

COLDWATER, OHIO
ZONING ORDINANCE
NO. 1661

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ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING FOR ALL OF THE
INCORPORATED AREA OF COLDWATER, OHIO

ARTICLE I PURPOSE AND TITLE

Sec. 100 Purpose

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

Sec. 105 Title

1. This ordinance shall be known as the Coldwater, Ohio Zoning Ordinance and may be referred to as the Zoning Ordinance.

Sec. 110 Interpretation and Conflict

1. in their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this Ordinance shall govern

ARTICLE II GENERAL PROVISIONS

Sec. 200 Repeal of Existing Code

1. The Village of Coldwater Zoning Code of Ordinance Number 971 and the Coldwater Zoning Map now in effect in Coldwater, Ohio, not otherwise adopted as part of this Zoning Code, are hereby repealed.

Sec. 205 Nonconforming Uses

1. Any legal use of structure or land lawfully existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions of this Ordinance. This nonconforming lawful use of a structure may be extended throughout those existing parts of the structure which were arranged or designed for such use. No non-conforming structure shall be moved, extended, enlarged, or structurally altered, except when authorized by the Board of Zoning Appeals in accordance with the provisions of this Zoning Ordinance as hereinafter provided.
2. Whenever the lawful use of a structure or land becomes non-conforming through a change in the Zoning Ordinance or in the district boundaries, such use may be continued subject to the same limitations and the same conditions set forth above.
3. A nonconforming lawful use which has been damaged by fire, explosion, act of God, or the public enemy may be reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within two years of the date of such damage and provided that the new building use or structure shall not contain more than the original space of the replaced building, use, or structure and shall conform to all building regulations of the Village.

4. If a nonconforming use is abandoned for two (2) years, any new use must conform with all provisions of the zoning district in which such use is located and all other provisions of this Zoning Ordinance.

Sec. 210 Restoring Unsafe Buildings

1. Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by any Building Inspector or Village Official, or prevent said Official from requiring compliance with lawful requirements.

Sec. 215 Pending Applications for Building Permits

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

Sec. 220 Newly Annexed Areas

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

Sec. 225 Greater Restrictions Prevail

1. Where this Zoning Ordinance imposes greater restrictions than are imposed or required by other provisions of law or ordinance, the provisions of this Zoning Ordinance shall prevail.

Sec. 230 Compliance with Zoning Ordinance

1. A lot may be used and a structure altered, occupied, or used only as this Zoning Ordinance permits.

Sec. 235 Validity

1. If any article, section, clause, provision, or portion of this Zoning Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision, or portion of the Zoning Ordinance which is not in itself invalid or unconstitutional.

Sec. 240 Location of Districts

1. The boundaries for the districts listed in this Zoning Ordinance are indicated on the Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with Zoning Map amendments which shall be adopted by ordinance.
2. Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map any Zoning Boundaries shall be determined by scaling. Scaling disputes shall be determined by the Board of Zoning Appeals.
3. When a district boundary divides a lot in a single ownership existing at the time of enactment of this Zoning Ordinance, the use authorized on, and the district requirements of, the least restricted portion of such lot shall be construed as extending to the entire lot, provided that such extension shall not include any part of the lot which is more than fifty (50) feet from the district boundary line.

Sec. 245 Zoning Map

1. The Zoning Map and any Zoning Map amendment shall be prepared by authority of the Village Council. The map or amendment shall be dated with the effective date of the Ordinance that adopts the map or amendment.
2. A print of the adopted map and any subsequent map amendments shall be maintained in the office of the Village Clerk and Zoning Officer.

