompanied by a plan for landscaping the well site, storage tank area, and other equipment storage areas, together with an estimate of the cost of compliance with such plan. The shielding effects of existing topography and vegetation may be utilized. The approved landscaping shall be completed within two months after fracturing of the well or within six months of the drilling of the well, whichever occurs sooner, weather permitting. Upon substantial compliance by the certificate holder with the landscaping plan, the cash deposit or letter of credit required by § 152.154 shall be returned to the certificate holder.

**67**

(B) If the certificate holder fails to substantially complete the landscaping plan within the aforesaid time period, the village shall give the certificate holder written notice of such failure at its last known address, and if the certificate holder fails to substantially complete such plan within 30 days of the sending of the notice, that the village may use the cash bond or proceeds from the letter of credit deposited with respect to the well to complete such landscaping plan. Upon completion by the village any unused funds shall be returned to the certificate holder.  
(Ord. 96-9, passed 6-3-96)

#### **§ 152.162 REQUIREMENTS IN GENERAL.**

(A) All pumps shall be electric and shall be inspected and approved by the Zoning Inspector prior to operation. Noise occasioned by drilling shall be minimized to the greatest extent possible through muffling devices.

(B) Oil, waste water, sludge water or salt water, produced or used in connection with the drilling operation or production of oil or gas wells, shall be removed from the site and deposited at a state approved disposal site. However, temporary repositories for salt water, waste or sludge water and basic sediment and water, may be constructed of concrete, steel, or other material, and in the latter case, such pits for temporary deposits shall be so constructed with a protective lining of impermeable material to prevent the percolation of harmful chemicals or residues into the soil and to seepage shall result therefrom and shall be fenced or manned 24 hours a day until filled, or shall be filled immediately following drilling.

(C) No person engaged in drilling or operating any well shall permit gas to escape or be vented into the air without first removing all oil, salt or other potential environmental contaminants including odor producing elements normally associated with sour gas. A written plan for such venting, stating the amounts of gas to be vented, the times and frequency, and

### **Creston, Ohio -- Code of Ordinances**

precautions to be taken, shall be submitted to and approved in writing by the Fire Chief prior to any gas being expelled into the air.

(D) All oil and gas well production facilities, including storage tanks, shall be equipped with automatic regulating and shut-off valves, which shall be located in the system ahead of any pressure relief valves included in the production and processing equipment. Such valves shall be designed to eliminate or reduce to as great a degree as possible the venting of gas to the air.

(E) Two dual controlled, fluid operated blow-out preventers with working pressures equal to the maximum anticipated wellhead pressures shall be used for all drilling or completion operations involving the use of drill pipe or tubing after the surface casing has been set. The mechanical operation of the preventers shall be checked every 24 hours and shall be tested with pump pressure with enough frequency to ensure good working order at all times.

(F) Storage tanks shall be diked, and such dike shall be constructed with a protective lining of impermeable material so as to prevent any seepage or drainage beyond such dike. Such seepage or drainage shall not enter upon adjacent property or any road drainage ditch, natural watercourse or man-made body of water. Dikes shall be constructed to contain not less than 150% of the tank capacity.

(G) The premises shall be kept in a clean and sanitary condition, free from rubbish of every character at all times during the drilling operation, and as long thereafter as oil and/or gas is being produced therefrom. The premises shall be kept clear of high grass, weeds and combustible trash or any other rubbish or debris that might constitute a fire hazard within a radius of 100 feet around any tank or tanks, or producing wells.

(H) Landscaping shall include shrubbery and trees to screen the installation from the road if the location does not provide adequate natural foliage as determined by the Planning Commission. All tanks shall be painted forest green.

(I) Should any mud be carried on public streets from a drilling site, the certificate holder shall be required to clean up the streets to the satisfaction of the village. The village shall have the authority to request the certificate holder to take specific steps to reduce mud at a given location. Failure of the certificate holder to clean up the public streets to the satisfaction of the village or failure to take specific steps to reduce mud at a given location, as requested by the village, shall be grounds for revocation of the conditional zoning certificate, forfeiture of the cash deposit posted under § 152.154 and shall further be punishable under § 152.999.

(J) The certificate holder shall seal oil and gas wells to protect fresh water wells from salt water or other pollution or contamination in such a proper manner as is in accordance with good practice. The certificate holder shall establish contingency plans for the immediate furnishing of potable water to affected residents for such period as may be required to reestablish proper potability on any polluted or contaminated well. Unless otherwise enumerated or delineated by the Mayor, the requirement to provide such immediate water supply shall be limited to residents within 1,000 feet of the well head. The certificate holder is responsible for

### **Creston, Ohio -- Code of Ordinances**

the obligation to provide potable water without cost to the residents receiving the same, provided that the liability is established by the Ohio Department of Natural Resources.

(K) The voluntary providing of water by the certificate holder shall not be construed as an admission of liability.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.163 NOTIFICATION.**

The certificate holder shall notify the local law enforcement agency at least 24 hours prior to moving any equipment on or off the site.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.164 RESTORATION AND ABANDONMENT.**

The well site and surrounding area shall be restored upon completion of the drilling operations and/or be abandoned only in compliance with this section.

#### **(A) *Initial restoration of premises.***

(1) The conditional zoning certificate holder shall fill and level all pits within one month after the drilling and/or fracturing of the well, and restore the land to its original conditions insofar as it is possible, as soon as weather permits and subject to such other regulations promulgated pursuant to R.C. Chapter 1509. Upon substantial compliance by the certificate holder with the requirements of this section the bond required by § 152.154 shall be released.

(2) In the event the village believes that the certificate holder has not complied with the requirements of this section, it shall give the certificate holder written notice to the certificate holders last known address, and if the certificate holder does not substantially comply within 30 days after the date of such notice, the village may give notice to the surety company demanding its performance of the bond.

#### **(B) *Abandonment and final restoration.***

(1) In the event that a well is to be abandoned, the certificate holder shall notify the Zoning Inspector of such before the well has been abandoned and the well equipment removed. The certificate holder shall plug and abandon the well, remove all above-ground well equipment and fixtures and restore the ground to its original grade and condition in a manner and according to time limits provided by R.C. Chapter 1509 and the regulations promulgated pursuant thereto, and in accordance with this section, the bond required by § 152.154 shall be released or reduced to an amount that would comply with the requirements of § 152.154.

(2) In the event the village believes that the certificate holder has not complied  
**American Legal Publishing Corporation**

### **Creston, Ohio -- Code of Ordinances**

with the requirements of this section, it shall give the certificate holder written notice to the certificate holder's last known address, and if the certificate holder does not substantially comply within 30 days after the date of such notice, the village may give notice to the surety company demanding its performance of the bond.

(Ord. 96-9, passed 6-3-96)

### **§ 152.165 COMPLIANCE WITH REGULATIONS.**

(A) An oil and/or gas well shall be drilled under a conditional use certificate only at the location approved as part of the application, and shall comply with the provisions of this section.

(1) Operators of existing oil and gas wells within the village must comply with the applicable provisions of this subchapter within 90 days of the enactment of this zoning code.

(2) Failure to comply with any provision of this subchapter shall be grounds to refuse to issue a conditional zoning certificate already issued by the village.

(B) *Technical assistance.*

(1) In light of the technical and potentially complex nature of well drilling, oil and gas production and facilities maintenance, the village may need to utilize consultants, technical people, and special equipment for the evaluation and regulation of plans, operations and maintenance including such things as monitoring and measuring noise and odor levels.

(2) The costs for such consultants, technical people or special equipment shall be paid for by the applicant or certificate holder in an amount not to exceed the amount of the performance bond or maintenance guarantee. In the event additional money is required, these costs will be incurred only upon the prior consideration and approval by Council in consultation with the applicant or certificate holder.

(C) *Certificate revocation.*

(1) Revocation of a conditional zoning certificate shall remove all rights of the certificate holder to continue operations at the site until such a time as the certificate holder complies with this code.

(2) Operations carried on by the certificate holder after revocation of the conditional zoning certificate shall constitute a violation of the zoning code.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.166 VIOLATIONS.**

**Creston, Ohio – Code of Ordinances**

Whoever violates any provision of this section or any amendment thereto hereafter enacted shall be punishable under the provision of §§ 152.292 through 152.294 and § 152.999.  
(Ord. 96-9, passed 6-3-96)

## OFF-STREET PARKING AND LOADING

### § 152.180 PURPOSE.

Off-street parking regulations are established in order to protect residential neighborhoods from on-street parking; to promote the general convenience, welfare and prosperity of commercial developments; and to relieve congestion so the streets can be utilized more fully for movement of vehicular traffic. Therefore, accessory off-street parking spaces shall be provided as a condition precedent to the occupancy or use of any building, structure or land. At any time a building, structure or use of land is enlarged, expanded or increased in capacity or use, additional off-street parking spaces shall be provided in conformance with the following provisions.

(Ord. 96-9, passed 6-3-96)

### § 152.181 UNITS OF MEASURE.

In computing the number of parking spaces required by this code, the following rules shall apply:

(A) *Floor area.* Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.

(B) *Seating capacity.*

(1) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each 20 square feet of floor area of the assembly room.

(2) Where the Fire Code establishes a greater maximum seating capacity, the number of spaces provided shall comply with the Fire Code maximum seating capacity.

(C) *Employees.* Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two successive shifts.

(D) *Fractional numbers.* Fractional numbers shall be increased to the next whole number.

(E) *Parking for mixed uses.* The parking spaces required for mixed uses shall be the sum of the parking required for each use considered separately.

(Ord. 96-9, passed 6-3-96)

### § 152.182 REQUIRED OFF-STREET PARKING SPACES.

(A) *Required spaces.* The required number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 152.182. For a use not specified in Schedule 152.182, the Zoning Inspector shall apply the standard for a specified use which the Commission determines to be most similar to the proposed use.

(B) *Schedule 152.182. Required off-street parking spaces.*

<b>Principal Building or Use</b>	<b>Minimum Spaces Required</b>
<b>Residential Uses</b>	
One-family dwellings R-1 district	3 spaces per dwelling unit of which two shall be enclosed
One/two-family dwellings R-2 district	2 spaces per dwelling unit of which one space per unit shall be enclosed
Attached one-family dwellings	2 spaces per dwelling unit of which one space per unit shall be enclosed
Multi-family dwellings	1.5 spaces per dwelling unit
<b>Office, Professional Service Uses</b>	
Business, professional, and administrative offices and services (excluding medical and dental), financial establishments	1 space per 300 square feet of floor area
Medical, dental offices and clinics, including urgent care clinics	1 space per 150 sq. ft. of floor area
Funeral homes, mortuaries	1 space per 100 sq. ft. of floor area or 20 per chapel room or parlor, whichever is greater
Hospitals	1 space for every 2 beds
Nursing homes, rest homes, assisted living	1 space for every 4 beds
Veterinary hospitals and animal clinics	1 space per 400 sq. ft. of floor area plus 1 space for every 2 employees
<b>Retail/Service Uses</b>	
Retail or service uses unless specific standard given below	1 space per 250 sq. ft. of floor area
Furniture and appliance; builders' supplies, showrooms of plumbers, decorators, electricians or similar trades; nursery and garden supply establishments	1 space per 400 sq. ft. area
Beauty parlors and barber shops	2 spaces per beauty or barber chair
<b>Retail/Service Uses</b>	
Self-serve laundry	1 space for every 4 washing machines
Restaurants	1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater, plus 1 space for each delivery vehicle
Hotels and motels	1 space per sleeping room plus 1 space per employee
<b>Automotive Uses</b>	
Gasoline and repair stations	1 space per employee
Automobile service and repair garages and other similar auto-oriented businesses	2 spaces per service bay, plus 1 space per employee
Car wash facilities	1 space per employee
Automobile sales and rental facilities	1 space per 400 sq. ft. of floor area of sales room, plus 1 space for each auto service stall in the service room
<b>Commercial Entertainment/Recreation Uses</b>	
Dance halls, skating rinks, private clubs, lodges	1 space per 100 sq. ft. of floor area
Bowling alleys	4 spaces per alley, plus 1 space for every 2 employees
Health/recreational facility	1 space per 200 sq. ft. of exercise area, including locker and equipment rooms



(B) *Schedule 152.182. Required off-street parking spaces.*

<b><i>Principal Building or Use</i></b>	<b><i>Minimum Spaces Required</i></b>
Golf course (Nine holes or more)	8 spaces per green
Tennis courts	4 spaces per court
Swimming pools, public and private (not associated with residences)	1 space per 50 sq. ft. of defined active recreation area, including water, lawn, deck, and bathhouse
Outdoor commercial recreation	1 space per 4 seats of bleacher or stadium capacity
<b>General Commercial and Industrial Uses</b>	
Wholesale marketing and distribution of goods; storage; warehousing of goods; printing; publishing	1 space per 800 sq. ft. of floor area
All other types of industrial uses	1 space per 400 sq. ft. of floor area
<b>Educational and Community Facilities</b>	
Elementary and junior high schools	2 spaces per classroom, plus 1 space for every 4 seats in the largest assembly hall
Senior high schools	1 space per 2 teachers, employees, and administrators, plus 1 space per 10 students
Child day care centers	1 space per 8 students, based on center's regulated maximum capacity
Churches and other places of worship	1 space for every 4 seats of seating capacity in the principal assembly area, or 1 space per 200 sq. ft. of floor area, whichever is greater
Library, museum, community center, or public or semi-public buildings	1 space per 500 sq. ft. of floor area plus 1 space for every 4 seats in any assembly area
Assembly hall, auditorium, and other places of public assembly	1 space for every 4 seats of seating capacity
A minimum of 5 spaces is required for each facility other than a single-family or two-family dwelling	

(Ord. 96-9, passed 6-3-96)

(B) *Schedule 152.182. Required off-street parking spaces.*

<i>Principal Building or Use</i>	<i>Minimum Spaces Required</i>
<b>Residential Uses</b>	
One-family dwellings R-1 district	3 spaces per dwelling unit of which two shall be enclosed
One/two-family dwellings	2 spaces per dwelling unit of which one space per unit shall be enclosed
R-2 district	
Attached one-family dwellings	2 spaces per dwelling unit of which one space per unit shall be enclosed
Multi-family dwellings	1.5 spaces per dwelling unit
<b>Office, Professional Service Uses</b>	
Business, professional, and administrative offices and services (excluding medical and dental), financial establishments	1 space per 300 square feet of floor area
Medical, dental offices and clinics, including urgent care clinics	1 space per 150 sq. ft. of floor area
Funeral homes, mortuaries	1 space per 100 sq. ft. of floor area or 20 per chapel room or parlor, whichever is greater
Hospitals	1 space for every 2 beds
Nursing homes, rest homes, assisted living	1 space for every 4 beds
Veterinary hospitals and animal clinics	1 space per 400 sq. ft. of floor area plus 1 space for every 2 employees
<b>Retail/Service Uses</b>	
Retail or service uses unless specific standard given below	1 space per 250 sq. ft. of floor area
Furniture and appliance; builders' supplies, showrooms of plumbers, decorators, electricians or similar trades; nursery and garden supply establishments	1 space per 400 sq. ft. area
Beauty parlors and barber shops	2 spaces per beauty or barber chair
<b>Retail/Service Uses</b>	
Self-serve laundry	1 space for every 4 washing machines
Restaurants	1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater, plus 1 space for each delivery vehicle
Hotels and motels	1 space per sleeping room plus 1 space per employee
<b>Automotive Uses</b>	
Gasoline and repair stations	1 space per employee
Automobile service and repair garages and other similar auto-oriented businesses	2 spaces per service bay, plus 1 space per employee
Car wash facilities	1 space per employee
Automobile sales and rental facilities	1 space per 400 sq. ft. of floor area of sales room, plus 1 space for each auto service stall in the service room
<b>Commercial Entertainment/Recreation Uses</b>	
Dance halls, skating rinks, private clubs, lodges	1 space per 100 sq. ft. of floor area
Bowling alleys	4 spaces per alley, plus 1 space for every 2 employees
Health/recreational facility	1 space per 200 sq. ft. of exercise area, including locker and equipment rooms
Golf course (Nine holes or more)	8 spaces per green
Tennis courts	4 spaces per court
Swimming pools, public and private (not associated with residences)	1 space per 50 sq. ft. of defined active recreation area, including water, lawn, deck, and bathhouse
Outdoor commercial recreation	1 space per 4 seats of bleacher or stadium capacity
<b>General Commercial and Industrial Uses</b>	
Wholesale marketing and distribution of goods; storage; warehousing of goods; printing; publishing	1 space per 800 sq. ft. of floor area
All other types of industrial uses	1 space per 400 sq. ft. of floor area
<b>Educational and Community Facilities</b>	
Elementary and junior high schools	2 spaces per classroom, plus 1 space for every 4 seats in the largest assembly hall
Senior high schools	1 space per 2 teachers, employees, and administrators, plus 1 space per 10 students
Child day care centers	1 space per 8 students, based on center's regulated maximum capacity
Churches and other places of worship	1 space for every 4 seats of seating capacity in the principal assembly area, or 1 space per 200 sq. ft. of floor area, whichever is greater
Library, museum, community center, or public or semi-public buildings	1 space per 500 sq. ft. of floor area plus 1 space for every 4 seats in any assembly area
Assembly hall, auditorium, and other places of public assembly	1 space for every 4 seats of seating capacity
<b>A minimum of 5 spaces is required for each facility other than a single-family or two-family dwelling</b>	

(Ord. 96-9, passed 6-3-96)

### **§ 152.183 SHARED PARKING FOR MIXED USES.**

The shared use of required parking spaces may be permitted for uses that are not normally open, used or operated during the same hours, provided that not more than 50% of the required parking spaces are shared. In any case where the required parking spaces are collectively or jointly used and are located on a lot other than the lot on which the principal use is situated, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for zoning approval.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.184 DEFERRED CONSTRUCTION OF REQUIRED SPACES.**

If the number of parking spaces required in Schedule 152.182 is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, a zoning certificate may be approved with a lesser number of parking spaces provided:

(A) The total number of spaces initially provided shall not be less than 70% of the spaces required by Schedule 152.182.