ARTICLE III ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

Sec. 300 Classification and Purpose of Districts

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

<u>District</u>	<u>Purpose</u>
(R-1) RURAL RESIDENTIAL	For very low density residential development and other appropriate uses in areas that are relatively undeveloped.
(R-2) SUBURBAN RESIDENTIAL	For low-density single-family residential development; new duplexes on large lots may also be permitted by Conditional Permit of the Zoning Board.
(R-3) URBAN RESIDENTIAL	For medium density single-family residential areas of the Village which are generally characterized as being the older portions of the Village and having smaller lots. Some limited apartment development may be permitted by Conditional Permit of the Zoning Board and conversion of older single-family residential structures to two-family units may also be permitted as a conditional use.
(R-4) APARTMENT RESIDENTIAL	For apartment development in areas which possess satisfactory site conditions, including availability of and access to Village services and good street access. A maximum of 4 dwelling units per lot is allowed by Ordinance 1396.
(R-O) RESIDENTIAL OFFICE	For areas where limited mixed land uses exist and are considered to be compatible with one another. Only dwellings and those uses which are reasonably compatible with residential development are permitted.
(C-1) SUBURBAN OFFICE	For areas where offices and institutions can locate independently or in clusters in one or more buildings that are surrounded by open landscaped areas and provided with adequate parking facilities. The site(s) selected for these uses should be situated near residential neighborhoods or the rural countryside and separated from the traffic of retail, wholesale, and industrial areas in the Village.
(C-2) COMMUNITY COMMERCIAL	For the concentration of a broad range of individual commercial establishments which together constitute an area of general commercial activity. Auto oriented uses such as service stations, automobile dealerships, and heavy equipment services may be permitted by conditional use when deemed compatible with the other uses within the district and preserves the character and aesthetics of the district.

(C-3) COMMUNITY SERVICE	Intended for service, repair, and certain processing establishments that serve the entire community. Potential sites shall, when practical, be situated along major highways and located in areas where compatible uses can be developed with minimal adverse effects on each other, on surrounding land uses, and on local traffic flows.
(I-1) RESTRICTED INDUSTRIAL	For those industrial uses which can be compatibly operated within or in very close proximity to residential areas. These establishments shall be clean; quiet; void of such nuisances as odor, dust, and smoke; operate primarily within enclosed structures; and generate little industrial traffic. Outside storage is prohibited.
(I-2) GENERAL INDUSTRIAL	For those industrial uses generally requiring large sites and an extensive range of services and facilities, including adequate access to highly developed and integrated transportation facilities. Industrial uses in this classification typically operate from enclosed structures and often maintain large open storage and service areas where part of the production process may take place.
(PD) PLANNED DEVELOPMENT	For projects that either are unique in use or are not provided for in other zoning districts. Such projects may include residential projects, mobile home parks, recreational complexes, and commercial or industrial parks, and shall be built only in accord with plans that are approved by the Village Council after extensive review and public hearings.
(FP) FLOOD PLAIN	For areas which may be subject to periodic flooding; development should be restricted so as to minimize the potential for loss of life or health and damage to public and private property.
(PW) PUBLIC WORKS	To protect large public and semi-public land holdings for various municipal uses.

ARTICLE IV USE REGULATIONS

Section 400 Permitted Uses, Section 401 Conditional Uses

1. The Permitted and Conditional Uses for each District are outlined in the following pages. Uses given in the following zoning districts shall be interpreted according to the definitions established in this Zoning Ordinance. Uses which cannot be clearly and easily interpreted as permitted by any definition given in this Ordinance shall be determined by the Board of Zoning Appeals. Uses not specifically listed or not interpreted as being included in the zoning districts shall not be permitted except by Amendment or Exception to this Zoning Ordinance. Conditional uses shall only be permitted after a public hearing and approval by the Board of Zoning Appeals as required by Article XIII of this Zoning Ordinance.

R-1, RURAL RESIDENTIAL

Permitted Uses

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

Conditional Uses Requiring Board Approval

Two-family dwellings
Nurseries (child care)
Nursing homes
Cemeteries
Commercial recreation facilities
Farm vacation enterprises
Vacation or seasonal homes
Mortuaries
Kennels or animal hospitals
Television or radio stations, transmitters or towers
Institutions
Tourist homes
Public service facilities

R-2, SUBURBAN RESIDENTIAL

Permitted Uses

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

Conditional Uses Requiring Board Approval

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

R-3, URBAN RESIDENTIAL

Permitted Uses

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

Conditional Uses Requiring Board Approval

Two-family dwellings
Multiple-family dwellings having no more than four units
Non-commercial recreation facilities
Semi-public uses
Public service facilities

R-4, APARTMENT RESIDENTIAL

Permitted Uses

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

Conditional Uses Requiring Board Approval

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

R-O, RESIDENTIAL OFFICE

Permitted Uses

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

Conditional Uses Requiring Board Approval

Multi-family dwellings
Mixed-use dwelling
Office and similar uses as determined appropriate and compatible by the Board
Commercial recreation facilities
Public service facilities