(B) Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Schedule 152.182.

(C) Any change in use shall require the construction of the total parking spaces required by this zoning code unless the zoning certificate is approved otherwise.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.185 REGULATIONS FOR ACCESS DRIVES.**

Each parking space and loading space shall be provided access in accordance with the following:

(A) *Number of drives.*

(1) Each lot shall be permitted one two-way access drive or a pair of one-way drives.

(2) For lots with more than 150 feet of frontage on one street, one additional two-way drive or pair of one-way drives may be permitted.

(B) *Width.* The width of access drives for multi-family dwellings and non-residential uses shall be not less than 12 feet and shall have a total width of not more than 36 feet, measured at the property line.

(C) *Location.*

(1) Access drives shall be located to minimize traffic congestion and avoid undue interference with pedestrian access to street corners; access drives on corner lots shall be located as far from the street intersection as practicable; and no access drive shall be located within 50 feet of street intersections as measured from the intersection of the street right-of-way lines.

(2) An access drive shall be located no closer than five feet to a residential district, and the resulting adjacent open area shall be landscaped in accordance with § 152.235.

## § 152.186 WAITING SPACES FOR DRIVE-THRU FACILITIES.

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street waiting areas, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 152.182 in accordance with the following requirements:

(A) Restaurants and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five waiting spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional waiting spaces for each such stopping point.

(B) Other commercial establishments such as banks or similar facilities with service or money windows including ATMs, shall provide no less than four waiting spaces per window or drive-up ATM.

(C) Self-serve car wash facilities shall provide no less than three spaces per stall. All other car wash facilities shall provide a minimum of six waiting spaces per entrance.

(D) Gasoline stations shall provide no less than two waiting spaces for each accessible side of a gasoline pump island.

**77** (E) Each waiting space shall have a minimum area of 144 square feet (measuring 8x18).

(F) Off-street waiting spaces shall be exclusive of access drives and interfere with parking or circulation.  
(Ord. 96-9, passed 6-3-96)

## § 152.187 IMPROVEMENT AND MAINTENANCE STANDARDS.

All off-street parking and loading facilities including entrances, exits, main areas, and parking and loading spaces shall be provided in accordance with the following specifications:

(A) *Parking space dimensions.* Each off-street parking space, open or enclosed, shall have an area of not less than 200 square feet (measuring 10 feet by 20 feet) exclusive of access drives or aisles.

(B) *Circulation aisles.* The minimum width for a circulation aisle shall be:

- (1) 22 feet for 90-degree perpendicular parking on a double loaded aisle;
- (2) 18 feet for 60-degree parking and a one-way aisle;
- (3) 13 feet for 45-degree parking and a one-way aisle.

(C) *One-way aisles.* Circulation aisles having a width less than 24 feet shall be one-way aisles.

(D) *Paving.* All parking spaces, except those provided in conjunction with one- and two-family dwellings, shall be improved with concrete, asphalt or equivalent paved surfacing.

(E) *Drainage.* Such parking areas shall be graded, drained, and provided with adequate drainage facilities so that the adjacent properties, rights-of-way and public sidewalks shall not be subject to flooding by runoff water from the proposed parking area.

(F) *Lighting.* All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining properties or streets, and no open light sources such as the stringing of light bulbs shall be permitted.

(G) *Screening of parking lots.* All sides of a parking lot accommodating five or more vehicles within or abutting a residential district shall be screened in accordance with § 152.235. (Ord. 96-9, passed 6-3-96)

#### **§ 152.188 OFF-STREET LOADING REGULATIONS.**

Off-street loading spaces shall be provided and maintained on the same lot with the principal use in compliance with the following regulations:

(A) Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.

(B) Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.

(C) No part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes. (Ord. 96-9, passed 6-3-96)



**§ 152.200 PURPOSE.**

(A) In the interest of promoting the general health, safety and welfare of residents of the village, these sign regulations are established for signs to provide for the use, location and size of signs in a manner that ensures that signs are in harmony with the character of the associated use and surrounding area.

(B) As more specifically set forth herein, the purposes of these sign regulations are to:

(1) Promote and maintain attractive, high value residential, business and industrial districts.

(2) Provide reasonable, yet appropriate, conditions for identifying institutions, businesses and industrial establishments.

(3) Control the size and location so that signs will be aesthetically harmonious with their surroundings.

(4) Eliminate any conflict which would be hazardous between identification signs and traffic control signs and devices.

(5) Ensure that signs are located to maintain a safe and orderly pedestrian and vehicular environment.

(6) Prohibit all signs not expressly permitted by the zoning code.

(C) In establishing these purposes, the village has determined that signs that do not comply with these regulations (type, size, location, and limitation on the number of signs) are a public nuisance. Unregulated signs are unduly distracting to motorists and pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public.  
(Ord. 96-9, passed 6-3-96)

**79****§ 152.201 CLASSIFICATION OF SIGNS.**

For the purposes of these regulations, a sign shall include any identification, description, illustration or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot and which is intended to direct or attract attention to, or announce or promote a product, place, activity, person, institution or business by means of letters, words, designs, colors, symbols, flags, banners, fixtures, images or illuminations. Signs shall be further classified by physical design or structure, and function or purpose based on the following.

(A) *Physical characteristics.*

(1) *Changeable copy sign.* A sign, such as a bulletin board or announcement board, where the message or graphics is not permanently affixed to the structure, framing or background and may be periodically replaced or covered over manually or by electronic or mechanical device.

(2) *Freestanding sign.* A sign which is supported by one or more uprights or braces in or upon the ground and is not supported by a building.

(3) *Temporary sign.* A sign that is used only for a predetermined period of time and is not permanently mounted.

(4) *Wall sign.* A sign erected parallel to or affixed on the outside wall of any building, and not extending more than 18 inches therefrom, and which does not project above the parapet wall or roof line or beyond the corner of the building.

(5) *Window sign.* A sign on the inside of a building affixed to, or near, a window for the purposes of being visible to and read from the outside of the building.

(B) *Function.*

(1) *Construction sign.* A temporary sign erected on a building site during the time of construction. Such signs may include a description of the project, and may list the owners, architects, engineers, developers, contractors and/or subcontractors.

(2) *Directional sign.* A sign located on private property, at or near the public right-of-way to direct traffic onto private property, usually indicating the entrance and exit to a parking lot.

(3) *Identification sign.* A sign intended to identify the principal use of a lot, building, or building unit according to the following:

(a) *Business identification sign.* A sign indicating the business name or logo of a retail, commercial or industrial enterprise and limited to identification purposes.

(b) *Institution identification sign.* A sign displaying the name and/or organization occupying the premises of a public or quasi-public use restricted to: church or other place of religious worship; hospital; nursing home; public or non-profit corporation owned and operated recreational facilities; government-owned and/or operated facilities; schools.

(c) *Residential identification sign.* A sign identifying the name and address of a completed residential subdivision, or a PRD or multi-family development with 12 or more dwelling units.

(4) *Instructional sign.* A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payments accepted. Examples of instructional signs include "Honk Horn for Service," "Restrooms Inside," "Parking for Customers Only," "Parking for Residents Only," menu boards, drive-tip tellers, and "self-serve" signs.

(5) *Nameplate.* A sign attached to the wall of the principal building indicating only the name and address of the person or business occupying the lot or building.

(6) *Political sign.* A temporary sign advocating the action on a public issue, promotion of a candidate for public office, or other ballot-oriented objectives.

(7) *Product and service sign.* A sign which advertises the services, products, merchandise or prices of commodities produced, stocked or sold on the premises.

(8) *Real estate sign.* A temporary sign which directs attention to the rental, sale or lease of the property on which the sign is located.

(9) *Safety or regulatory sign.* A sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or on private property which is required by law or otherwise intended to control traffic, direct, identify or



## **Creston, Ohio -- Code of Ordinances**

inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Safety and regulatory signs include "No Parking Fire Lane."

(10) *Temporary Promotional Sign.* A temporary sign, other than a construction, real estate or political sign, intended to announce special events, promotions or sales, including garage sales in residential districts.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.202 COMPUTATIONS.**

The following principles shall control the computation of sign area and sign height.

(A) *Determining sign area or dimension.*

(1) For a sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area shall include the entire portion within the outside dimensions of the background or frame.

(2) For a sign comprised of individual letters, figures, or elements on a wall or similar surface, or an irregularly shaped freestanding sign, the area of the sign shall encompass a regular geometric shape, or combination thereof, which forms, or approximates, the perimeter of all the elements in the display. When separate elements are organized to form a single sign but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms which comprise all the display area including the space between the elements.

(3) The sign area shall include the frame, but shall not include the pole or other necessary structural support.

(4) A freestanding sign shall have no more than two display surfaces provided that the two display surfaces are arranged back-to-back, and not more than 12 inches from each other. Each display surface shall be considered a sign face.

(5) In the event there is a dispute in determining the sign area or any sign dimension, the Board of Zoning Appeals shall have the responsibility for making such determination.

(B) *Determining sign height.*

(1) The height of a freestanding sign shall be measured from the base of the sign or supporting structure at normal grade to the top of the highest element.

(2) Normal grade shall be:

**Creston, Ohio -- Code of Ordinances**

(a) Existing grade prior to construction, or

(b) The newly established grade after construction, exclusive of any filling, baring, or mounding solely for the purpose of locating the sign.

(C) *Determining building frontage.*

(1) The building wall that faces the street or that contains the main entrance to the use(s) in the building shall be considered the front of the building.

(2) When used as the basis for determining sign area, the building frontage shall be calculated according to the following:

(a) The building frontage shall be measured along the front wall between the exterior faces of the exterior side walls.

(b) In the case of an irregular wall surface, a straight line extended along the front wall surface shall be used to measure the length.

(c) For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the building frontage shall be calculated separately for each building wall facing a street or having a main entrance. The sign area that is located on a particular building wall shall not exceed the area permitted for such building wall.

(d) For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.  
(Ord. 96-9, passed 6-3-96)

**§ 152.203 MAXIMUM SIGN AREA PERMITTED.**

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in Schedule 152.203, except as specified below.

(A) *Business identification signs.*

(1) The maximum permitted area for business identification signs shall be two square feet for each lineal foot of building frontage.

(2) This maximum permitted area shall be the sum of the areas of all identification signs attached to the building including wall signs, and awning and canopy signs, and shall include the area of instructional signs unless the Zoning Inspector, as authorized, determines such instructional signs are exempt pursuant to division (B) below.

### Creston, Ohio -- Code of Ordinances

(B) *Instructional signs.* The area of instructional signs that are clearly intended for instructional purposes and, as determined by the Zoning Inspector, as authorized, are not larger than necessary to serve the intended instructional purpose nor are in locations that constitute or serve the purposes of an identification sign shall not be included in the sum of the area of identification signs.

(C) *Institutional Identification Signs.* For an institutional use in a residential district, the Planning Commission may approve a greater area for identification signs than specified in Schedule 152.203 if, during the conditional use approval procedures, the Planning Commission determines that, because of the large size of the facility and/or the site, the proposed larger sign will be consistent with the objectives, intent and criteria of these regulations.

(D) *Schedule 152.203. Maximum sign area (in square feet).*

Residential Districts					Non-residential Districts
	One-family dwellings	Residential subdivision PRDS	Multi-family units	Institutional Uses	All uses
Nameplate	2(A)		2(B)	2	
Identification sign		32(C)	32(C)	32	(D)
Directional sign		4	4	4	4
Construction sign	6	32	32	32	32
Political sign	6		6	6	8
Real estate sign	6(E)	32	6	6	32
Window sign					(F)
Temporary promotional signs	6			20	32
Instructional sign				(G)	(G)
Safety or regulatory sign	(H)	(H)	(H)	(H)	(H)

(A) One per dwelling unit

(B) One 2 sq. ft. sign per dwelling unit or one 10 sq. ft. sign per multi-family building

(C) Per sign face, a maximum of two sign faces per entrance to a subdivision, PRD or multi-family development, see also §152.205(A)

(D) See § 152.203(A)

(E) Two signs per single-family subdivision or PRD

(F) See § 152.210

(G) See § 152.203(B)

(H) Shall be permitted as needed to achieve the intended public purpose

Blank cell = Use not permitted

(Ord. 96-9, passed 6-3-96)

**§ 152.204 MAXIMUM SIGN HEIGHT PERMITTED.**

(A) *Height regulations.* The maximum height of freestanding signs, when permitted, shall conform to the standards set forth in Schedule 152.204.

(B) *Schedule 152.204. Maximum height of freestanding signs (in feet).*

<i>Residential Districts</i>					<i>Non-residential Districts</i>
	<i>Single Family Units</i>	<i>Residential Subdivisions PRDS</i>	<i>Multi-family Units</i>	<i>Institutional Uses</i>	<i>All Uses</i>
Identification sign		8	8	8	16
Directional sign		4	4	4	4
Constructional sign	4	8	4	8	8
Political sign	4		4	4	4
Real estate sign	4	8	4	4	8
Temporary promotional sign	4		4	6	8
Instructional sign		(A)		(A)	(A)
Safety or regulatory sign	(A)	(A)	(A)	(A)	(A)
(A) No height limitation					
Blank cell = Use not permitted					

(Ord. 96-9, passed 6-3-96)

**§ 152.205 SUPPLEMENTAL REGULATIONS.**

The following sign regulations are in addition to the maximum sign area and height regulations set forth in §§ 152.203 and 152.204.

(Ord. 96-9, passed 6-3-96)

**§ 152.206 RESIDENTIAL IDENTIFICATION SIGNS.**

A residential identification sign shall be permitted for each entrance to a subdivision, PRD and multi-family development pursuant to the area limitations of Schedule 152.203 and the height limitations of Schedule 152.204 in compliance with the following regulations.

(A) Such signs shall be placed on private property no closer than ten feet to the right-of-way, except as permitted in division (B) below, and shall be located no closer than 20 feet to a side lot line.

(B) A freestanding identification sign may be placed in the right-of-way provided such sign shall be located on the center island of a boulevard entrance, placed no closer than 25 feet to the intersecting street's right-of-way.

(C) A maximum of two sign faces shall be permitted per entrance: either as a double-sided freestanding sign or as two single-sided signs either freestanding or mounted on a wall or other entrance feature.

(Ord. 96-9, passed 6-3-96)

## **§ 152.207 REQUIREMENTS FOR FREESTANDING IDENTIFICATION SIGNS.**

Freestanding identification signs for institutions in residential districts and all uses in business and industrial districts shall comply with the following regulations.

(A) One freestanding identification sign, with a maximum area of 40 square feet per sign face, shall be permitted per lot, or per development if more than one lot is included in the development, except as otherwise provided herein. The area of the freestanding identification sign shall not be included in the total sign area permitted for identification signs.

(B) Such sign shall be permitted only when the principal building is located a minimum of 40 feet from the street right-of-way and the lot width is a minimum of 100 feet.

(C) Such sign shall be located no less than ten feet from the right-of-way provided no portion of any freestanding sign shall be closer to the street right-of-way than a distance equal to the height of the sign, and shall be located no less than ten feet from a side lot line, except that when the side lot line abuts a residential district, the freestanding sign shall be located no less than 60 feet from such residential district.

(D) For a corner lot, one freestanding sign shall be permitted per street frontage provided that the lot has at least 100 feet of lot frontage on each street and the signs are located a minimum of 30 feet from the intersection.

(E) Content of freestanding signs.

(1) *Multi-tenant facilities.* When a freestanding sign is permitted on a site with more than one tenant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), be a directory for all or only a select group of tenants, or some combination thereof.

(2) *Product and service signs.* Up to a maximum of 50% of the area of the freestanding identification sign may be devoted to advertising using a product and service sign.

(3) *Changeable copy sign.* Up to a maximum of 50% of the area of the freestanding identification sign may be devoted to changeable copy.

(F) For lots having more than 250 feet of lot frontage, one freestanding identification signs shall be permitted for each 250 feet of lot frontage or fraction thereof.

(G) Freestanding signs shall be landscaped as an integral part of the required front yard landscaping.

(Ord. 96-9, passed 6-3-96)

**§ 152.208 ADDITIONAL REQUIREMENTS FOR BUSINESS IDENTIFICATION SIGNS.**

(A) *Rear entry signs for multi-tenant buildings.* Each rear entrance to a tenant space in a multi-tenant retail, commercial or industrial building shall be clearly identified with the name and address of the occupant.

(B) *Second story tenant identification signs.* For multi-story retail or office buildings, each tenant not located on the ground floor shall be permitted one permanent identification sign to be placed in a window of the tenant's space. The sign shall not exceed four square feet.

(C) *Signs on awnings and canopies.* A permitted identification sign may be placed on an awning or canopy, applied to the face of the awning or canopy. Awnings or canopies may be back-lit.

(Ord. 96-9, passed 6-3-96)

**§ 152.209 DIRECTIONAL SIGNS.**

A maximum of two directional signs shall be permitted per access drive for multi-family, institutional, retail, commercial and industrial uses pursuant to the area limitations of Schedule 152.203 and the height limitations of Schedule 152.204. Such signs shall be located no less than ten feet from a side lot line in a residential district and no less than five feet from a side lot line in a non-residential district, and may be located at or near the right-of-way but shall not be in the right-of-way.

(Ord. 96-9, passed 6-3-96)

**§ 152.210 WINDOW SIGNS IN BUSINESS DISTRICTS.**

Window signs, which are intended for permanent identification, shall require a zoning certificate. Temporary window signs for the purpose of identification or periodic or special advertising shall be permitted in business districts without a zoning certificate. The total area of any one window that may be devoted to any type of sign shall not exceed 25% of the window area.

(Ord. 96-9, passed 6-3-96)

**§ 152.211 CONSTRUCTION SIGNS.**

Non-illuminated construction signs shall be permitted in all districts pursuant to the area limitations of Schedule 152.203 and the height limitations of Schedule 152.204 in compliance with the following:

(A) There shall be not more than one construction sign per lot located no less than ten feet from the right-of-way and ten feet from a side lot line.