C-1, SUBURBAN OFFICE

Permitted Uses

Professional health, legal, and social services
Finance, insurance, and real estate services
Membership organizations
Essential services
Accessory uses
Public uses
Semi-public uses
Non-commercial recreation facilities
Drug stores

Conditional Uses Requiring Board Approval

Public service facility
Other uses determined by the Board to be appropriate and compatible with Permitted uses

C-2, COMMUNITY COMMERCIAL

Permitted Uses

All Permitted Uses in the C-1, Suburban Office District Retail trade establishments, but limited to:

Paint, glass, and wallpaper stores
Hardware stores
Variety stores
Miscellaneous general merchandise stores
Grocery stores
Meat and fish markets
Fruit stores and vegetable markets
Candy, nut, and confectionery stores
Dairy products stores
Retail bakeries
Clothing and related furnishing stores
Shoe stores
Furniture, home furnishings, and equipment stores
Household appliances stores
Radio, television, and music stores
Eating and drinking places
Drug stores
Liquor stores
Watch, clock, and jewelry repair
Retail stores not elsewhere classified
Finance, Insurance, and Real Estate Services
Other Professional, Personal, Social, and Entertainment Services
Essential Services
Accessory Uses
Public Uses
Semi-public Uses
Non-commercial Recreational Facilities

Conditional Uses Requiring Board Approval

Residential dwellings, as determined to be compatible with other uses in the district

Mixed-use dwellings

Drive-in facility or open display uses

Automobile parking

Bowling, Billiard, and pool establishments

Public service facility

Commercial recreational facilities

Other uses determined by the Board to be appropriate and compatible with Permitted uses

C-3, COMMUNITY SERVICE

Permitted Uses

All Permitted Uses in C-1, Suburban Office District and C-2, Community Commercial Districts

Retail Trade Establishments, but limited to:

Lumber and other building material dealers

Retail nurseries and lawn and garden supply stores

Mobile home dealerships

Automobile, Motorcycle, and Boat dealers

Tire, battery, and auto accessory dealers

Gasoline service stations and other Fuel and ice dealers

Recreational and utility trailer dealers

Services, but limited to:

Laundry and dry cleaning establishments

Services to dwellings and other buildings

Automobile rental and leasing

Automobile services, except repair

Electrical repair shops

Re-upholstery and furniture repair

Essential services and Accessory uses

Public uses and Semi-public uses

Public service facility

Non-commercial and Commercial recreational facilities

Conditional Uses Requiring Board Approval

Residential dwellings, as determined compatible with other uses in the area and utilizing structures existing at the time of passage of this Zoning Ordinance

Landscape services and Construction establishments

Manufacturing establishments, but limited to:

Food processing firms

Publishing and related services

Commercial printing

Motor freight transportation and warehousing

Wholesale trade establishments

Services, but limited to:

Research and development laboratories

Automotive repair shops

Miscellaneous repair shops including welding

Drive-in motion picture theaters

Other uses as determined by the Zoning Board to be appropriate and compatible with Permitted Uses

I-1, RESTRICTED INDUSTRIAL

Permitted Uses

Construction establishments
Office and laboratories
Research and testing facilities
Manufacturing establishments, but limited to:

Miscellaneous food processing; except slaughtering and processing of animals and poultry
Textile and related mills
Clothing products
Furniture products
Publishing and printing
Paper and paperboard products
Footwear
Luggage
Leather goods; except raw hides or skins, tanning, curing, or storage
Glass products
Household appliances
Communication equipment
Electronic components
Electrical machinery
Scientific instruments
Medical, dental, and optical instruments
Musical instruments
Photographic equipment
Sporting and athletic goods

Essential services
Accessory uses
Public service facility
Non-commercial recreational facilities

Conditional Uses Requiring Board Approval

Other uses as determined appropriate and compatible by the Board

I-2, GENERAL INDUSTRIAL

Permitted Uses

All Permitted Uses in I-1, Restricted Industrial Districts Manufacturing establishments meeting nuisance requirements
Grain elevators and feed mills
Manufacture, sale, and storage of building materials
Wholesale and warehousing activities
Transport and trucking terminals
Equipment storage and sales
Restaurants and Recreational facilities
Essential services and Accessory uses
Public service facilities

Conditional Uses Requiring Board Approval

Junk storage and sales
Other uses as determined appropriate and compatible by the Board

PD, PLANNED DEVELOPMENT (Requires Zoning Board of Appeals Approval)

Permitted Uses

Mobile home parks and Recreational vehicle parks
Large recreational complexes having several types of recreational uses
Industrial parks
Housing projects over five (5) acres or twenty-five (25) dwelling units
Commercial centers
Combinations of the above uses
Facilities needed in support of any of the above uses, including:
Shopping, schools, churches, clubs, parks, and water and/or sewer treatment facilities
Home occupations
Essential uses
Accessory uses
Public uses
Public service facilities

Conditional Uses Requiring Board Approval

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

PW, PUBLIC WORKS

Permitted Uses

Agriculture
Public Recreation: Recreational facilities developed, used, and/or maintained by public agencies for use by the public.
Public Works: Public Works facilities developed, used, and/or maintained by public agencies.
Any use or structure customarily accessory to any PW District permitted use

Conditional Uses Requiring Board Approval

Airports
Cemeteries
Non-Commercial Recreation
Commercial Recreation
Educational Institutions
Religious Places of Worship

ARTICLE V LOT AND YARD REQUIREMENTS

Sec. 500 Yard, Area, and Height Requirements for Dwellings

1. Table 1 establishes the minimum yard, area, and height requirements for dwellings and structures accessory to dwellings by district.

Sec. 505 Yard, Area, Height and Lot Coverage Requirements for all Buildings other than Dwellings

1. Table 2 establishes the yard, area, lot coverage, and height requirements for all buildings except dwellings and structures accessory to dwellings by district.

Sec. 510 Existing Lots of Record

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

Sec. 515 Lot Review by County Board of Health

1. Prior to issuance of any Zoning Permit for any residential, commercial, industrial, public or semi-public structure when central water and/or sewage disposal facilities are not available or not used, the County Board of Health shall be requested to establish the minimum lot area for any permitted or conditional uses in all districts, but in no case shall the lot area be less than those specified in Table 1 or Table 2 for the various districts.
2. If in the opinion of the County Board of Health the development of any such lot or lots, regardless of size, would lead to the creation of a serious health threat, then all Zoning Permits for such lot or lots shall be withheld and development not permitted until and unless an agreement for appropriate health safeguards can be reached between the owner or his agent, the Village Council, and the County Board of Health.

Sec. 520 Application of Yard Requirements

1. In any Residential District there shall be a side yard of at least thirty (30) feet in width adjacent to the street line of each corner lot, provided that this regulation does not reduce the buildable width of a corner lot of record at the time of passage of this Ordinance to less than twenty-five (25) feet.
2. Structures and accessory structures, whether open or closed, such as garages and carports, shall be considered a part of the structure to which they are attached and shall not project into any required front, side, or rear yards except as permitted in this Zoning Ordinance.
3. When the rear lot line is adjacent to any alley, garages and other accessory structures may be constructed in the required rear yard but shall not be closer than 5' from the side lot line without the written permission of the neighboring property owner, nor closer than 4' from the rear lot line.
4. Wrecked and/or inoperable motor vehicles and repair equipment shall not be located in front of the building line (or in front of the side building line on corner lots) in any district. Reference Ordinance No. 1428

ARTICLE VI SPECIAL PROVISIONS

Sec. 600 Exceptions to Use Regulations

1. In any Residential District, the Use Regulations shall not be held to prevent the renting of rooms or lodgings, or the serving of meals for compensations, to not more than six (6) persons.
2. In any C-3 Community Service District, a service station for the storage and services of fuel or lubricating oil for motor vehicles may be established, erected, or enlarged, provided:
 - a. None of its equipment shall be placed closer to any lot line than fifteen (15) feet.
 - b. No portion of the same or any of its equipment shall be located closer than fifty (50) feet to any Residential District.
3. Only one residential building shall be erected or maintained on each lot.

Sec. 605 Exceptions to Yard, Area, and Height Regulations

The following architectural features may project into required yards as hereinafter set forth.