(B) A construction sign shall be erected on the lot only during the period of time that the building project is under construction and while a valid building permit is in force. Such sign

**Creston, Ohio -- Code of Ordinances**

shall be removed within 14 days of the commencement of the intended use.

(C) In the event construction extends beyond the time period specified on the zoning certificate, a request for an extension of the sign permit shall be submitted to the Zoning Inspector for review and approval.

(Ord. 96-9, passed 6-3-96)

**§ 152.212 POLITICAL SIGNS.**

Non-illuminated political signs shall be permitted on private property without a zoning certificate in all districts pursuant to the area limitations of Schedule 152.203 and the height limitations of Schedule 152.204 provided that:

(A) Signs shall be placed no earlier than 30 days prior to the election to which they pertain and shall be removed no later than five days after the election.

(B) Signs shall be located no less than ten feet from the right-of-way and ten feet from a side lot line.

(C) Signs shall not be placed on utility poles or on public property or in the street right-of-way.

(Ord. 96-9, passed 6-3-96)

**§ 152.213 REAL ESTATE SIGNS.**

Non-illuminated real estate signs shall be permitted in all districts pursuant to the area limitations of Schedule 152.203 and the height limitations of Schedule 152.204 in compliance with the following:

(A) One such sign shall be permitted per street frontage located no less than ten feet from the right-of-way and ten feet from a side lot line.

(B) Real estate signs shall be located only on the site being advertised for sale, lease or rent.

(C) On individual lots, such signs shall be removed by the property owner or realtor identified on the sign within ten days after property is transferred, rented, leased or removed from the real estate listing.

(D) A sign advertising the sale of lots in a new residential subdivision or PRD shall be permitted for a period not to exceed 24 months and shall be removed within 30 days after the last lot or unit is sold or the development abandoned.

(Ord. 96-9, passed 6-3-96)

## Creston, Ohio – Code of Ordinances

### § 152.214 TEMPORARY PROMOTIONAL SIGNS.

Temporary non-illuminated promotional signs, banners, pennants or flags (other than institutional, state, federal or other patriotic flags) intended to promote or advertise special events or sales may be permitted when complying with the following regulations:

(A) *Open house auction, garage sale signs.* Signs promoting an open house, an auction or a garage sale (which shall include yard sale, porch sale, house sale or similar terms) in a residential district shall be permitted without a zoning certificate pursuant to the area limitations for a temporary promotional sign set forth in Schedule 152.203 and the height limitations of Schedule 152.204 in compliance with the following:

(1) All signs posted on private property shall have the permission of the property owner.

(2) Signs may be located at or near the right-of-way, shall be placed no less than ten feet from a side lot line, and shall not be placed upon or in a street right-of-way or attached to or upon any street identification or utility pole.

(3) Temporary signs shall be allowed to remain in place for the period of the open-house, auction or garage sale, but in no case shall the period exceed 72 hours (three days).

(B) *Community programs and activities.* Signs promoting community programs and/or activities sponsored by a public or semi-public organization in a residential district shall be permitted pursuant to the area limitations for a temporary promotional sign set forth in Schedule 152.203 and the height limitations of Schedule 152.204. The signs shall be posted on private property with the owner's permission for a period not to exceed 14 days.

(C) *Seasonal sales signs.* Signs for periodic sales or promotions by establishments located in a business district shall be permitted pursuant to the area limitations for a temporary promotional sign set forth in Schedule 152.203 and the height limitations of Schedule 152.204 in compliance with the following:

(1) One freestanding sign or banner shall be permitted to be placed on the premises where the sale is to occur.

(2) Such sign shall be located no less than ten feet from the right-of-way and shall be no less than ten feet from a side lot line, or shall be attached to the building.

(3) Such sign is intended to advertise a special event or promotional sale activity.

(4) Such freestanding sign or banner shall be removed at the conclusion of the seasonal sale, but in no case to exceed more than 15 days per sales event. No more than one sign



**Creston, Ohio -- Code of Ordinances**

per sale event and no more than four signs per year shall be permitted.  
(Ord. 96-9, passed 6-3-96)

**§ 152.215 SAFETY OR REGULATORY SIGNS.**

Signs to direct vehicular or other traffic on the premises and to ensure the safety of residents, visitors, and employees may be erected in any district. Such signs should be sized and landscaped in such a manner that the signs cannot be viewed from the highway or adjacent property and shall contain no commercial message of any sort.  
(Ord. 96-9, passed 6-3-96)

**§ 152.216 DESIGN AND CONSTRUCTION STANDARDS.**

(A) In addition to ensuring compliance with the numerical standards of these regulations, the Zoning Inspector shall consider the proposed general arrangement, material, colors, lighting, and placement of the sign, as well as the appropriateness of the proposed sign in relationship to other signs and other structures both on the premises and in the surrounding areas, and shall only approve signs which are consistent with the intent, purposes, standards and criteria of these sign regulations.

(B) Specific standards for determining the appropriateness of the sign shall include, but not be limited, to the following conditions.

(1) The sign shall reflect the primary purpose of identifying the name and type of establishment.

(2) No part of a sign shall project above the parapet line.

(3) A sign should be constructed with a minimum of different types of elements and materials so as to provide a consistent overall appearance.

(4) The lettering shall be large enough to be easily read but not out of scale with the building, site or streetscape.

(5) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block. Continuity of design means uniformity of background colors or harmonious use of a limited range of complementary background colors.

(6) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

(7) Illuminating standards.

American Legal Publishing Corporation

## **Creston, Ohio -- Code of Ordinances**

(a) Signs in commercial and industrial districts may be internally or externally illuminated except as otherwise set forth in §§ 152.205 through 152.215 provided that light sources to illuminate such signs shall be shielded from all adjacent residential buildings and streets, and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists, or as to cause reasonable objection from adjacent residential districts.

(b) Identification signs in residential districts shall be illuminated by external means only. Illumination shall occur only during the hours of 6:00 a.m. to 11:00 p.m.

(c) The source of light shall not be visible from the street and external light sources shall not shine on adjoining properties.

(d) No flashing, revolving or intermittent illumination shall be employed.

(8) No flashing or moving parts shall be permitted for any sign or advertising display within the village.

(9) All signs shall be designed, constructed, and erected in a professional and workmanlike manner, in conformance with all applicable building codes, and with materials which are durable for the intended life of the sign.

(10) Freestanding signs shall be designed and located so as not to obstruct a driver's visibility entering or exiting a lot or to be a safety hazard to pedestrians or vehicles.

(11) All sign structures larger than six square feet must carry the name and address of the owner, advertising agency, the erector, or agent who is responsible for the maintenance or removal of the sign. All freestanding permanent business identification signs must include the street address number at the sign location as part of the business identification. (Ord. 96-9, passed 6-3-96)

### **§ 152.217 SIGNS EXEMPT FROM REGULATION.**

The following signs shall be exempt from regulation under the zoning code.

(A) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

(B) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the building in which such sign is located.

(C) Works of art that do not include a commercial message.

(D) Religious and other holiday lights and decorations containing no commercial

## **Creston, Ohio – Code of Ordinances**

message when displayed during the appropriate time of the year.

(E) Flags of the United States, the state, the village, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.218 PROHIBITED SIGNS.**

All signs not expressly permitted under the zoning code or exempt from regulation hereunder in accordance with the previous section are prohibited in the village. Such signs include, but are not limited to:

(A) Animated, flasher, blinker, racer type, moving or revolving signs, pennants, inflatable signs and tethered balloons, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, except those exempt under the previous section, and other similar features.

(B) Signs on temporarily placed vehicles.

(C) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or directional signals.

(D) Outdoor advertising signs (billboards) being any sign erected for the benefit of any person, organization, business, cause, product or service not residing or located on the premises upon which the sign is erected.

(E) Merchandise, equipment, products, vehicles, or other items not themselves for sale and placed for attention getting, identification, or advertising purposes.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.219 ADMINISTRATIVE PROCEDURES.**

Except as otherwise stated herein, a zoning certificate or conditional use certificate shall be required for all signs. The procedures for obtaining a certificate are as follows:

(A) *Review procedures.* Signs shall be erected, modified, or replaced only upon the submission of proper plans and specifications and upon review and approval according to the following:

(1) A zoning certificate shall not be required for the following signs when such signs are in full compliance with these sign regulations:

American Legal Publishing Corporation

## **Creston, Ohio -- Code of Ordinances**

- (a) Nameplate signs;
- (b) Open house, auction and garage sale signs;
- (c) Political signs;
- (d) Real estate signs with an area eight square feet or less; and,
- (e) Window signs, except permanent identification signs located in the window.

(2) The Zoning Inspector shall have the responsibility to review and approve (or disapprove) all other permitted signs.

(B) *Application requirements.* The application for a zoning certificate shall be made upon the application forms provided by the village and shall be submitted with the following:

**92**

- (1) Three blueprints of the plot plan drawn to scale showing:
  - (a) The dimensions of the lot or property, the location of all dwellings and/or buildings on the lot, the location and size of driveways and access drives, and the identification of and distances to adjacent dwellings, buildings and/or land uses;
  - (b) The location of the proposed sign(s) on the site;
- (2) Three blueprints or ink drawings of the plans and specifications and method of construction and attachment of the signs to the building or method of installation in the ground;
- (3) A drawing or description indicating the exact sign message, including letter style and colors;
- (4) Name of person, firm, corporation or association erecting the structure.
- (5) Written consent by the owner of the building, structure, or land to which or on which the structure is to be erected when the sign pertains to businesses or services not conducted upon the premises where the sign is located;
- (6) Any other pertinent data necessary for the determination of compliance with the purposes and objectives of the zoning code; and
- (7) Payment of any required application and sign fees, bonds, or other performance and/or maintenance guarantees.

(C) *Modification to existing sign.* Any proposed change in an existing sign, sign

## **Creston, Ohio -- Code of Ordinances**

structure or lighting shall be approved according to the review procedure set forth in this section prior to change being made.

(D) *Fees.* Concurrent with the filing of an application for any sign, unless specified otherwise in these sign regulations, all application fees shall be paid to the village in the amount established by this code. No refund of any part of an application fee shall be made to an applicant in cases of denial of the requested sign(s).  
(Ord. 96-9, passed 6-3-96)

### **§ 152.220 MAINTENANCE.**

All signs shall be maintained in accordance with the following standards.

(A) The property owner, owner of the sign, tenant, and agent are required to maintain the sign in a condition fit for the intended use and in good repair, and such person or persons have a continuing obligation to comply with all building code requirements.

(B) A sign in good repair shall be free of peeling or faded paint; shall not be stained or show uneven soiling or rust streaks; shall not have chipped, cracked, broken or bent letters, panels or framing; shall not otherwise show deterioration; and shall comply with all other applicable maintenance standards of the village.

(C) The Zoning Inspector may order any sign to be painted or refurbished to keep the sign in a neat and safe condition.

(D) If the sign is deemed by the Zoning Inspector to be in disrepair or in an unsafe condition, such sign shall be considered an unsafe structure and all village regulations applicable for the repair or removal of such sign shall apply.

(E) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering, or repainting, the same may be done without a certificate, or any payment of fees, provided there is no alteration or enlargement to the structure or the mounting of the sign itself, and the sign is accessory to a legally permitted or nonconforming use.

(Ord. 96-9, passed 6-3-96)

### **§ 152.221 ALTERATION AND REMOVAL OF UNSAFE, OBSOLETE AND NONCONFORMING SIGNS.**

(A) Every sign or other advertising structure, including supporting materials, in existence upon adoption of these regulations that violates or does not conform to the provisions herein shall be altered or replaced only in conformance with the provisions of these regulations and upon the review and approval of the Board of Zoning Appeals, except in the following situations.

American Legal Publishing Corporation

## **Creston, Ohio -- Code of Ordinances**

(1) When the existing use has new ownership which results only in a change of the name of the use or business on the property.

(2) When a building or structure is reoccupied by a use permitted in the district in which such building or structure is located, provided the building or structure is reoccupied within 90 days of being vacated and the new occupant requires no external building or site renovation.

(3) When a sign is damaged to 50% or less of its current fair market value, it may be restored to its former condition.

(B) Nonconforming signs shall be removed in the event one or more of the following occurs.

(1) When a sign is damaged by more than 50% of its current fair market value.

(2) When the use for which the nonconforming sign is accessory is vacant for 90 consecutive days.

(3) Following five years from the date of the adoption of these regulations or five years from the date of any amendment to these regulations which made the sign nonconforming.

(C) Signs which are not so removed are hereby declared to be a nuisance subject to abatement by the village.

(D) Any conforming sign and supporting materials which no longer advertises a bona fide business, or which no longer serves the purpose for which it was intended, shall be considered an obsolete sign, and shall, within 90 days of business termination or the time such sign becomes obsolete, be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found. Signs which are not so removed are hereby declared to be a nuisance subject to abatement by the village.

(E) Written notification from the Zoning Inspector concerning the removal of a sign shall be complied with within 30 days. Failure to comply with the abatement order shall result in the Zoning Inspector having authorization to cause removal of such sign and supporting material. Any expense incidental to this removal shall be paid by the owner of the property upon which said sign is located. Failure to pay the cost for such removal shall result in a lien upon the premises, which lien shall be filed with the County Recorder's office, to remain a lien or record, until paid. The lien shall accrue interest at the maximum rate permitted by Ohio law prior to payment.

(F) If the Zoning Inspector shall find that any sign or other advertising structure is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this zoning code, notice shall be given in writing by

## **Creston, Ohio -- Code of Ordinances**

the Zoning Inspector to the certificate holder thereof. If the certificate holder fails to remove or alter the structure so as to comply with the standards herein set forth within 30 days after such notice, such sign or other advertising structure may be removed or altered to comply with these regulations at the expense of the certificate holder or the owner of the property upon which it is located. The Zoning Inspector shall refuse to issue a certificate to any certificate holder or owner who refuses to pay costs so assessed. The Zoning Inspector may cause any sign or advertising structure which is in immediate peril to persons or property to be removed summarily and without notice.

(Ord. 96-9, passed 6-3-96)

### **§ 152.222 VIOLATIONS.**

(A) Failure to comply with the provisions of this zoning code or with any of its requirements shall constitute a violation under the terms of §§ 152.292 through 152.294 and 152.999.

(B) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each 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 violation.

(Ord. 96-9, passed 6-3-96)





## **§ 152.235 LANDSCAPING AND SCREENING REQUIREMENTS.**

The following landscaping and screening requirements are established to provide for visual screening or landscaping which will remove, reduce, or absorb the impact between one incompatible use or zoning district and another, which will obscure the view of outdoor parking, waste receptacles, and outdoor storage, and which will prevent soil erosion.

(A) *Screening and landscaping requirements between districts.* When a business, industrial, or multi-family use abuts a residential district, or when a conditionally permitted or nonconforming use is located in a residential district, screening or buffering of buildings, parking areas, drives, aisles, loading areas, and storage areas on such lots shall be provided in accordance with the following regulations. This section is in addition to the setback and yard requirements provided elsewhere in this code.

(1) Screening shall consist of the following:

(a) A dense vegetative planting incorporating trees and/or shrubs, of a variety which will be equally effective in winter and summer.

(b) A non-living opaque structure such as a solid masonry wall, solidly constructed decorative fence, or louvered fence.

(c) A landscaped mound or berm.

(2) The height of screening shall be in accordance with the following:

(a) Visual screening walls, fences, or mounds, or mounds and fences in combination, shall be a minimum of five feet high in order to accomplish the desired effect.

(b) Vegetation shall be planted with a minimum height of five feet.

(c) The height of a landscaped mound or berm, including the height of any plantings on the mound or berm, shall have a minimum height of five feet.

(B) *Screening requirements for parking lots, drives, aisles, and loading areas.* All sides of parking lots accommodating five or more vehicles, and access drives, aisles, and loading areas of such parking lots, which are adjacent to a residential district, shall be screened in accordance with the material and height standards of divisions (A)(1) and (A)(2) above of this section.

(C) *Screening requirements for waste or recycling receptacles and outdoor storage.*

(1) Waste or recycling receptacles, exclusive of waste or recycling receptacles for one and two-family dwellings, or dumpsters shall be screened by an opaque masonry wall, a solidly constructed decorative fence, or louvered fence of a minimum height sufficient to completely screen the waste or recycling receptacle or dumpster.

(2) Conditionally permitted outdoor storage shall be screened from an observer's view at grade level on an adjoining road or residential lot by an opaque masonry wall, a solidly constructed decorative fence, or louvered fence of a minimum height sufficient to completely screen the stored material.

(D) *Landscaping of yards.* All required yards shall be landscaped with grass, trees, shrubbery, and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

(E) *Performance and maintenance.* The desired screening effect shall be achieved no later than 12 months after the initial installation. The required landscaping and screening shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscape plan.

(F) *Signs.* All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.  
(Ord. 96-9, passed 6-3-96)

#### **§ 152.236 ARCHITECTURAL PROJECTIONS.**

(A) No portion of any building or structure may project in front of the front setback building line except the following:

(1) Unenclosed steps or landing below the level of the first floor shall project no more than three feet into the required front yard.

(2) Cornices and belt courses, provided they project no more than 18 inches into the required front yard.

(3) Entrance canopies and similar overhanging roofed spaces and chimneys, porticos, or bays projecting not more than three feet (exclusive of cornices) and aggregating a vertical area in any story of not more than 35% of the area of the front of that story.

(B) The following features may project into any side yard to an extent not exceeding six inches:

(1) Window sills;

(2) Belt courses; or

(3) Other ornamental features.

(C) Chimneys or cornices may project into a side yard not more than 18 inches.  
(Ord. 96-9, passed 6-3-96)

#### **§ 152.237 HEIGHT EXCEPTIONS.**

The height regulations specified in this zoning code for any district shall not apply so as height of any of the following: chimneys, church spires, clock towers, ornamental towers, flag poles, water tanks, elevation bulkheads, television antennas, and mechanical equipment, where erected as an integral part of a building.

(Ord. 96-9, passed 6-3-96)

#### **§ 152.238 FENCES.**

In all districts, fences and walls shall require a permit issued by the Zoning Inspector, and

## **Creston, Ohio -- Code of Ordinances**

shall comply with the following:

### **(A) *Height.***

(1) In a front yard or within 20 feet of a public right-of-way, a fence or wall shall not exceed 38 inches in height. Wood or vinyl fences of decorative nature are permitted in the front yard.

(2) In a side or rear yard in a residential district, a fence or wall shall not exceed six feet in height.

### **(B) *Setback.***

(1) Fences adjacent to private property must be located a minimum of three feet from the property line. Fences may be placed less than three feet of the property line with the written permission of the adjacent property owner.

(2) Fences adjacent to a public right-of-way or alley must be located a minimum of one foot from the public right-of-way.

**98**

(E) *Review.* Fences which do not meet the above regulations shall be reviewed and approved or not approved by the Planning Commission. The Planning Commission shall determine whether such application is reasonable and harmonious to the area. The following factors shall be considered and weighed by the Planning Commission:

(1) Does the proposed fence adequately allow safe and efficient pedestrian and vehicular circulation?

(2) Can the proposed fence be properly maintained with reasonable ease?

(3) Is the proposed fence aesthetically appropriate and harmonious to adjoining properties within the district?

(4) Will the proposed fence adversely affect the delivery of governmental services such as snow removal, alley maintenance, trash pick-up, water/sewer maintenance?

(5) Will approval of this fence create other problems which need to be considered?

(F) *Temporary and seasonal fences.* Temporary and seasonal fences may be erected for a maximum of five months. Such fence shall conform to its intended use, that is, snow fences may be used as snow restraints, construction fence shall be used to enhance safety conditions on a construction site.

(G) *Maintenance.* Fences shall be maintained in good repair at all times by the owner and/or occupant of the lot on which they are located. The smooth finished side of the fence shall

**Creston, Ohio – Code of Ordinances**

be the side of the fence that faces outward from the yard being fenced.

(H) *Specifications.* Fences designed for agricultural use, such as barbed wire or electric fences, shall be used for that purpose only. Agricultural fences shall comply with all applicable ordinances.

(Ord. 96-9, passed 6-3-96)

**§ 152.239 SATELLITE DISHES.**

In any district, a satellite dish receiving antenna may be a permitted accessory use subject to the following regulations:

(A) No satellite dish receiving antenna shall be located in the front or side yard of a dwelling or other building.

**99** (B) No satellite dish receiving antenna having a diameter in excess of two feet shall be located on the roof of any dwelling or other building or on any structure accessory thereto.

(C) No sign shall be permitted on a satellite dish receiving antenna.

(D) The satellite dish receiving antenna shall be constructed and anchored in such a manner as to be able to withstand a wind force of up to 100 miles per hour.

(E) The perimeter of the satellite dish shall be landscaped or otherwise screened in such a manner as will not cause the presence of the satellite dish receiving antenna to interfere with or diminish the use and enjoyment of the adjacent properties.

(F) The diameter of a satellite dish receiving antenna shall not exceed ten feet in any residential district and shall not exceed 15 feet in any other district.

(G) The height of the satellite dish receiving antenna shall not exceed 15 feet in any residential district and shall not exceed 20 feet in any other district.

(H) A satellite dish receiving antenna shall not be used for the transmitting of any radio or television signal or for any other purpose that would result in interference with the radio and/or television reception of surrounding properties.

(I) No person, business, or corporation shall undertake the construction, erection, or installation of any satellite dish without a zoning certificate issued by the Zoning Inspector. Such application shall include a plot plan indicating the location of the proposed satellite dish receiving antenna on the property, and shall include all technical data necessary for the consideration of the application.

(Ord. 96-9, passed 6-3-96)

## Creston, Ohio -- Code of Ordinances

### § 152.240 MAINTENANCE STANDARDS.

(A) *General maintenance standards.* The owner and/or occupant shall keep the exterior of every structure, including, but not limited to, walls, siding, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, fences, downspouts, store fronts, signs, windows, doors, awnings, and concrete or asphalt in good repair and all surfaces thereof shall be kept painted or protected with an approved coating or material where necessary for the purposes of preservation and avoiding a blighting influence on adjoining properties. All surfaces shall be maintained free of broken screens, glass, loose shingles or siding, crumbling stone or brick, peeling paint, or other conditions which are deteriorated or inadequately maintained, to the end that the property itself may be preserved safely, fire hazards eliminated, and adjoining properties and the neighborhood be protected from blighting influences.

(B) *Removal of miscellaneous debris.* Except as the same may be contained in covered or closed bags or receptacles for periodic trash pick-up, all yards, courts, or lots and open spaces shall be kept free of unsightly debris, junk, trash (as defined in § 152.008) or materials which are flammable, likely to decompose, or which are not appropriate to the area.

(C) *Inoperable motor vehicles.* With the exception of new or used motor vehicles for sale by a licensed retailer, or when on the property of an automobile service garage (as defined in § 152.008 and as regulated in § 152.061), inoperable motor vehicles or those not bearing valid license plates shall not be left or stored in the open for more than one week, but may be stored in a completely enclosed building.  
(Ord. 96-9, passed 6-3-96)

### § 152.241 FACTORY-BUILT HOUSING.

(A) *Purpose and definitions.* This section shall apply to the location, construction and maintenance of factory-built housing in all residential districts. For the purpose of this zoning code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FACTORY-BUILT HOUSING.** Any factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this code, **FACTORY-BUILT HOUSING** shall include the following:

(1) **MANUFACTURED HOME.** Any non-self-propelled vehicle transportable in one or more sections which is built on a permanent chassis and designed to be used as a permanent dwelling unit with a permanent foundation, connected to the required utilities including plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act, being 42 USC 5401 *et seq.*

American Legal Publishing Corporation

## Creston, Ohio -- Code of Ordinances

(2) **MODULAR HOME.** Factory-built housing certified as meeting the Ohio State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

(3) **MOBILE HOME.** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, being 42 USC 5401 *et seq.* which became effective June 15, 1976, or built subsequent to such act but not certifiable as to its compliance with the act.

(B) *Site requirements.* Any factory-built housing proposed to be located in any residential district shall comply with the following requirements:

(1) The structure shall be installed upon and properly attached to a permanent foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.

**101**

(2) All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.

(3) The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.

(4) The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.

(5) The site shall be serviced by utilities in such manner as required by the code.

(C) *Compliance with other regulations.* Any factory-built housing proposed to be located in any residential district shall comply with all zoning regulations of the district in which it is proposed to be located.

(D) *Location of factory-built housing.* Manufactured homes and modular homes which meet the siting requirements contained in division (B) above shall be permitted in all residential districts. Mobile homes shall not be permitted in any zoning district.  
(Ord. 96-9, passed 6-3-96)

***Statutory reference:***

*Permanently sited manufactured home to be permitted where single-family homes are permitted, see*

*R.C. 3781.184*

**NONCONFORMING BUILDINGS, LOTS AND USES**

**§ 152.255 INTENT.**

(A) This subchapter defines the legal status of lots, buildings, and uses of land, buildings, structures, and uses of buildings, structures and land in combination which do not conform to the provisions of this zoning code, but which were in lawful existence before this zoning code was passed or amended.

(B) The legitimate interests of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such nonconformities, subject to regulations limiting their restoration, reconstruction, extension, and substitution. Nevertheless, while it is the intent of this zoning code to permit such nonconformities to continue until they are removed, they are considered to be incompatible with the permitted uses in the districts involved and with the land use plan of the village, and should not be encouraged to survive. It is further the intent that nonconformities shall not be enlarged upon, expanded or extended, and shall be changed only to a more restrictive use. It is also the intent to regulate the rebuilding if substantially destroyed.

(C) Furthermore, the continuation of a lawful nonconformity shall not be construed as a reason for permitting nonconformities not specifically permitted in this zoning code.  
(Ord. 96-9, passed 6-3-96)

**§ 152.256 NONCONFORMING BUILDINGS.**

(A) A building or other structure existing lawfully at the time this zoning code became effective, but which does not conform to area or width of lot, yard dimensions, lot coverage, height of building, or other regulations of the district in which it is located, is a lawful nonconforming building.

(B) Such building may be continued to be occupied by a use permitted in the district in which it is located so long as it remains otherwise lawful, subject to the following provisions:

(1) *Maintenance and repair.* A nonconforming building may continue to be used, maintained and repaired; provided, however, no structural parts shall be replaced except when required by law to restore to a safe condition, or to make the building or use conform to the regulations of the district in which it is located.

(2) *Additions.* A nonconforming building shall not be altered, added to, or enlarged unless the alterations and enlargements conform to all yard regulations.

(3) *Moving.* A nonconforming building shall not be moved in whole or in part to any other location on the lot or other premises, unless every portion of such building so moved is made to conform to all regulations of the district in which it is to be located.

### **Creston, Ohio -- Code of Ordinances**

(4) *Change in principal use of building.* The use of such building may be changed to any other use permitted in the district in which it is located so long as the nonconformity is not increased and so long as the new use complies with any special regulations, standards, or requirements specified by this code for such use.

(5) *Restoration of damaged building.* If a nonconforming building is damaged or destroyed by any cause to the extent of 50% or less of its reproduction value, those portions so destroyed or damaged may be restored but not to more than its former size, provided such restoration is completed within a period of one year from the date of damage or destruction. If such a building is occupied by a nonconforming use prior to damage, such use may be continued. If a nonconforming building is damaged or destroyed more than 50% of its reproduction value, no repairing or reconstruction shall be made unless every portion of the building is made to conform to regulations of the district in which the building is located and unless occupied by a conforming use. Determination of the reproduction value shall be made by three practicing building construction contractors, one to be appointed by the owner, one to be appointed by the village, and the third to be selected by the mutual consent of the two parties.  
(Ord. 96-9, passed 6-3-96)

**103**

### **§ 152.257 NONCONFORMING USE OF BUILDING AND LAND.**

A use of land or building, or land and building in combination existing lawfully at the time this zoning code, or an amendment thereto, became effective, but which does not conform to the use regulations of the district in which it is located, is nonconforming and such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) *Alteration.* Only upon approval of the Planning Commission shall a building or structure containing a nonconforming use be altered, improved or reconstructed, provided the work does not exceed in aggregate cost the assessed value of the building or structure.

(B) *Change of use.*

(1) The nonconforming use of a building, structure or land may only be changed to a conforming use, or to a less injurious nonconforming use as approved by the Commission. The Planning Commission shall determine that the proposed nonconforming use is less in conflict with the character, and the intent of the zoning district than the existing nonconforming use.

(2) Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, it shall not be changed back to the former nonconforming use.

(C) *Expansion of nonconforming use of a building.* A nonconforming use of part of a building may only be expanded or extended throughout those parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this zoning code, but no such use shall be extended so as to occupy any land outside such building.



### **Creston, Ohio -- Code of Ordinances**

(D) *Expansion of nonconforming use of lot.* The nonconforming use of a lot or part thereof, including outdoor storage, shall not be expanded or extended onto other parts of the lot.

(E) *Discontinuance of use.* If a nonconforming use within a building or on a lot, or portion thereof is discontinued for a continuous period of one year, any future use of such building, or lot or portion thereof, so discontinued, shall be in conformity with the use regulations of the district in which the building or lot is located.

(F) *Damage or destruction.* In the event that any building or structure occupied by a nonconforming use is destroyed by any means to the extent of more than 50% of its reproduction value as determined in § 152.256(B)(5), it shall not be rebuilt, restored or reoccupied for any use, unless the use conforms to all regulations of this code.

(G) *Nonconforming as to performance standards.* A building or use existing lawfully at the time this zoning code became effective but which is nonconforming as to one or more of the performance standards, shall not be required to conform therewith except at such times that the building or use is changed or expanded.  
(Ord. 96-9, passed 6-3-96)

**104**

### **§ 152.258 NONCONFORMING SIGNS.**

A sign, existing lawfully at the time this zoning code became effective, but which does not conform with the sign regulations of the district in which it is located, shall comply with the regulations set forth in § 152.221.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.259 NONCONFORMING PARKING FACILITIES.**

A building or use existing lawfully at the time this zoning code, or an amendment thereto, became effective, but which does not conform with the off-street parking regulations, may be occupied by the existing use without such parking facilities provided; however, if the existing building is occupied by a use which results in an increase in the required number of off-street parking spaces then the additional off-street parking spaces shall be provided so that the nonconforming parking condition is not increased.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.260 NONCONFORMING OUTDOOR STORAGE AND DISPLAY.**

All outdoor storage and outdoor display of goods, materials and equipment that does not conform to the regulations of the district in which such storage or display is located shall be either removed or brought into compliance with the regulations of this zoning code within two years from the date of the adoption of these regulations.

**Creston, Ohio -- Code of Ordinances**

(Ord. 96-9, passed 6-3-96)

**§ 152.261 NONCONFORMING LOTS OF RECORD.**

Any lot of record which is nonconforming in area and/or width at the time this zoning code or an amendment thereto became effective, and which does not adjoin any land under the same ownership as the lot, may be used as a building site as long as the yard requirements and other requirements of the district in which the lot is located will be met. Nonconforming lots located in R-1 and R-2 Districts shall be developed only with one-family dwelling units.

(Ord. 96-9, passed 6-3-96)

**§ 152.262 NONCONFORMING USE DUE TO RECLASSIFICATION.**

The foregoing provisions of this zoning code shall also apply to the buildings, structures, land or other uses hereafter becoming nonconforming as a result of amendments made to this zoning code or zoning map.

(Ord. 96-9, passed 6-3-96)

**§ 152.263 EXISTING USE DEEMED CONDITIONAL USE; PERMIT REQUIRED FOR CHANGE.**

A use which is lawfully existing at the time the zoning code is amended that, due to the amendment, is now listed as a conditional use in the district in which it is located shall not be a nonconforming use, but without further action, shall be deemed to be a conditional use as if it had contained a conditional use permit. However, in order to be permitted to make any changes, modifications, enlargement or alteration of such use, site development conditions or signs, or in the event there is a change in ownership, the property owner shall submit an application for a conditional use permit according to the procedures for conditional uses set forth in §§ 152.310, conditional zoning certificates, and such permit shall only be permitted upon review and approval by the Planning Commission.

(Ord. 96-9, passed 6-3-96)

**§ 152.264 CHANGE FROM NONCONFORMING USE.**

A nonconforming building or use shall cease to be considered as such whenever it complies with the requirements of the district in which it is located and is not resumed thereafter.

(Ord. 96-9, passed 6-3-96)

**§ 152.265 COMPLETION OF CONSTRUCTION WITH ZONING CERTIFICATE.**

### **Creston, Ohio -- Code of Ordinances**

Nothing in this zoning code shall prohibit the completion of the construction and the use of nonconforming buildings for which a certificate of zoning compliance has been issued prior to the effective date of this zoning code, or amendments thereto, provided that construction is commenced within 90 days after such effective date and if completed within two years after the issuance of the zoning certificate.

(Ord. 96-9, passed 6-3-96)



## § 152.280 ADMINISTRATIVE POWERS AND DUTIES.

This subchapter sets forth the powers and duties of the Zoning Inspector, the Planning Commission, the Board of Zoning Appeals and Council with respect to the administration of the provisions of the zoning code.  
(Ord. 96-9, passed 6-3-96)

## § 152.281 ZONING INSPECTOR.

(A) *Appointment.* For the purpose of enforcing the regulations of this zoning code, the Mayor shall appoint a Zoning Inspector, who shall be charged with the duty of administering and enforcing this zoning code in accordance with the administrative provisions herein set forth.

(B) *Powers and duties.* For the purpose of this code, the Zoning Inspector shall have the following powers and duties:

- (1) Interpret the meaning and application of this zoning code.
- (2) Receive all applications for zoning certificates, conditional use certificates, certificates of occupancy, and zoning amendments and to review each submitted application to ensure such application is complete and accompanied by the applicable submission requirements, and to collect all applicable fees required by the zoning code.
- (3) Issue zoning certificates, conditional use certificates and certificates of occupancy as provided by this code and keep a record of same with a notation of any special conditions involved.
- (4) Respond to questions concerning applications for amendments to the zoning code text and the official zoning map.
- (5) Maintain permanent and current records required by this code, including, but not limited to, zoning approval, inspection documents, and records of all variances, conditional uses and amendments.
- (6) Make such records available for the use of Council, the Planning Commission, the Board of Zoning Appeals and the public.
- (7) Enforce the provisions of this code.
- (8) Conduct inspections of buildings and uses of land to determine compliance with this code.
- (9) Determine the existence of any violations of this code and cause such notifications, revocation notices, stop work orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

(Ord. 96-9, passed 6-3-96)

## § 152.282 PLANNING COMMISSION.

(A) *Establishment.* Pursuant to R.C. § 713.01, the Village Planning Commission is hereby established and shall perform the duties prescribed in this zoning code.

(B) *Membership; terms of office; chairperson.*

(1) The Planning Commission shall be comprised of five members, consisting of the Mayor, one member of Council to be elected by the Village Council, and three citizens of the village to be appointed by the Mayor and confirmed by Council for terms of six years each, except that the term of one of the members of the first commission shall be for four years and one for two years.

(2) Members may be appointed to successive terms without limitation.

(3) A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for the original appointment.

(4) Citizen members of the Planning Commission shall not hold any other public office or position in the village, whether elected or appointed, with or without compensation.

(5) Members of the Commission shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor, with confirmation by Council.

(6) The Commission shall annually choose a chairperson from its members, who shall serve until his or her successor is chosen.

(C) *Proceedings of the Planning Commission.*

(1) The Commission shall adopt rules necessary to conduct its affairs in keeping with the provisions of this code.

(2) Commission meetings shall be held at the call of the chairperson and at such other times as the Commission may determine, and all meetings shall be open to the public.