1. Into any required front yard, rear yard, or required side yard adjoining a street side lot line.
 - a. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding three (3) feet.
 - b. Fire escapes may project a distance not exceeding four (4) feet, six (6) inches.
 - c. An uncovered stair and necessary landings may project a distance not to exceed seven (7) feet, provided that such stair and landing do not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.
 - d. Bay windows, balconies, and chimneys may project a distance not to exceed three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the wall on which they are located.
2. Subject to the conditions specified above, the above named feature may project into any required side yard a distance not to exceed two (2) feet.
3. In an R-3 District the side yard requirements may be reduced to six (6) feet for each side yard when a garage or carport is attached to the side of the dwelling.
4. In measuring the width and depth of side or rear yards, in cases where the rear lot line is not parallel with or the side lot lines are not perpendicular to the street line, average dimensions may be used.

Sec. 610 Limitation on Keeping Animals, Fowl, and Bees (ref: Ordinance 1521 exotic animals)

1. The following regulations shall govern the keeping of cows, horses, sheep or goats and bees on lots that are less than five (5) acres of land in area. All larger lots or parcels shall be exempt from these limitations.
2. Cows, horses, sheep, or goats shall not be kept on lots having an area less than five (5) acres.
3. Chickens, fowl, and/or rabbits shall not be kept on lots having less than one (1) acre. The total number of such chickens, fowl, and/or rabbits or any combination thereof shall not exceed one for each 500 square feet of property over one (1) acre. No roosters over the age of six (6) months, which neighbors can hear, shall be kept. The number of young chickens, fowl and/or rabbits (under the age of six (6) months) allowed on the property at any one time shall not exceed three times the allowable number of chickens, fowl, and/or rabbits over the age of six (6) months.

4. Colonies of bees cannot be kept on lots having less than one (1) acre. The total number of colonies of bees allowed on a lot shall be limited to one colony for each 1,000 square feet of lot area over one (1) acre.
5. Animal runs or barns, chicken, fowl, and/or rabbit pens, and colonies of bees shall be restricted as follows:
 - a. Animal runs or barns—no closer than 150 feet from the front property line nor closer than 100 feet from any neighboring dwelling.
 - b. Chicken, fowl, and/or rabbit pens—no closer than 100 feet from the front property line nor closer than 100 feet from any neighboring dwelling.
 - c. Colonies of bees—no closer than 100 feet from the front property line nor closer than 100 feet from any neighboring dwelling.
5. Animals, chickens, and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.

Sect. 615 Public Nuisances Prohibited

1. No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:
2. Fire Hazards – Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
3. Radioactivity or Electrical Disturbance – No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
4. Noise – Noise shall be so controlled that at the property line on which such noise is produced it will not be at a level above that normally perceptible from other development in the area of from the usual street traffic observed at the street right-of-way line on the lot. A possible exception to this would be an occasional blast required in normal operation and produced in such manner as not to create a hazard. If such blast or other noise creates an objectionable noise as determined by the Board of Zoning Appeals, such noise shall be muffled or otherwise controlled. Sirens and related apparatus used solely for public purposes are exempt from this regulation.
5. Vibration – No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
6. Air Pollution – No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted which are harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
7. Glare – No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any street.
8. Erosion – No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
9. Water Pollution – No pollution of any stream, reservoir, aquifer (underground water supply), or other water body within or surrounding the Village, shall be permitted which would create a threat to the health, safety, or welfare of the residents of the Village.

10. Enforcement Provisions – The Zoning Officer or Board of Zoning Appeals, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The Zoning Officer shall investigate all complaints.
11. Measurement Procedures – Methods and procedures of the Village for the determination of the existence of any dangerous or objectionable elements which constitute a public nuisance may utilize any applicable and reliable measurement procedures. The Village may also request the assistance of reputable consultants, government organizations, or other sources if authorized by the Village Council.
12. Public Nuisances Subject to Discretion of Council – Any public nuisance as described in this Zoning Ordinance now and/or existing at the time of its adoption shall be subject to the discretion of Village Council prior to any action on the part of the Village to abate or take any other action against such public nuisance. In the utilization of such discretion, the Council shall determine what reasonable action, if any, should be taken by the Village to bring about the partial or total abatement of the public nuisance in question.

Sec. 620 House Trailer Parks

1. House trailer parks shall only be permitted in Planned Development Districts and shall be submitted for zoning as such in accord with the Planned Development Regulations of this Zoning Ordinance.
2. All house trailer parks shall comply with the House Trailer Park Regulations of the Ohio Department of Health, as amended.
3. No construction of any street or part of any house trailer park shall be started prior to issuance of a Zoning Permit and no Zoning Permit shall be issued prior to State Health Department approval.
4. House Trailer parks shall not be subject to the Lot and Yard Requirements of this Zoning Ordinance since these matters shall be subject to the Ohio Health Department Regulations.