(3) The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating each fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

(4) The presence of three members shall constitute a quorum, and action by the Commission on any matter shall be effected by the concurring votes of at least three members.

(D) *Powers and duties of the Planning Commission.* For the purpose of this code the Commission shall have the following powers and duties:

(1) Recommend the proposed zoning code, including text and official zoning map to the Village Council for formal adoption.

(2) Initiate changes to the official zoning map or in the text of the zoning code where same will promote the best interest of the public in general through recommendation to the Village Council.

(3) Review all proposed amendments to the text of this code and the official zoning map and intake recommendations to the Village Council.

(4) Review all conditional uses as identified in the respective zoning districts according to provisions and criteria stated in §§ 152.100 through 152.113, conditional use regulations, §§ 152.125 through 152.136, planned residential development and §§ 152.150 through 152.166, oil and gas wells, and make recommendations to the Village Council.

(5) Review applications for the substitution of one nonconforming use from another nonconforming use.

(7) Carry on a continuous review of the effectiveness and appropriateness of this code and recommend such changes or amendments as it feels would be appropriate.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.283 BOARD OF ZONING APPEALS.**

(A) *Establishment.* Pursuant to R.C. § 713.11, the Board of Zoning Appeals is hereby established and shall have all the powers and duties prescribed by law and by the zoning code.

(B) *Membership; terms of office; chairperson.*

(1) The Board of Zoning Appeals shall consist of five members to be appointed by the Mayor and confirmed by Council, none of whom shall hold any other public office or position in the village, whether elected or appointed, with or without compensation.

(2) The term of all members shall be five years, except in the case of the members of the first Board, whose terms shall be as follows: one shall be appointed for five years, one for four years, one for three years, one for two years and one for one year in order so that the term of one member shall expire each year.

(3) Each member shall serve until his or her successor is appointed. Any vacancy shall be filled in the same manner as an original appointment for the unexpired term.

(4) Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor, with confirmation by Council.

(5) The Board shall annually choose a chairperson from its members, who shall serve until his or her successor is chosen.

(C) *Proceedings of the Board of Zoning Appeals.*

(1) The Board shall adopt rules necessary to conduct its affairs in keeping with the provisions of this code.

(2) Board meetings shall be held at the call of the chairperson and at such other times as the Board may determine, and all meetings shall be open to the public.

(3) The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

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

(5) The presence of three members shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three or more members of the Board shall be necessary to reverse an order or determination of the Zoning Inspector, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this code, or to grant any variance from the requirements stipulated in this code.

(6) Any permit issued in pursuance of any decision of the Board shall have incorporated therein any special conditions prescribed by the Board.

## **Creston, Ohio -- Code of Ordinances**

(D) *Powers and duties of the Board.* For the purpose of this code, the Board of Zoning Appeals shall have the following powers and duties:

(1) To hear and decide appeals. The Board of Zoning Appeals shall hear and determine all appeals from any decision or action made by the Zoning Inspector, or by any administrative officer on matters relating to this zoning code, for relief from any order, requirement, decision or determination, including the refusal, granting or revocation of permits, and then to decide appeals by either reversing, affirming wholly or in part or modifying such order, requirement, decision or determination.

(2) To authorize variances from the terms of this zoning code. When practical difficulties or results inconsistent with the general purpose of the zoning code result through the strict and literal interpretation and enforcement of the provisions hereof, the Board of Zoning Appeals shall have authority subject to the provisions of § 152.290 to grant, upon such conditions as it may determine, such variances from the provisions of the zoning code as may be in harmony with its general purpose and intent, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done.

(3) To provide a written finding that the reasons set forth in the application for a variance justify the granting of the variance.

(4) To hear and decide all matters specifically referred to it for decision such as district boundary lines and other sections of this zoning code.

(5) To adopt rules and regulations, provided they are not in conflict with this zoning code for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.

(Ord. 96-9, passed 6-3-96)

### **§ 152.284 VILLAGE COUNCIL.**

For the purpose of this zoning code, the Village Council shall have the following powers and duties:

(A) Confirm or reject a request for a conditional use certificate that has been recommended by the Planning Commission.

(B) Confirm or reject a variance that has been approved by the Board of Zoning Appeals.

(C) Initiate or act upon proposed amendments to the zoning code or zoning map. Final action upon a proposed zoning amendment shall be taken at or after a public hearing.  
(Ord. 96-9, passed 6-3-96)



## **Creston, Ohio — Code of Ordinances**

### **§ 152.285 SCHEDULE OF FEES.**

Council shall by ordinance establish a schedule of fees for zoning certificates, conditional use certificates, appeals, variances, amendments and other procedures and services pertaining to the administration and enforcement of this code after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be available at the Village Hall, and may be altered or amended only by Council. Until all such appropriate fees, charges and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.286 CONFLICT OF INTEREST OF OFFICIALS AND EMPLOYEES.**

Officials and employees of the village shall not be employed by or receive compensation from any developer for the planning of or in seeking approval of, any subdivision or development within the jurisdiction of these regulations.  
(Ord. 96-9, passed 6-3-96)

**111**

### **§ 152.287 ADMINISTRATIVE PROCEDURES.**

In order to accomplish the purposes for which this zoning code is adopted, it is essential that its regulations be soundly and consistently applied, and that this code be vigorously administered. This subchapter stipulates the procedures to be followed in obtaining zoning certificates, conditional zoning certificates, appeals and variances.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.288 ZONING CERTIFICATES.**

(A) *Zoning certificate required.* No building or other structure, except as provided for in this code, shall be erected, constructed, reconstructed, enlarged, moved or structurally altered, nor shall any excavation or site improvements be commenced, until a zoning certificate has been applied for and received by the owner of the property involved or a person having an interest in such property and acting under written authority of the owner, and such certificate has been issued by the Zoning Inspector. A zoning certificate shall be issued only when:

(1) The Zoning Inspector finds that all applicable provisions of the zoning code have been complied with.

(2) A conditional use has been approved by Council based upon a recommendation by Planning Commission according to the procedures set forth in § 152.310.

### **Creston, Ohio -- Code of Ordinances**

Approval by Council shall authorize the Zoning Inspector to issue a conditional zoning certificate in compliance with the approval. Such conditional zoning certificate shall set forth any conditions, stipulations, and safeguards that have been approved by Planning Commission and Council.

(3) A request for a variance from a numerical standard of the zoning code has been approved by the Board of Zoning Appeals and confirmed by Council in accordance with the limitations, procedures and requirements of § 152.290.

(B) *Submission of applications for zoning certificates.* Application forms for zoning certificates shall be available in the office of the Zoning Inspector. A completed application accompanied by payment of the required fee and all other applicable submission requirements established in this zoning code shall be submitted to the Zoning Inspector.

(1) A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.

(2) The location, dimensions, height and bulk of structures, including any required screening, to be erected.

(3) The intended use.

(4) The proposed number of dwelling units.

(5) The yard, open area and parking space dimensions.

(6) Any other pertinent data as may be necessary to determine and provide for the enforcement of the zoning code.

(C) *Review for completeness by Zoning Inspector.* Upon receipt of an application, the Zoning Inspector shall within a reasonable period review the application and any accompanied proposed plan for completeness with all the applicable submission requirements of the zoning code.

(D) *Action by Zoning Inspector.* The Zoning Inspector shall, within 30 days after determining an application complete, issue a zoning certificate if the application complies with the requirements of the zoning code and the application is accompanied by the proper fee.

(E) *Expiration of zoning certificates.* A zoning certificate shall become void at the expiration of one year after the date of issuance unless construction is begun. If no construction is begun or use changed within one year of the date of the certificate, a new application and certificate shall be required. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal building(s) included in the plan shall have been completed.

(Ord. 96-9, passed 6-3-96)

## **Creston, Ohio -- Code of Ordinances**

### **§ 152.289 APPEALS.**

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the village, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector. Appeals shall conform to the procedures and requirements of this zoning code. As specified in § 152.283, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

(A) *Initiation of appeal.* Notice of appeal shall be filed with the secretary of the Board of Zoning Appeals within 20 calendar days after the date of any adverse order, requirement, or determination, except when the 20th day falls on Saturday, Sunday, or a holiday, then the 20th day shall be deemed to be the next day of business thereafter. Such written notice of appeal shall specify the grounds and reasons for the appeal. Upon of any such appeal, the secretary shall notify the Zoning Inspector of the action appealed. The Zoning Inspector shall transmit to the secretary all data pertaining to the subject matter upon which the action so appealed was taken.

(B) *Public hearing by the Board.* When a notice of appeal has been filed in proper form with of Zoning Appeals, the Board of Zoning Appeals shall hold a public hearing within 30 days after the receipt of the application.

(1) *Notice of public hearing.* Before conducting the public hearing required in § 152.289(B), notice of such hearing shall be given according to the following:

(a) Such notices shall state the time and place of the public hearing and the nature of the appeal.

(b) Notices shall be given in one or more newspapers of general circulation in the village at least ten days before the date of the public hearing.

(c) Not less than ten days prior to the date set for such hearing, written notice of such hearing shall be caused by the Board to be given by mail to the applicant and to any person, firm, or corporation owning premises located within 200 feet of the land to which such appeal or application relates. All notices shall be sent to addresses given on the application; otherwise to the addresses given in the last assessment roll.

(2) The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. Any person in interest may appear at the public hearing in person or by attorney. The appellant, except the village, shall post security for the cost of an action required for the hearing of the appeal.

(C) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals

### **Creston, Ohio -- Code of Ordinances**

after the notice of the appeal has been filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.

(D) *Decision of the Board.* Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or modify to be done, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may direct the issuance of a certificate. The Board shall render a decision on the appeal without unreasonable delay. If the Board fails to act within 60 days from the date the appeal was filed with the Secretary of the Board, or an extended period of time as may be agreed upon, the appellant may assume the appeal has been denied.

(E) *Notification of Board's Decision.* The secretary of the Board shall notify the appellant in writing of the decision of the Board. The Board shall keep minutes of all proceedings upon appeal, showing the vote of each member, and shall keep records of its official actions. (Ord. 96-9, passed 6-3-96)

## **114**

### **§ 152.290 VARIANCES.**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the zoning code as will not be contrary to the public interest according to the following procedures and requirements of this section.

(A) (1) *Application requirements.* An application for a variance shall be filed with the Zoning Inspector for review by the Board of Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:

- (a) Name, address and phone number of applicant(s);
- (b) Proof of ownership, legal interest or written authority;
- (c) Description of property or portion thereof;
- (d) Description or nature of variance requested;
- (e) Narrative statements establishing and substantiating the justification for the variance pursuant to division (B)(1) below;
- (f) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
- (g) Payment of the application fee as established by Council;

## **Creston, Ohio -- Code of Ordinances**

(h) Any other documents deemed necessary by the Zoning Inspector.

(2) Upon receipt of a written request for variance, the Zoning Inspector shall within a reasonable amount of time make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Inspector shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

(B) (1) *Review by the Board.* According to the procedures established for appeals in § 152.289(B), the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this code and evidence demonstrates that the literal enforcement of this code will result in practical difficulty. The following factors shall be considered and weighed by the Board.

(a) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

**115**

(b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

(c) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.

(d) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance.

(e) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup.

(f) Whether special conditions or circumstances exist as a result of actions of the owner.

(g) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

(h) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

(i) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

## Creston, Ohio -- Code of Ordinances

(2) *Board authority.* The Board of Zoning Appeals has no authority to authorize a change in the use of any parcel of land.

(C) *Additional conditions and safeguards.* The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.

(D) *Action by the Board.* The Board shall either approve, approve with supplementary conditions as specified in division (C) above, or disapprove the request for variance. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

(E) *Approval by Council.* A variance shall be granted and have effect only following approval by Council. A certified copy of the resolution of the Board granting such variance shall be filed with the Clerk of Council. If, within the 30-day period next succeeding such filing, Council by a majority vote disapproves the Board's action in granting the variance, the variance shall be void and shall not be issued, otherwise it, together with any additional conditions imposed by Council, becomes and is in full force and effect on the day succeeding the 30-day period. However, should Council approve the action of the Board within the 30-day period, the variance becomes in full force and effect from the date of the approval.

(F) *Term and extension of variance.* Variances shall be nonassignable and shall expire one year from the date of their enactment, unless prior thereto, the applicant commences actual construction in accordance with the granted variance. There shall be no modification of variances except by further consideration of the Board of Zoning Appeals. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to this section.  
(Ord. 96-9, passed 6-3-96)

### § 152.291 AMENDMENTS.

(A) *Authority.* Whenever the public necessity, convenience, general welfare, or good zoning practices require, Council may by ordinance amend, revise, rearrange, renumber or recodify this zoning code or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in this zoning code and subject to the procedures provided by law.

(B) *Initiation.* Amendments to the zoning code may be initiated in one of the following ways:

(1) By the filing of an application to the Planning Commission by at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by the amendment;

American Legal Publishing Corporation

## **Creston, Ohio -- Code of Ordinances**

- (2) By the adoption of a motion by the Planning Commission;
- (3) By the passage of a resolution by Village Council.

(C) *Map amendments.* A map amendment initiated by at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by the amendment shall be submitted and reviewed according to the following:

(1) *Application requirements.* Applications for amendments to the zoning map adopted as part of this code shall contain at least the following information:

(a) The name, address and phone number of the applicant and the property owner if other than the applicant;

(b) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;

(c) A statement of the reason(s) for the proposed amendment;

(d) Present use and zoning district;

(e) Proposed use and zoning district;

(f) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;

(g) A list of the names and addresses of the owners of properties lying within 200 feet of any part of the property on which the zoning amendment is requested;

(h) Evidence that the existing zoning code is unreasonable with respect to the particular property and it deprives the property owner of lawful and reasonable use of the land; or evidence that the proposed amendment would materialize in an equal or better land use;

(i) A statement on the ways in which the proposed amendment relates to the Master Plan;

(j) The payment of the application fee as established by Council.

(2) *Referral to Planning Commission.* After the filing of an application by an owner, lessee of property or developer with an option on such property, the Zoning inspector shall transmit the application to the Planning Commission for its consideration and recommendation.

(3) *Recommendation by Planning Commission.* The Planning Commission

**American Legal Publishing Corporation**

### **Creston, Ohio -- Code of Ordinances**

shall recommend one of the following. The decision of the Planning Commission shall indicate the specific reasons upon which the recommendation is based.

- (a) That the amendment be granted as requested;
- (b) That the amendment be granted as modified by the Planning Commission, or
- (c) That the amendment be denied.

**118** (4) *Public hearing and notice by Council.* Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public hearing on the proposed amendment. Notice of the public hearing shall be given by Council by at least one publication in one or more newspapers of general circulation in the village. The notice shall be published at least 30 days before the date of the required hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. During such 30 days, the text of the proposed amendment, maps or plans, if applicable, and the recommendations of the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

(5) *Notice to property owners by Council.* If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least 20 days before the day of the public hearing to all owners of property within 200 feet of such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Clerk/Treasurer's mailing list, and to such other list or lists that may be specified by Council. The notice shall contain the same information as required of notices published in newspapers as specified in division (C)(4) above.

(6) *Action by Council.* After the public hearing required by division (C)(4) above, Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification. In the event Council adopts the recommendation of the Planning Commission, concurrence by a majority of the full Council members shall be required. In the event Council denies the recommendation of the Planning Commission, concurrence by five Council members shall be required. Any such proposal may be amended prior to the voting thereon by Council without further notice or postponement, if such amendment to the proposal shall be germane to the subject matter and is in accordance with the recommendation of the Commission.

(D) The Planning Commission on its own initiative may, by the passage of a motion, recommend to Village Council changes in the zoning code and zoning map. After the Planning Commission has made a recommendation to Village Council, Council shall follow the procedures for review and hearing of the proposed amendment as set forth in § 152.291(C)(4) through (C)(6).



### **Creston, Ohio -- Code of Ordinances**

(E) Amendments to the zoning code or zoning map initiated by the passage of a resolution by Village Council shall comply with the following:

(1) *Referral to Planning Commission.* After the adoption of a resolution by Council, the resolution shall be referred to the Planning Commission for its consideration and recommendation.

(2) *Recommendation by Planning Commission.* The Planning Commission shall recommend one of the following:

(a) That the amendment be granted as requested;

(b) That the amendment be granted as modified by the Planning Commission; or

(c) That the amendment be denied. The decision of the Planning Commission shall indicate the specific reasons upon which the recommendation is based. The Planning Commission shall be allowed a reasonable time, not less than 30 days, for consideration and report. If the Planning Commission does not make a recommendation on a resolution passed by Council within 60 days, and the time for responding is not extended by Council, Council shall determine that the recommendation of the Planning Commission is that the amendment be denied.

**119**

(3) *Public hearing and action by Council.* After receiving a recommendation from the Planning Commission, Council shall follow the procedures for review and hearing of the proposed amendment as set forth in § 152.291(C)(4) through (C)(6).  
(Ord. 96-9, passed 6-3-96)

***Statutory reference:***

*Notice and hearing on municipal zoning measures and approval by the Council, see R.C. § 713.12*

### **§ 152.292 ENFORCEMENT BY ZONING INSPECTOR.**

The provisions of this zoning code shall be enforced by the Zoning Inspector.  
(Ord. 96-9, passed 6-3-96)

### **§ 152.293 CERTIFICATES TO BE USED AS AUTHORIZED.**

Zoning certificates issued by the Zoning Inspector on the basis of approved plans and applications authorize only the use and arrangement set forth in such approved plans and applications, or amendments. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this code.  
(Ord. 96-9, passed 6-3-96)

## **Creston, Ohio -- Code of Ordinances**

### **§ 152.294 VIOLATION PROCEDURES.**

(A) *Violations a nuisance.* Buildings erected, altered, moved, razed, or converted, or any use of land or premise carried on in violation of any provision of the zoning code are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of the zoning code which are observed by any village official shall be reported to the Zoning Inspector.

(B) *Complaints.* Any citizen may file a written complaint with the Zoning Inspector to report an alleged violation of the zoning code. Such written complaint shall fully state the causes and basis of such complaint.

(C) *Inspection.* The Zoning Inspector shall inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in alleged violation of any of the provisions of this zoning code and shall, in writing, order correction of all conditions which are found to be in violation of this zoning code.

(D) *Correction period.*

(1) All violations shall be corrected within 30 days after the written order is issued unless a longer period of time is indicated by the Zoning Inspector in the written order.

(2) Any violations not corrected within the specified period of time shall be reviewed with the Law Director who shall advise regarding prosecution procedures.  
(Ord. 96-9, passed 6-3-96)

# **CONDITIONAL ZONING CERTIFICATES**

## **§ 152.310 CONDITIONAL ZONING CERTIFICATES REQUIRED.**

When a proposed use is permitted as a conditional use in the zoning district in which it is proposed to be located, as set forth in the district regulations, a conditional zoning certificate is required and the application for such conditional zoning certificate shall be submitted and reviewed according to the following.

(A) *Submission of application.* The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Inspector an application for a conditional zoning certificate accompanied by payment of the required fee established by Council. The application for a conditional zoning certificate shall disclose all uses proposed for the development, their location, extent and characteristics and shall include, unless parts are not applicable or necessary and are waived by the Zoning Inspector for certain types of projects, a site plan and associated documentation as required in the following:

(1) An accurate legal description prepared by or certified by a registered surveyor of the state;

(2) A property location map showing existing property lines, easements, utilities and right-of-ways;

(3) A development plan indicating:

(a) Use, location and height of existing and proposed buildings and structures, including accessory buildings, structures and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights;

(b) Location and configuration of off-street parking and loading areas, the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;

(c) Adjacent streets and property including lot lines, buildings, parking and drives within 200 feet of the site;

(d) Proposed and existing fences, walls, signs, lighting;

(e) Location and layout of all outdoor storage areas including storage of waste materials and location of trash receptacles;

(f) Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management; and

(g) Dimensions of all buildings, setbacks, parking lots, drives and walkways.

(4) Topographic maps with sufficient elevations to show existing and generally proposed grading contours, and major vegetation features, including wooded areas;

(5) Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and elements and the existing trees to be removed;

(6) Summary table showing total acres of the proposed development; number of acres devoted to the proposed use including streets and open space; number of dwelling units by type; and

(7) Other features necessary for the evaluation of the development plan as deemed necessary by the Zoning Inspector or Planning Commission.

(B) *Review for completeness.* The Zoning Inspector shall review the application for completeness with the submission requirements prior to the application being placed on the agenda of the Planning Commission.

(C) *Commission review of conditional uses.* The application shall be transmitted to the Planning Commission, at which time the Planning Commission may then distribute the application to appropriate administrative departments for review and comment. Administrative review should be completed and any reports or comments submitted to the Planning Commission prior to the time of the Commission's review.

(D) *Public hearing and general notice by Planning Commission.* The Planning Commission shall hold a public hearing on the application. Notice of such public hearing shall be given in one or more newspapers of general circulation in the village at least ten days before the date of the public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use.

(E) *Notice to parties of interest.* A written notice of the public hearing shall be mailed by the Zoning Inspector, by first class mail, at least ten days before the date of the public hearing to the applicant, the owner of the property, if different from the applicant, and to all property owners within 200 feet of the lot on which the conditional use is proposed. The notice shall contain the same information as required in § 152.310(D).

(F) *Review criteria.*

(1) The Planning Commission shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the use is appropriate and in keeping with the purpose and intent of this zoning code. In making such a determination, the Planning Commission shall find that both criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in §§ 152.100 through 152.166 shall be satisfied by the establishment and operation of the proposed use.

(2) In addition, the Planning Commission shall review the plan for the proposed conditional use according to the following review criteria:

(a) The plan is consistent with any plan for the orderly development of the village;

(b) The appropriate use and value of property within and adjacent to the area will be safeguarded;

(c) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;

### **Creston, Ohio -- Code of Ordinances**

(d) The development will have adequate public service, parking and open spaces;

(e) The plan, to the extent practical, will preserve and be sensitive to the natural characteristics of the site;

(f) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property; and

(g) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and shall comply with any applicable regulations or design criteria established by the village or any other governmental entity which may have jurisdiction over such matters.

(h) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

(i) The Commission may require such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

**123**

(G) *Action by Planning Commission.* The Planning Commission shall take one of the following actions:

(1) If the proposed conditional use is found to be appropriate, the Planning Commission shall recommend that Council, by resolution, approve a conditional zoning certificate. As part of the recommendation, the Planning Commission may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of this code for the protection of nearby property and the public health, safety, and general welfare of the community.

(2) If the proposed use is found to be not in compliance with the specifications of this zoning code, the Planning Commission shall recommend the denial of the conditional zoning certificate.

(3) If the Planning Commission does not act on the application for a conditional use permit within 60 days from the first Planning Commission meeting at which such was a business item, then the application shall be deemed to have been disapproved; provided, however, that the applicant may waive this time limit and consent to the extension of such period in which event he or she shall give notice of waiver to the Planning Commission. Any extension shall be mutually agreed upon and shall not bind the Planning Commission from acting at any time.

(H) *Council review.* Following action by the Planning Commission, the application for the conditional zoning certificate, along with the Planning Commission's recommendation,

**Creston, Ohio -- Code of Ordinances**

shall be submitted to Council for confirmation.

(I) *Action by Council.* Council, by majority vote, may enact a resolution granting a conditional zoning certificate recommended by the Planning Commission. A conditional zoning certificate which violates, differs from or departs in substantive form from the recommendation of the Commission shall not take effect unless approved by five members of Council. If Council fails to act within 120 days from when the application was determined complete, or an extended period of time as may be agreed upon, the applicant may assume that the application has been denied.

(J) *Supplementary conditions.* Council may impose such additional conditions and safeguards as deemed necessary for the general welfare, for the protection of individual property rights and for ensuring that the intent and objectives of this zoning code are observed.

(K) *Terms and duration.* A conditional zoning certificate shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved. The conditional zoning certificate is nonassignable and shall expire one year from the date of enactment, unless substantial progress is accomplished or as otherwise specifically approved by Planning Commission and Council. The breach of any condition, or requirement shall automatically invalidate the conditional zoning certificate granted and shall constitute a violation of the zoning code. Such violation shall be punishable as per § 152.999.

(L) *Reapplication.* An application for a conditional zoning certificate which has been denied wholly or in part by the Planning Commission or Council and is resubmitted to the Commission shall comply with all the requirements of this section, including payment of the required fee.

(Ord. 96-9, passed 6-3-96)

**§ 152.999 PENALTIES AND FINES.**

(A) It shall be unlawful to:

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

(2) Use or occupy any parcel of land or use or occupy a new building or make an enlargement or substitution or other change in the use or occupancy of any land or building without a zoning certificate or conditional zoning certificate indicating compliance of this zoning code from the Zoning Inspector;

(3) Aid, assist, or participate with any person in placing, building, erecting, altering, remodeling, restoring or rebuilding any building or structure which is not permitted by the provisions of this zoning code;

American Legal Publishing Corporation

## **Creston, Ohio -- Code of Ordinances**

(4) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this zoning code or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated;

(5) Continue construction, renovation, or improvements contrary to a stop work order or notice of violation;

(6) Refuse to permit the Zoning Inspector to enter any premises in the village to investigate a reported violation of the provisions of this zoning code or refuse or fail to furnish to the Zoning Inspector a statement as to the number of persons occupying such premises; or

(7) Knowingly make any materially false statement of fact in an application to the Zoning Inspector for a zoning certificate or conditional zoning certificate or in the plans or specifications submitted to the Zoning Inspector in relation to such application.

(B) The owner or owners of any building or premises or part thereof where a violation of the zoning code shall be placed or shall exist, any tenant or occupant of such building or premises, and/or contractor who shall assist in the commission of any such violation, and any person who shall violate any of the provisions or non-compliance be deemed guilty of a misdemeanor and upon conviction, be fined not more than \$500. Each day such violation or failure to comply shall exist shall constitute a separate offense. After the first offense, the fine shall be not less than \$50 nor more than \$500.

(Ord. 96-9, passed 6-3-96)





**PLANNING COMMISSION MEETING**  
**March 28, 2001**  
**AMENDMENT PASSED BY COUNCIL 9/4/2001**  
**ORDINANCE 01-7**

**Cm/member Dana Hooser motioned and member Phil Apel seconded to recommend to Council to amend Schedule 152.037 to be as follows:**

	<b>R-1 One-Family</b>	<b>R-2 One-Family</b>	<b>MF-1 Multi-Family</b>
<b>Minimum lot size</b>	<b>11,250 sq. ft.</b>	<b>7,500 sq. ft.</b>	<b>One-half acre</b>
<b>Maximum Density</b>			<b>6 units per acre</b>
<b>Minimum lot width at building line</b>	<b>85 feet</b>	<b>50 feet</b>	<b>100 feet</b>
<b>Minimum lot width at street right-of-way line</b>	<b>50 feet</b>	<b>See §152.037 (C)</b>	<b>70 feet</b>

**152.037**

**(C) *Additional yard requirements for the R-2 District.*** In the R-2 District the minimum lot width at the street right-of-way line shall be consistent with existing lots within 300 feet of the new lot being created or a minimum of 50 feet, whichever is more.

**Roll Call**

**All Present - For**

**Motion Carried**



**PLANNING COMMISSION MEETING**  
**April 26, 2000**  
**AMENDMENT PASSED BY COUNCIL 7/3/2000**  
**ORDINANCE 00-6**

Cm./member Dana Hooser motioned and Mayor/member Terry Eagle seconded to recommend to Council to approve the amendment of section 152.038 C, as proposed by Kris Hopkins as follows :

**152.038 Minimum Yard Requirements for Principal Uses.**

(A) \*\*\*

(B) \*\*\*

(C) *Front Yards on partially built-up blocks.*

*Whenever 50% or more of the frontage within 300 feet of the lot is occupied by buildings, then the minimum required front yard shall be the average of the existing front yards along the same side of the street within 300 feet of the lot.*

(D) \*\*\*

**Roll Call**

**5 For - 0 Against**

**Motion Carried**

*Italicized letter indicate amended areas*

\*\*\* Indicates no change in section



PLANNING COMMISSION MEETING  
April 26, 2000  
**AMENDMENT PASSED BY COUNCIL 7/3/2000**  
**ORDINANCE 00-6**

Mayor/member Terry Eagle motioned and member Phillip Apel seconded to recommend to Council to approve the amendment of section 152.041 (B)(1), as proposed by Kris Hopkins as follows :

**152.041 Accessory Use Regulations for One-Family Districts.**

(A) Permitted Accessory uses. \*\*\*

(B) *Accessory building Regulations.*

An accessory building in an R-1 or R-2 District shall conform to the regulations set forth in this section.

1) Location in yard.

Accessory buildings shall be permitted to be located in a side and rear yard *and shall comply with the minimum setback requirements set forth below for the district in which the accessory building is located.*

(a) *R-1 Districts. In an R-1 district, accessory buildings shall be located no closer than 10 feet to the side or rear lot line, except that when the owner of the property adjacent to such side or rear lot line agrees in writing the accessory building shall be permitted to be located no closer than 5 feet to the side or rear lot line.*

(b) *R-2 Districts. In an R-2 district, accessory buildings shall be located no closer than 5 feet to the side and rear lot line.*

2) Location by buildings. \*\*\*

Roll Call

5 For - 0 Against

Motion Carried

Member Mark Suppes motioned and Mayor/member Terry Eagle seconded to recommend to Council to amend section 152.041 D)-3 of the zoning to include the regulations for green space within the R-2 district to read as follows:

152.041-D ...

(3) No person..... driveway or parking lot.

a) Parking Within Front and Side Yard within the R-2 District. Open, off-street parking areas may be permitted in the front and side yard, provided that no more than 50% of the total front yard is utilized for parking. Driveways, off-street parking areas, and turning areas shall be a minimum of one foot from a side lot line.

Roll Call

All Present - For

Motion Carried

*Italicized letter indicate amended areas*

\*\*\* Indicates no change in section



# Creston Codified Zoning Ordinance Schedule 152.056 Amendment

## Creston-Land Usage

(D) Schedule 152.056. Permitted uses.

Permitted Uses	R-B Retail Business	G-B General Business	I-1 Industrial
<b>Office Use</b>			
Professional, administrative and business offices	P	P	P
Medical office	P	P	
Sales office provide only samples are displayed and stored on lot			
Banks, financial institutions, without drive-thru	P	P	
<b>Business Uses</b>			
Stores or shops for conducting retail business in wholly enclosed building	P	P	
Personal Services	P	P	
Restaurants without drive-thru	P	P	
Funeral homes		P	
Shops, studios for skilled craftsmen, including woodworking and cabinetry		P	
Outdoor display		CU	
Outdoor storage		CU	
Residential dwelling units located above the first in a commercial building	CU		
<b>Auto-Oriented</b>			
Gasoline station	CU	P	
Service and repair garage		P	
Drive-thru facilities in association with a permitted use	CU	P	
Motor vehicle sales		P	
<b>Industrial Uses</b>			
Manufacturing			P
Assembly			P
Warehousing			P
Wholesale distributors			P
Outdoor storage			P
Storage flammable and combustible liquids			CU
<b>Recreational Uses</b>			
Indoor Commercial Recreation	P	P	P
Outdoor Commercial Recreation	P	P	P
<b>Institutional Uses</b>			
Churches	CU	P	
Public safety facilities, libraries and other semi-public uses	CU	P	P
Public administration	P	P	P
Public service facilities		P	P
<b>Other</b>			
Oil and Gas Wells		CU	

(Ord. 98-8, passed 6-3-96)

Date Amendment Passed by Council

9-4-2001

Ordinance 01-7





**Creston Codified Zoning Ordinance**  
**Section 152.062 Amendment**  
**Passed by Council 9/4/2001**  
**Ordinance 01-7**

**152.062 Supplemental Regulations for Recreational Uses**

**(A) Indoor Commercial Recreation**

The proposed use shall not generate excessive noise beyond the premises. In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District during all hours.

- (1) Rifle ranges, skeet shooting ranges, pistol ranges and other activities involving the use of firearms shall not be permitted.
- (2) No outside sales of refreshments, souvenirs and/or concession stands shall be permitted.
- (3) An adequate number of public restrooms shall be provided and maintained.

**(B) Outdoor Commercial Recreation**

- (1) The Planning Commission may require active recreation areas to be enclosed by a fence having a minimum height of five feet.
- (2) The proposed use shall not generate excessive noise, odor, dust or smoke, beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved and impose additional noise reduction measures including but not limited to mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District during all hours.
- (3) Rifle ranges, skeet shooting ranges, pistol ranges and other activities involving the use of firearms shall not be permitted.
- (4) No outside sales of refreshments, souvenirs and/or concession stands shall be permitted.
- (5) All activities, programs and other events shall be directly related to the special use permit so granted and shall be adequately and properly supervised so as to not present any hazards and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
- (6) An adequate number of public restrooms shall be provided and maintained.



# FLOODPLAIN OVERLAY DISTRICT

## § 152.075 PURPOSE

The Floodplain Overlay District is established to achieve the general purpose of this zoning code, as stated in §152.001 through §152.006, to protect human life and health; to minimize expenditure of public money for costly flood control projects and rescue and relief efforts; to ensure that potential buyers are notified that property is in an area of special flood hazard; to minimize private losses; and to ensure that those who occupy areas within the Floodplain Overlay District assume responsibility for their actions.  
(Ord. 96-9, passed 6-3-96)

## § 152.076 DEFINITIONS

For the purpose of this "FLOODPLAIN OVERLAY DISTRICT", Sections §152.075 through §152.088, the following words and phrases shall have the meanings ascribed to them respectively and shall supersede duplicate definitions in Section §152.008 "DEFINITIONS OF GENERAL TERMS" OF "CHAPTER 152 ZONING".

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**"Accessory Structure"** means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**"Appeal"** means a request for review of the \_\_\_\_\_'s interpretation of any provision of this ordinance or a request for a variance. (local administrator)

**"Area of Special Flood Hazard"** means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.

**"Basement"** means any area of the building having its floors subgrade (below ground level) on all sides.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*"Development" comment:*

*The NFIP Regulations require that all proposed developments within the special flood hazard area, or 100-year floodplain, must be reviewed to determine if the activity falls within the scope of the local flood damage prevention regulations. In addition to "structural" development proposals (e.g. New construction and improvements to existing structures), "Nonstructural" developments (e.g. filling, grade alterations, excavations, and mining or drilling activities) must be reviewed through the local permit process to ensure that the developments will not be affected by floodwaters and not adversely affect the flow of the floodwaters. Other examples of development activities include storage of materials and equipment, dredging operations, and paving.*

**"Federal Emergency Management Agency" (FEMA)** means the agency with the overall responsibility for administering the National Flood Insurance Program.

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from :

- a. the overflow of inland or tidal water, and/or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Insurance Rate Map" (FIRM)** means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

**Passed by Council 11/20/2000 Ordinance 00-8**



# FLOODPLAIN OVERLAY DISTRICT

**"Flood Insurance Study"** means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*"Floodway" comment:*

*The floodway consists of the channel and adjacent overbank area that conveys most of the flood flow. The boundaries of the floodway were determined through engineering studies that calculated the expected increase in flood heights resulting from existing and future developments in the floodplain. NFIP standards restrict increases in flood height to no more than one foot. The allowable increase is found in the Flood Insurance Study under Section 4.2, Floodways, and is usually one foot; however, some earlier flood studies have been completed using a 0.5 foot increase.*

**"Historic Structure"** means any structure that is:

- a. Listed individually in the Natural Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservations Office; or
- d. Individually listed on the inventory of historic places maintained by

---

*(local unit)*

whose historic preservation program has been certified by the Ohio Historic Preservation Office.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, is considered a building's lowest floor, provided that such enclosure is built in accordance with the applicable design requirements specified in this ordinance for enclosures below the lowest floor.