Sec. 625 Temporary Structures

1. Temporary structures, such as trailers, that are used in conjunction with construction work shall be permitted only during the period that the construction work is in progress and shall be approved by the Zoning Officer. Portable toilets for construction workers and other such small structures shall not require a Temporary Use approval by the board.

Sec. 630 Deteriorated or Abandoned Structures and Junk

1. Deteriorated or abandoned structures such as dwellings, Barns, silos, sheds, oil storage tanks, or other structures for which no future use is contemplated and for which no other acceptable use is practical or feasible and/or which create a health or safety hazard shall be demolished and removed.
2. Junk such as abandoned vehicles, household appliances, farm equipment, or any other matter for which no future use is contemplated or which has deteriorated to the point of creating a visual blight on the landscape shall be removed from the view from any public road or right-of-way.
3. Any violation of the above regulations shall be deemed and treated as a violation of the Zoning Ordinance and shall be subject to the penalties as set forth herein.
4. The Village of Coldwater may alter, repair, or remove deteriorated or abandoned structures or junk, in a manner permitted by law, and recover the cost thereof when any order regarding the alteration, repair, or removal of such deteriorated or abandoned structures or junk is not acted upon as required.

Sec. 635 Fences, Walls, and Obstruction to Vision on Corner Lots

1. No fence or wall over four (4) feet shall be permitted in the front yard of any R-2, R-3, R-4, or R-0 District.
2. No fence or wall over seven (7) feet shall be permitted in any side or rear yard of any R-2, R-3, R-4, or R-0 District.
3. On any corner lot there shall be no planting, structures, fences, shrubbery, or obstruction to vision more than 2 ½ feet higher than the curb level within 25 feet of the intersection of any two streets in all districts.
4. In any district other than a residential district no fence or wall over eight (8) feet in height shall be permitted in any front, side, or rear yard except as may be permitted by the Board of Zoning Appeals.

Sec. 640 Adult Entertainment Facilities and Sexually Oriented Businesses

1. Adult commercial entertainment facilities, as defined in this zoning ordinance are subject to the following standards regulating their location.
 - a. No adult entertainment facility shall be established within one thousand (1,000) feet of any residentially zoned district including, but not limited to, R-1, R-2, R-3, R-4, and R-0.
 - b. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any school, library, or teaching facility that is attended by persons under the age of eighteen (18) years of age.
 - c. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any park or recreation facility attended by persons under the age of eighteen (18) years of age.
 - d. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any permanently established place of religious services.
 - e. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any day care center or type A or B family day care home as established by the Ohio Revised Code.
 - f. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any other adult entertainment facility.
 - g. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any facility or establishment that has been issued a liquor license D-1 through D-6 for the sale of alcoholic beverages as issued by the Ohio Department of Commerce, Division of Liquor Control.
 - h. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any two of the following:
 1. Cabarets, clubs, or other establishments which feature adult type of entertainment.
 2. Pool or billiard halls.
 3. Pinball palaces or halls.
 4. Dance halls or discotheques.
 5. Massage parlors.
 6. Video arcades, or establishments known by other descriptions, which provide video games and/or other games for entertainment attended or participated by persons under eighteen (18) years of age.
2. Distances shall be measured from the property lines of any lot or parcel of land on which an adult entertainment facility is located and the location from which a distance of separation is specified in this ordinance.
3. All adult oriented merchandise, including but not limited to magazines, periodicals, and video materials as described herein shall be only displayed in a separate area of the business facility where access is limited to customers eighteen (18) years of age or older. All adult

oriented magazines, periodicals, video materials or other items shall be covered or properly bagged when the purchaser leaves the area of the store that is limited to customers of an age of eighteen (18) years or older.

4. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas, semi-public areas, or quasi-public areas. All building openings, entries, windows, etc. for adult use shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public, semi-public, or quasi-public areas. No screens, speakers, or sound equipment shall be used for adult motion picture theater, or adult entertainment facility, that can be seen or discerned by the public from any public, semi-public, or quasi-public areas.