*"Historic Structure" comment:*

*For more information about a structure's historic designation please contact The Ohio Historic Preservation Office, (614-297-2470).*

*"Lowest Floor" comment:*

*The NFIP regulations require that the lowest floor, including basement, of residential structures be elevated to or above the base flood elevation, and that nonresidential structures be elevated or floodproofed to at least the 100-year flood elevation. For enclosed areas below the lowest floor of a structure, storage of materials not covered under the Standard Flood Insurance Policy are not recommended.*

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

*"Manufactured Home" comment:*

*Ohio law (ORC Section 3733.02) states that the Public Health Council shall have exclusive power to make rules and issue licenses over manufactured homes parks. You may contact the local health board, or the Ohio Department of Health to find out whether a manufactured home park fall under their exclusive jurisdiction.*

*Generally speaking, all manufactured homes used as primary residences are subject to regulations (including flood damage prevention standards) adopted by the Public Health Council. One or two manufactured homes, or manufactured home parks that do not meet the Public Health Council definition of "primary resident", i.e. occupied by the same person(s) for at least 120 days per year must conform to this ordinance.*



# FLOODPLAIN OVERLAY DISTRICT

**"Manufactured Home Park"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.

**"Manufactured Home Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.

**"New Construction"** means structures for which the "start of construction" commenced on or after the initial effective date of the Wayne and Medina Counties Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

**"Overlay District"** means a district described by the zoning maps and superimposed on other districts, within which further regulations apply in addition to those of the underlying districts to which such designation is added.

**"Recreational Vehicle"** means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Start of Construction"** means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations of the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

**"Structure"** means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

*"Substantial Damage" comment:*

*Structures which have sustained serious damage from any source to the extent the cost of repair would exceed 50 percent or more of the market value of the structure before the damage occurred, must conform to the flood damage prevention standards of the ordinance. Effective June 1, 1997 communities must also enforce a cumulative substantial damage provision to identify structures which have sustained repetitive losses, or damage from at least two flood events within a ten-year period for which the cost of repairs at the time of each flood event averages at least 25 percent or more of the market value of the structure before the damage occurred. Flood insurance policy holders within a community adopting this provision benefit by obtaining NFIP "Increased Cost of Compliance" coverage as to allow for additional claims payments to bring a flood damaged structure into compliance with the regulations. The community permit official must obtain estimates of damage costs and market value for each structure within the Special Flood Hazard Area damaged by flooding, regardless of the scope of damage. For more information about this provision, contact the Division of Water.*





# FLOODPLAIN OVERLAY DISTRICT

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- a. Any project for improvement of a structure to correct existing violations of state of local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
- c. Any improvement to a structure which is considered new construction.

**"Variance"** means a grant of relief from the standards of this ordinance consistent with the variance conditions herein.

**"Violation"** means the failure of a structure or other development to be fully compliant with this ordinance.

## **§ 152.077 BOUNDARIES OF FLOODPLAIN OVERLAY DISTRICT.**

The boundaries of the Floodplain Overlay District shall include all areas of the special flood hazard within the jurisdiction of the village. The areas of special flood hazard within the village have been identified by the Federal Emergency Management Agency, and are identified on the Flood Insurance Rate Maps entitled Wayne County, Ohio and Incorporated Areas, Panel 35, dated May 17, 1989 and Medina County, Ohio (Unincorporated Areas) Panel 105 of 110, dated August 15, 1983. The areas appearing on this map which have been identified as areas of special flood hazard shall be considered the Floodplain Overlay District within the village. The Flood Insurance Rate Maps entitled Wayne County, Ohio and Incorporated Areas, Panel 35 dated May 17, 1989, and any FEMA revision thereto is hereby adopted by reference and declared to be part of this zoning code, and is on file at the Clerk of Council's office. (Ord. 96-9, passed 6-3-96)

## **§ 152.078 COMPLIANCE.**

Unless specifically exempted from filing a zoning certificate as stated in §152.081, no structure, fill, development, or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this zoning code. (Ord. 96-9, passed 6-3-96)

## **§ 152.079 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this zoning code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply land outside the areas of special flood hazards or uses permitted within such as areas will be free from flooding or flood damages. Therefore, this code shall not create liability on the part of the Village, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this code or any administrative decisions lawfully made there under. (Ord. 96-9, passed 6-3-96)

## **§ 152.080 ZONING CERTIFICATE APPLICATION REQUIREMENTS.**

- (A) A zoning certificate shall be obtained before any construction, development, substantial improvement (as defined in §152.076), extension, conversion, or enlargement begins within the Floodplain Overlay District established in this zoning code. Application forms for a zoning certificate shall be made on forms furnished by the Zoning Inspector. In addition to the general zoning requirements of §152.288, an application for a zoning certificate for a property within the Floodplain Overlay District shall include, but not be limited to:



# FLOODPLAIN OVERLAY DISTRICT

- a. Complete plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;
  - b. Existing or proposed structures;
  - c. Fill;
  - d. Storage of materials;
  - e. Drainage facilities; and
  - f. The location of the foregoing.
- (B) Specifically, the following information is required:
- a. Elevation in relations to mean sea level of the lowest floor, including basement, of all proposed structures;
  - b. Certification by a registered professional engineer or architect stating that the provisions of § 152.085 (B)(3) have been met; and
  - c. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. (Ord. 96-9, passes 6-3-96)

## § 152.081 EXEMPTION FROM FILING A ZONING CERTIFICATE.

An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000. Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this ordinance.

## § 152.082 DUTIES & RESPONSIBILITIES OF THE ZONING INSPECTOR.

For the purposes of this zoning code, the Zoning Inspector shall have the following duties in addition to the duties summarized in § 152.281:

### *(A) Permit Review.*

- a. Review all zoning certificate applications to assure that all necessary permits have been received from those federal, state, and local governmental agencies from which prior approval is required. That applicant shall be responsible for obtaining such permits as required.
- b. Review all developments to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Insurance Rate Map entitled Wayne County, Ohio and Incorporated Areas, Panel 35, dated May 17, 1989 and Medina County, Ohio (Unincorporated Areas) Panel 105 of 110, dated August 15, 1983. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the provisions of § 152.086 are met.
- c. Require, if necessary, any certification other than that required in § 152.085(B)(3) that verifies compliance with the standards of § 152.084 and 152.085.

### *(B) Use of other base flood elevation and floodway data.*

- a. Areas of special flood hazard, where base flood elevation data have not been provided by the Federal Emergency Management Agency, are designated as Zone A on the Flood Insurance Rate Maps.
- b. Within these areas, the Zoning Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this zoning code.

### *(C) Information to be obtained and maintained.*

- a. Where base flood elevation data are utilized within areas of special flood hazard on the Flood Insurance Rate Maps, regardless of the source of such data, the following provisions apply:
- b. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain an enclosure below the lowest floor.
- c. For all new or substantially-improved floodproofed structures:
  - 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
  - 2. Maintain the floodproofing certifications required in § 152.085(B)(3).
- d. Maintain for public inspection all records pertaining to the provisions of this zoning code.

**Passed by Council 11/20/2000 Ordinance 00-8**



# FLOODPLAIN OVERLAY DISTRICT

## (D) *Alteration of watercourses.*

- a. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alternation or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- b. Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. (Ord. 96-9, passed 6-3-96)

## § 152.083 VARIANCE PROCEDURES.

### (A) *Board of Zoning Appeals.*

- a. When evaluating requests for variances, the Board of Zoning Appeals shall consider, in addition to the requirements of § 152.290, all technical evaluations, all relevant factors, standards in other sections of this zoning code, and the following:
  1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  6. The necessity to the facility of a waterfront location, where applicable;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the food plain management program for the area;
  9. The safety of access to the property in timse of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

### (B) *Conditions for variances.*

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (A)(1) through (11) in this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section provided that it will not preclude the structures continued designation as a historic structure and will be the minimum required to preserve it's historic character and design.
- c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon:
  1. A showing of a good and sufficient cause;
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this code, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances.



# FLOODPLAIN OVERLAY DISTRICT

- f. Any Applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 96-9, passed 6-3-96)

## § 152.084 GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION.

Within the Floodplain Overlay District the following standards are required:

(A) *Anchoring.*

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from the hydrodynamic and hydrostatic loads, including the effects of buoyancy. For manufactured homes, see §152.085(D)(1).

(B) *Construction material and methods.*

- a. All new construction and substantial improvement shall be constructed with materials resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(C) *Utilities.*

- a. All new and replaced water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- b. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood water; and
- c. Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) *Subdivision proposals.*

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage and grading provided to reduce exposure to flood damage;
- d. Base flood elevation data shall be provided for subdivision proposals;
- e. A zoning certificate for any subdivision which contains land within the Floodplain Overlay District, shall not be given unless the plat and development plans shows the boundary of the Floodplain Overlay District and contains in clearly discernable print the statement that such land is restricted by §152.075 through §152.087 of this zoning code. (Ord. 96-9, passed 6-3-96)

## § 152.085 SPECIFIC STANDARDS.

In addition to the general provisions of §152.084, the following specific standards are required within the Floodplain Overlay District.

(A) *Residential construction.*

- a. In areas of Zone A where base flood elevation data are not available from any source, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the flood of record or at least one foot above the highest adjacent natural grade, whichever is greater. (Two feet would result in significantly lower cost for Flood Insurance.) Where base flood elevation is utilized, new construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to at least one foot above the base flood elevation.





# FLOODPLAIN OVERLAY DISTRICT

## (B) *Nonresidential construction.*

- a. In areas of Zone A where base flood elevation data are not available from any source, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to the flood of record or at least one foot above the highest adjacent natural grade, whichever is greater. (Two feet would result in significantly lower cost for Flood Insurance.) Where base flood elevation is utilized, new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including the basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
  1. Be floodproofed so that below grade the structure is water tight with walls substantially impermeable to the passage of water to the above Zone A or base flood elevation requirements.
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this section. Such certification shall be provided to the official as set forth in  $\delta$  152.080(B).

## (C) *Accessory structures.*

- a. An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 500 square feet or less in gross floor area. Such structures must meet the encroachment provisions of  $\delta$  152.086 and the following additional standards:
  1. They shall not be used for human habitation;
  2. They shall be designed to have low flood damage potential and constructed of flood resistant materials;
  3. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
  4. They shall be firmly anchored to prevent flotation; and,
  5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to one foot above the base flood elevation; and
  6. They shall meet the opening requirements of  $\delta$  152.085(E)(1)(2)(3).

## (D) *Manufactured homes and recreational vehicles.*

- a. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home park requirements of Section 3733.01, Ohio Revised Code: Where the provisions of this section conflict or overlap with state law, whichever imposes the more stringent restrictions shall prevail.
  1. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
  2. Manufactured homes shall be elevated on a permanent foundations such that the lowest floor of the manufactured home is one foot above the base flood elevation. In areas of Zone A where base flood elevation data are not available from any source, manufactured homes shall have the lowest floor elevated to the flood of record or at least one foot above the highest adjacent natural grade, whichever is greater. (Two feet would result in significantly lower cost for flood insurance.)
  3. Necessary surface drainage and easy access for manufactured home haulers shall be provided in manufactured home parks.
  4. Load bearing foundation supports must be placed on stable soil or concrete footings no more than ten feet apart, and if the support height is greater than 72 inches, the support must contain steel reinforcement.

## (E) *Enclosures below the lowest floor.*

- a. The following standards apply to all new and substantially improved residential and nonresidential non-basement structures which are elevated to the base flood elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters. Fully enclosed areas below the lowest floor that



# FLOODPLAIN OVERLAY DISTRICT

are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

1. Be certified by a registered professional engineer or architect; or,
2. Must meet or exceed the following criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;
  - b. The bottom of all openings shall be no higher than one foot above grade; and
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
3. Any enclosure which meets these criteria shall be considered as having met the requirements of § 152.084(A).

**(F) *Water supply and sanitary sewer systems.***

- a. Whenever any portion of a proposed development is located within the Floodplain Overlay District, the agency or agencies responsible for certifying the adequacy of the water supply and sewage disposal system for the village shall be notified. Such agency shall certify that any new water supply or sanitary sewer system is adequately designed to minimize or eliminate infiltration of flood waters into it, to eliminate discharge from sewer into floodwater, and to avoid impairment during times of flooding.

**(G) *Drainage and erosion control.***

- a. Whenever any portion of a floodplain is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive forces of the base flood.
- b. To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- c. All developments shall be provided with a drainage system that prevents retention of surface water on the development site, unless the retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.
- d. No surface water may be channeled or directed into a sanitary sewer.  
(Ord. 96-9, passed 6-3-96)

## **§ 152.086 FLOODWAYS.**

The Flood Insurance Rate Maps referenced in § 152.077 identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas.

**(A) *Encroachments.***

- a. No encroachments, including fill, new construction, substantial improvements, and other development shall be permitted in a floodway.

**(B) *Artificial obstructions.***

- a. Any obstruction other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream, shall not be located in a floodway, except as provided in § 152.086(C)

**(C) *Permissible uses within floodways.***

- a. Permitted uses within a floodway are limited to the following:
  1. Agriculture, as defined in § 152.008.
  2. Ground level parking and loading areas.
  3. Public and private parks.

**(D) *Improvements permitted within floodways.***

- a. Maintenance work, such as roofing, painting, and basement sealing, and improvements which are not substantial, as defined in § 152.076, shall be permitted within floodways.  
(Ord. 96-9, passed 6-3-96)



**PLANNING COMMISSION MEETING**  
**April 26, 2000**  
**AMENDMENT PASSED BY COUNCIL 7/3/2000**  
**ORDINANCE 00-6**

**Member Mark Suppes motioned and Cm./member Dana Hooser seconded to recommend to Council to approve the amendment of section 152.241 as follows :**

**152.241 Factory Built Housing.**

**(A) \*\*\***

- 1) *Manufactured Home. A building unit or assembly of closed construction that is fabricated in an off-site facility, designed to be used as a permanent dwelling unit, and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974." 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.***

**(B) *Site Requirements. Any factory-built housing proposed to be located in any residential district shall be permanently sited on the parcel in compliance with the following requirements:***

- 1) *The structure shall be installed upon and properly attached to a permanent masonry, or concrete full basement or crawl space encompassing the perimeter that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line. Such permanent foundation shall comply with the building requirements for single-family dwellings and be approved by the Village Building Inspector.***

**2) \*\*\***

**3) \*\*\***

**4) \*\*\***

- 5) *The site and the dwelling unit shall be connected to and serviced by utilities including plumbing, heating, air conditioning, and electrical systems in such manner as required by this code.***

**(C) \*\*\***

**(D) \*\*\***

**Roll Call**

**5 For - 0 Against**

**Motion Carried**

*Italicized letter indicate amended areas*  
\*\*\* Indicates no change in section



**PLANNING COMMISSION MEETING**  
**April 26, 2000**  
**AMENDMENT PASSED BY COUNCIL 7/3/2000**  
**ORDINANCE 00-6**

**Amendment 4:** Amend the Zoning Code to add regulations specifying the procedures governing the subdivision of land. Sections 152.501 through 152.504 shall be adopted to read as follows:

**"§ 152.501 PURPOSE AND INTENT OF SUBDIVISION REGULATIONS.**

**It is the purpose and intent of the Creston Subdivision Regulations to ensure the creation of sound, buildable lots in the Village. In particular, it is the intent of the Village Council to ensure that lots that are created under these regulations are suitable and appropriate as sites for homes, businesses, industry and community facilities.**

**§ 152.502 REGULATION OF SUBDIVISIONS.**

**No person shall subdivide land except in accordance with all of the provisions of this code.**

- (A) *Procedures.*** The regulation of and procedures for approval of the subdivision of land in the Village of Creston are set forth in Sections 152.502 through 152.504.
- (B) *Planning Principals and Design Standards.*** All lots created after the adoption of these subdivision regulations shall comply with the requirements established in the Creston Zoning Code and with the Planning Principles and Design Standards set forth in Chapter 206 of the Wayne County Subdivision Regulations, adopted September 8, 1999, which is hereby adopted by reference. In the event that any provision of Chapter 206 of the Wayne County Subdivision Regulations conflicts with a requirement of the Creston Zoning Code, the provisions of the Creston Zoning Code shall prevail.
- (C) *Dedication of drainage easements.***
  - (1) *General requirement.*** When a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided

**PLANNING COMMISSION MEETING**  
**April 26, 2000**  
**AMENDMENT PASSED BY COUNCIL 7/3/2000**  
**ORDINANCE 00-6**

Section B) of the agenda was a review of the Major and Minor Subdivision procedures that were revised from those discussed in the meeting on March 29, 2000. The sections were read over and explained in detail by Kris Hopkins of D.B. Hartt. Ms. Hopkins informed the commission that more wording was added and more research done to complete the revisions. Attached is the revision of the subdivision procedures for major and minor lot splits. There are two amendments to the revisions that were discussed in the meeting:

- 1) Section 152.503 D 1 (c) - page 7 under the Major Subdivision Procedures should read as follows:  
  - (c) A one-year maintenance bond as required in subsection F below is submitted to the Village;
- 2) Various areas throughout Section 152.504 - pages 8, 9 & 10 of the Minor Subdivisions Procedures states "sketch plan" rather than "sketch plat". It was decided that they should all be referred to as "Sketch Plat" to avoid confusion.

Mayor/member Terry Eagle motioned and member Mark Suppes seconded to recommend to Council to approve the amendment of the zoning code to include sections 152.501 through 152.504 pertaining to the Major and Minor Subdivision Procedures as proposed by Kris Hopkins from D. B. Hartt with the amendments as follows :

- 1) Section 152.503 D 1 (c) - page 7 under the Major Subdivision regulations should read as follows:  
  - (c) A one-year maintenance bond as required in subsection F below is submitted to the Village;
- 2) Various areas throughout Section 152.504 - pages 8, 9 & 10 of the Minor Subdivisions Procedures states "sketch plan" rather than "sketch plat". It was decided that they should all be referred to as "Sketch Plat" to avoid confusion.