Sec. 645 Multi-unit Housing

1. The regulations governing the development and use of multi-unit housing are established for the following purposes:
 - a. The Village of Coldwater has in recent years experienced significant growth and expansion in commercial, industrial and residential developments, thus causing concern for the orderly control of expansion.
 - b. Rapid expansion is a source of the increasing burden upon the Village of Coldwater, Ohio's municipal facilities, utilities, traffic, police, protection, and various other municipal obligations.
 - c. One means of maintaining orderly control of municipal growth and lessening the ever-growing municipal burdens is through the restriction of excessive units in multi-unit housing structures or complexes.
 - d. Development of affordable, rental housing has historically been encouraged to be intermingled with single family residential homes in the form of duplex and triplex construction and this type of development has proven to minimize the negative impacts typically associated with multi-unit housing structures.
2. There shall not be constructed within the Village any multi-unit housing structures or arrangements with more than four (4) units.
3. There shall not be constructed within the Village any multi-unit housing structures consisting of less than 3,000 square feet of lot area per dwelling unit.
4. There shall be no multi-unit housing structures or arrangement of between two and four units constructed within the Village without first obtaining the appropriate building permit and/or Conditional Use Permit from the Village of Coldwater, Ohio.

Sec. 650 Towers

All towers including communication towers in excess of sixty feet (60') in height and/or having any part of the tower or appurtenance of the tower which spans more than ten feet (10') from the center of the tower shall have the approval of the planning commission before installation.

Sec. 655 Recreational Facilities

Private swimming pools, tennis courts and other recreational facilities

- a. Shall not be located in any yard except the rear yard.
- b. All pools shall have a side yard and rear yard requirement of fifteen feet (15')
- c. All in-ground swimming pools shall have a fence or wall preventing the uncontrolled access by children from the street or adjacent properties, Such fences shall be no less than five feet (5') in height and have a self-closing gate and lock

ARTICLE VII FLOOD PLAIN REGULATIONS

Sec. 700 Purpose

1. The regulations governing the development and use of land subject to flooding are established for the following purposes:
 - a. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood waters;
 - b. To protect stream channels from encroachment;
 - c. To maintain the capacity of the flood plain to retain flood waters;
 - d. To provide for the development of flood plain lands with uses not subject to severe damage by flooding;
 - e. To permit only uses and improvements in flood plain lands that are not hazardous during flood periods.
 - f. To avoid the creation of new flood problems.

Sec. 705 Flood Plain District

1. The Flood Plain District is a district used in combination with any other district which lies in a flood hazard area. The following regulations, in addition to the regular district regulations, shall apply to any district which is combined with a Flood Plain District.
2. The Flood Plain District is that area shown on an excepted Flood Plain Map and which by best estimates, would be inundated (under water) by a 100 year frequency flood.

Sec. 710 Permitted Uses

1. The following open space uses shall be permitted within the Flood Plain District to the extent they are not prohibited by the district with which they are combined and provided they do not require structures, fill or storage of materials or equipment:
 - a. Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - b. Industrial-commercial uses such as loading areas, parking areas.
 - c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and natural preserves, and horseback riding trails.
 - d. Residential uses such as lawns, gardens, parking areas and play areas.

Sec. 715 Conditional Uses

1. Conditional uses require the issuance of a Zoning Permit by the Zoning Officer; however, this Permit shall not be issued by the Zoning Officer until he is authorized to do so by the Board of Zoning Appeals as specified in Section XIII of this Zoning Ordinance. The following are those uses which are conditionally permitted within the Flood Plain District to the extent they are not prohibited by the district with which they are combined and provided such uses are not in conflict with the purpose of the Flood Plain District:
 - a. Storage yards for equipment, machinery, or materials provided stored materials are heavier than water and are not toxic or highly flammable.
 - b. Accessory uses or structures necessary to Permitted Uses provided:
 - i. The structures not be designed for human habitation.
 - ii. The structures have a low flood damage potential.
 - iii. The structures be constructed and placed on the building site as to offer the minimum obstruction to the flow of flood waters.
 - c. Dikes and/or earthen structures.
 - d. Wells or well fields.
 - e. Channel modification.
 - f. Filling or Land Fills.

2. The Board of Zoning Appeals shall determine all conditions or restrictions to be complied with, and in addition, may require additional conditions and safeguards as needed to assure that the purpose of this Flood Plain District is achieved. All conditions, safeguards, or restrictions shall be listed on the Zoning Certificate issued by the Zoning Inspector. The Board of Zoning Appeals may request assistance from other agencies or persons in assessing the effect of the proposed conditional use.