Roll Call

3 For - 0 Against

Motion Carried

**THIS AMENDMENT SECTION IS SUB-NUMBERED FOR REFERENCES**  
**WITH THE MOTION STATED ABOVE.**  
**THE SUB-SECTION NUMBERING BEGINS WITH**  
**PAGE 4 AND GOES TO PAGE 14.**

**THANK YOU.**

*Italicized letter indicate amended areas*  
**\*\*\* Indicates no change in section**



an unobstructed stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width as will be adequate to permit continued maintenance of the watercourse.

- (2) ***Drainage easements.*** Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-ways, perpetual unobstructed easements at least 20 feet in width shall be provided across property outside the right-of-way lines and with satisfactory access to the road.
  - (3) ***Indication of easements on plats.*** Easements shall be indicated on the Preliminary and Final Plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.
- (D) ***Definitions.*** For the purposes of these regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) ***Major subdivision.*** Any subdivision which is not a minor subdivision
  - (2) ***Minor subdivision.*** The subdivision of one parcel of land into two parcels each fronting on an existing public street, which does not involve the opening, widening, or extension of any street.
  - (3) ***Lot combination.*** A lot combination means the joining of two or more lots into one lot or parcel.
  - (4) ***Lot realignment.*** Lot realignment means an alteration of the boundaries between or among existing lots that does not result in an increase in the number of lots.
  - (5) ***Plat.*** A map of a lot, tract or subdivision on which the lines of each element are shown by accurate distances and bearings.
  - (6) ***Final plat.*** A map of all or a portion of a subdivision, with accompanying material, intended for final approval and recording, on the basis of which land can be transferred, leased or encumbered.
  - (7) ***Preliminary plat.*** A drawing for the purpose of study of a major subdivision and which, if approved, permits proceeding with the preparation of the Final Plat.

- (8) *Sketch plat.* A sketch map of a proposed minor subdivision or lot combination to be used for the purpose of review prior to preparation of the Final Plat.

**§ 152.503 PROCEDURE FOR APPROVAL OF MAJOR SUBDIVISIONS.**

No major subdivision shall be recorded prior to approval by the Village. The procedure for such approval is as follows:

- (A) *Preliminary Plat Required.* The applicant shall submit a Preliminary Plat to be reviewed and approved prior to submission of a final plat.

- (1) *Preapplication meeting.* The applicant shall meet with the Zoning Inspector prior to submitting a preliminary plat for formal consideration. The purpose of this meeting is to discuss informally requirements of these regulations and the requirements of the Zoning Code.

- (2) *Preliminary Plat Submission.* The applicant shall submit a preliminary plat application for review along with the required application fees at least 10 days prior to a scheduled Planning Commission meeting. The preliminary plat application shall include the following:

- (a) Preliminary plat. The drawing shall include the following:

1. The layout, right-of-way and pavement widths, approximate grades and names of proposed streets and abutting existing streets, including the location of pavements and sidewalks;
2. The location, width and purpose of all other public right-of-ways and easements;
3. The approximate dimensions and number of proposed lots; and each lot's proposed use.
4. Existing zoning districts, lot size and yard requirements and proof of any variance which may have been granted or deed restrictions.
5. Sites to be reserved or dedicated for parks, playgrounds or other public uses;
6. Existing structures on the parcel and within 50 feet of adjoining property, and proposed building setback lines.
7. The bearings and distances of the parcel to be subdivided; and

8. Contours at two-foot intervals based on the county datum plane and showing the approximate direction and gradient of the ground slope on immediately adjacent land; the subsurface condition of the tract if not typical; and the watercourses, marshes, wooded areas, isolated preservable trees and other significant features. This map may be compiled by photogrammetric methods.
  - (b) Location map of the Village or part thereof, showing thereon the location of the proposed subdivision and the relationship to adjacent development and all community facilities, which serve or influence it.
  - (c) Utility map showing existing utilities on and adjacent to the tract, including the water and gas mains and the location of fire hydrants and electric power and telephone poles, and proposed utility rights-of-way and easements, including their location, width and purpose.
  - (d) Titles and certificates indicating present parcel designations according to official records, the name of the developer, the name and address of the owners, certification of a registered surveyor, the scale and the date of the survey.
  - (e) Protective Covenants. An outline of any protective covenants proposed to regulate and protect the development.
  - (f) Other Preliminary Drawings. The Planning Commission may require additional preliminary drawings showing information such as street profiles and grades, a typical cross section of the proposed roadway, proposed sanitary and storm sewers and water service, or the prospective street system of adjacent land owned by the developer.
- (3) *Review by others*. Upon receipt of a complete application package, the Zoning Inspector shall circulate the Preliminary Plat to the Board of Public Affairs, Village Engineer, and other applicable and relevant departments and/or public agencies. The applicant shall pay any cost related to the review of the proposed plat by the Village Engineer. Any comments shall be submitted to the Planning Commission prior to the Planning Commission's meeting at which the preliminary plat is scheduled to be considered.
  - (4) *Planning Commission and Council action*. The Planning Commission and Council shall review the preliminary plat according to the

procedures set forth for conditional uses in Sections 152.310(D) through 152.310(I).

- (B) **Construction plans.** A set of construction plans for all improvements shall be prepared by a registered engineer and submitted with the final plat to the Village for review and approval. Construction plans shall comply with the design and construction standards set forth in the Wayne County Subdivision Regulations. Such construction plans shall receive approval from the Village prior to installation and before approval of the final plat. Construction plans shall include the following:

- (1) A centerline profile of each proposed street showing proposed grade.
- (2) A plan of each proposed street, showing the width of pavement, location and width of sidewalks and location and size of utility mains.
- (3) Plans and profiles of proposed sanitary and storm sewers showing pipe sizes and the location of valves, fire hydrants, water services and lot acreage to centerlines of adjacent streets.
- (4) A drainage plan showing all existing and proposed storm sewers, manholes, catch basins, watercourses, culverts and underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades and waterway openings indicated thereon. The drainage plan shall show the method to be used for the adequate disposal of all storm water, including drainage outlets and such other data as may be required by the Village.

- (C) **Final plat.** Following approval of the preliminary plat, the applicant shall submit a final plat for review and approval prior to recording. The final plat shall address one or more phases of the approved preliminary plat.

- (1) **Final plat submission requirements.** The final plat application shall incorporate all modifications prescribed by Council in the preliminary plat approval. The proposed final plat shall be drawn by a professional engineer or surveyor at a scale of 1" = 50' (sheet size 24" x 36") and shall include the following:

- (a) Subdivision name, original lot and parcel number;
- (b) Property line survey and control points showing all dimensions, angles and bearings are to be referred to control points.
- (c) Lines and boundaries: centerlines and right-of-way lines of streets, easements and other rights-of-way, natural and artificial watercourses, streams, shorelines, corporation lines,

- and property lines of all lots and parcels with distances, radii, arcs, chords, and tangents of all curves (nearest one-hundredth of a foot), bearings or deflection angles (nearest second);
- (d) **Streets:** names and right-of-way width of each street within proposed subdivision and those adjoining;
  - (e) **Building set-back lines** accurately shown with dimensions;
  - (f) **Lot numbers** approved by Clerk Treasurer prior to recording of plat;
  - (g) **Total site data**, including acreage, number of residential lots, typical lot size, and acres of open space;
  - (h) **Land for public use** showing boundaries and use of all parcels which are to be dedicated or reserved for public use or easements;
  - (i) **Monuments:** location and description of those found, set, or to be set;
  - (j) **Existing and proposed covenants, restrictions, or agreements** containing references thereto;
  - (k) **Notations indicating the following:**
    - (1) **Certification by Owners.**
    - (2) **Certification by Surveyor.**
    - (3) **Approval by Planning Commission and Council.**
    - (4) **Filing date with County.**
- (2) ***Final plat and construction plan review.*** Upon determining that the application is complete, the Zoning Inspector shall circulate the final plat and the construction plans to relevant public agencies for review and comment. Any comments shall be submitted to the Planning Commission prior to the Commission's meeting at which the final plat is scheduled to be considered. The review of the final plat and the construction plans may occur separately or concurrently.
- (3) ***Planning Commission consideration.*** The Planning Commission shall recommend approval or disapproval of the final plat and/or construction plans within 60 calendar days of receipt of a complete application unless a continuation of the Planning Commission's deliberations is agreed to by the applicant.

- (4) ***Confirmation by Council.*** Following action by the Planning Commission, the final plat application and construction plans, along with the Planning Commission's recommendation, shall be submitted to Council for confirmation. Council, by majority vote, may approve, approve with minor modifications or disapprove the recommendation of the Planning Commission. If Council fails to act within 60 days from when the application was determined complete, or an extended period as may be agreed upon, the applicant may assume that the application has been denied.

  - (a) The approval of the final plat by the Council shall be effective immediately following the meeting at which approval is granted, but may not be recorded until all signatures have been placed on the plat.
  - (b) If the final plat is disapproved, the applicant shall refile the plat with the required corrections.
- (5) ***Approval not an acceptance of dedication.*** Approval of a final plat by the Planning Commission and Council shall not be an acceptance by the public of the dedication of any street, highway or other way or open space upon the plat.
- (D) ***Procedures for Village's acceptance of public improvements.*** All improvements shall be completed prior to acceptance or rejection by Council of all public land, public streets, etc., shown on the final plat for dedication.

  - (1) No plat shall be accepted for dedication consideration until the following conditions are met:

    - (a) Upon final inspection, the public improvements shall be found to be built according to the approved construction plans and are in good repair;
    - (b) "As built" construction plans are submitted to the Village;
    - (c) A one-year maintenance bond as required in Subsection F below is submitted to the Village;
  - (2) The procedure for dedication is as follows:

    - (a) Applications for acceptance of dedication shall include the original drawing of the final plat approved by the Planning Commission and Council.

- (b) Upon receipt of an application, the Clerk of Council shall place it on the agenda of the next regular Council meeting. The filing date of the application shall be the date of the meeting.
  - (c) Following review of the application, Council shall, within 30 days, accept or reject for dedication all or part of the public land, public streets, etc., shown on the final plat. The Mayor and the President of Council shall certify acceptance of dedication on the original tracing of the final plat. Following recording, the developer shall furnish the Engineer with a duplicate tracing at no cost to the City. The Engineer shall then notify the Zoning Inspector, in writing, that building permits in the subdivision may be issued.
- (E) *Construction of buildings.* No building permit in a major subdivision shall be issued by the Zoning Inspector until all improvements leading to that lot are completed and approved by the Village.
- (F) *Maintenance Bonds.* For a period of one year from the date the constructed improvements were accepted by the Village, the subdivider shall make such repairs or replacements as may be required by reason of defective workmanship or material. The subdivider shall furnish the Village with a bond or a certified check for ten percent (10%) of the actual construction cost of such improvements. At the end of the one-year period, the Superintendent shall inspect the improvements and determine that the improvements are in good repair prior to releasing the maintenance bond.
- (G) *Recording of the Final Plat.* Once a final plat has been approved by the Planning Commission and Council, the original drawing shall be returned to the applicant for all modifications as required. Once complete, the original drawing shall be forwarded to the Zoning Inspector for processing.
  - (1) All Final Plats shall be recorded within 12 months of the date of approval. Final Plats may not be recorded until all required signatures of officials have been placed on the Final Plat. If not recorded, all Final Plats shall officially expire within 12 months of having been signed by the appropriate Village officials.
  - (2) Once the Final Plat has been properly signed by Village officials, the applicant can file the Final Plat with the County Tax Map Office, which shall process the Final Plat within seven working days of its submittal, prior to its recording. Once processed by the Map Office, the Final Plat will be forwarded to the County Recorder's office, which will have 10 working days to complete recording of the Final

**Plat.** Once recorded, the original tracing of the Final Plat shall be filed with the Tax Map Office.

**§ 152.504      PROCEDURE FOR APPROVAL OF MINOR SUBDIVISIONS OR OF A COMBINATION OR REALIGNMENT OF LOTS.**

**No minor subdivision or combination or realignment of lots shall be recorded prior to approval by the Village. The procedure for such approval is as follows:**

**(A)    *Application review.*** The applicant shall submit a sketch plat to the Zoning Inspector for a determination of whether the approval process authorized by this section can be and should be utilized. The Zoning Inspector may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided or combined and all lots previously subdivided from the tract of land in the previous five years.

**(B)    *Submission of application.*** An application for approval of a minor subdivision or a combination or realignment of lots shall include the following items, with the number of copies as determined by the Zoning Inspector:

**(1)    An application for approval of minor subdivision or combination or realignment of lots certified by the developer along with the required fee;**

**(2)    A sketch plat at a scale of 1" = 50' showing:**

**(a)    Original lot and parcel number;**

**(b)    Names, addresses, and telephone numbers of owners and subdivider;**

**(c)    Sketch of parcel(s) proposed to be subdivided showing bearings and distances and all contiguous land of same ownership and land within 100 feet therefrom, all based on available record data;**

**(d)    Existing zoning district, lot size and yard requirements, and proof of any variance that may have been granted, or deed restrictions.**

**(3)    If this is an application for a minor subdivision, the applicant shall also include:**

**(a)    A sketch plat of the existing streets, utilities, easements, and other conditions on or within 100 feet of the proposed**



subdivision, such as watercourses, marshes, structures, or other significant features;

- (b) Statement and sketch of how sewage disposal and water supply will be provided.

**(C) *Sketch plat approval.***

- (1) The Zoning Inspector shall determine if the proposed division of land complies with the following:

- (a) The lots shall be properly integrated with adjoining developments or could be properly coordinated with the subdivision and extension of streets to adjoining land, and

- (b) The lots shall comply with the planning principles and other sections of these regulations, the Zoning and other Codes and plans of the Village, and

- (2) If the layout is satisfactory and all maps, plans and data comply with subsection (C)(1) above, the Zoning Inspector shall approve the sketch plat. Such approval authorizes the property owner to prepare the final plat for review and approval by the Planning Commission and Council as set forth in subsection (E) below.

- (3) A notation to that effect shall be made on the sketch plat by the Zoning Inspector. Three prints of the approved sketch plat shall be made for the Commission by the developer.

- (D) *If Not Approved.* If the Zoning Inspector determines it is a major subdivision or the sketch plat is not approved for other reasons, the Zoning Inspector shall state the conditions that shall be complied with before it will be approved.

- (E) *Final Plat Required.* After approval of a sketch plat, the developer shall submit a final plat to the Zoning Inspector for review.

- (1) *Final Plat requirements:* Application for final plat review shall include the following:

- (a) The final plat drawn at a scale of 1" = 50' showing the following:

- 1. Original lot and parcel number;
      - 2. Names, addresses, and telephone numbers of owners and subdivider;
      - 3. Property line survey;

4. Dimensions, angles and bearings of proposed lots, to be referred to as control points.
  5. Illustration of all contiguous land of same ownership and land within 100 feet therefrom, all based on available record data;
  6. Existing zoning district, lot size and yard requirements, and proof of any variance that may have been granted, or deed restrictions.
  7. Building set-back lines accurately shown with dimensions;
  8. Monuments: location and description of those found, set, or to be set;
- (b) A plan of the existing streets, utilities, easements, and other conditions on or within 100 feet of the proposed subdivision, such as watercourses, marshes, structures, or other significant features;
- (c) Statement and sketch of how sewage disposal and water supply will be provided.
- (2) *Review of the final plat.* The Zoning Inspector shall transmit a completed final plat application for review to relevant public agencies, the Planning Commission and if required, the Village Engineer. The applicant shall pay any cost related to the review of the proposed plat by the Village Engineer.
- (a) The application and any report or comments from public agencies and the Engineer (if applicable) and the recommendation of the Planning Commission shall be transmitted to Council. Council shall approve, conditionally approve or disapprove the application.
- (b) The approval shall expire within 120 days unless the plat has been filed and recorded in the office of the County Recorder and the Village has been so notified by the applicant in writing."

Ordinance No. ....

Passed.....January 19, 1999..

**ORDINANCE NO. 99-3**

**AN ORDINANCE OF THE VILLAGE OF CRESTON, WAYNE AND MEDINA COUNTY, OHIO, REQUIRING VISIBLE STREET ADDRESS NUMBERS ON BUILDINGS WITHIN THE VILLAGE OF CRESTON.**

**WHEREAS**, not all buildings in the Village have readily visible street numbers, and

**WHEREAS**, this can create a dangerous situation when police, fire or EMS personnel are responding to emergencies.

**NOW, THEREFORE**, be it ordained by the Council of the Village of Creston, Wayne and Medina Counties, Ohio.

**SECTION ONE**

The owner of any building upon any street shall place or cause to be placed the street address number assigned by the Village in a conspicuous place on the front of such building. The number shall be a minimum of three and a half inches high, shall be in a contrasting color with the front of the building and shall not be in script. If the building is more than fifty feet from the curb, the property shall also be numbered at the driveway within twenty feet of the street right of way. The provisions of this section shall apply to buildings built either before or after its effective date. The provisions of this section apply only to the main building at each premise and does not apply to accessory buildings, such as garages or storage buildings.

**SECTION TWO**


Council finds that the continued existence of buildings not in conformity with this ordinance would constitute a nuisance and danger to the safety of persons and property in the Village of Creston and, therefore, this Ordinance shall be fully applicable to buildings constructed prior to its taking effect.

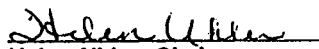
**SECTION THREE**

Anyone who violates this Ordinance shall be guilty of a minor misdemeanor and shall be fined not more than \$100.00. Each day of violation shall constitute a separate offense.

**SECTION FOUR**

This Ordinance shall go into force and be in effect from and after the earliest period allowed by law.

  
MAYOR

  
Helen Uhler, Clerk

I, Helen Uhler, Clerk of the Village of Creston, Wayne County, Ohio, hereby certify that this is a true and correct copy of the Ordinance as adopted by the Village.

  
Helen Uhler, Clerk