Sec. 720 Special Uses

1. Where there is a disagreement over the exact location of the boundary of the Flood Plain District, the Board of Zoning Appeals shall direct the person questioning the boundary location to retain at their own expense a registered surveyor or professional engineer to undertake a flood hazard study to determine the point on the land which corresponds to the profile for the 100 year flood.
2. If a person desires to utilize the land as permitted by the district with which the Flood Plain District is combined but such utilization is not permitted or conditionally permitted in the flood Plain District, and it can be shown that such use will not increase flood stages during the 100 year flood or be subject to physical harm, such use may be permitted. Field survey costs and engineering consultant costs must be paid by the person proposing the special use.

ARTICLE VIII PLANNED DEVELOPMENT REGULATIONS

Sec. 800 Purpose

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

Sec. 805 Uses Permitted Upon Approval of Development Plan

1. No uses are permitted outright.
2. The following planned development may be permitted after extensive plan review and rezoning to Planned Development District:
 - a. Camps.
 - b. Manufactured home complexes.
 - c. Vacation home developments.
 - d. Large recreational complexes having several types of recreational use and including any of the above uses.
 - e. Industrial parks.
 - f. Housing projects over five (5) acres or twenty-five (25) dwelling units.
 - g. Shopping centers.
 - h. Facilities needed in support of any of the above, such as shopping, schools, churches, clubs, parks, water and/or sewage treatment facilities, etc., when submitted as a part of the overall Development Plan.
 - i. Combinations of the above uses.
 - j. Home occupations.
 - k. Essential services.
 - l. Accessory uses.
 - m. Public uses.
 - n. Public service facilities.

Sec. 810 Conformity to Village Plans

1. A planned Development project shall generally conform to any adopted Village Plans and any standards proposed therein.

Sec. 815 Arrangement of Structures and Yards

1. The physical relation of structures and their yard space shall be determined in accordance with one or a combination of the following methods:
 - a. The Lot and Yard Requirements of the zoning district specified as most appropriate or similar to the type of structure shall apply.
 - b. State Health Department Regulations for Manufactured Home Complexes and Camps.
 - c. Specific yard and lot requirements (made a part of the Development Plan text) prepared by the developer and approved by the Village Council and Planning Commission.
 - d. Arrangement in accord with a map plan of the site showing arrangement of site and structures and approved by the Village Council and Planning Commission.

Sec. 820 Development Plan Required

1. A Development Plan is required for each proposed PD District. The Development Plan shall include the following:
 - a. The proposed location and size of areas (all land uses) indicating types of uses for each different type of land use area.
 - b. Square footages of building area and location of any uses other than residential such as tents, trailers, and houses.
 - c. The location of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units in the Development Plan, and showing boundaries of all sites or lots.
 - d. The proposed provision of water, sewerage disposal, and surface drainage facilities.
 - e. The proposed traffic circulation pattern, including public and private streets, parking areas, walks, and other access paths, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
 - f. The proposed use of any required recreational land and any other land for recreational or leisure use.
 - g. The proposed schedule of site development, construction of structures, and associated facilities.
 - h. Sketches and other text or materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features.
 - i. Plans or text showing or describing the arrangement of structures and yards as required in the Arrangement of Structures and Yards above.
 - j. Any other information required by the Planning Commission necessary in determining the appropriateness of the proposal.
2. Five (5) copies of the Development Plan shall be submitted to the Zoning Officer at least 15 days prior to the preliminary discussion meeting at which it is to be considered. Prior to the discussion meeting the Zoning Officer shall provide copies of the Development Plan to the Village Council, Planning Commission, the County Health Department, and other appropriate agencies or persons for study and comment and request their attendance at the discussion meeting.
3. At the discussion meeting it shall be determined if the application is eligible for further consideration and if so the Village Council shall proceed to consider the requested zoning amendment in the same manner as other zoning amendments.

Sec. 825 Zoning Permit

1. No Zoning Permit shall be issued for any construction in a Planned Development District unless the proposed development is entirely in accord with the approved Development Plan and any additional conditions that may have been imposed by the Village Council and/or the Board of Zoning Appeals at its time of approval .
2. In addition, no Zoning Permit shall be issued for camps, manufactured home complexes, or vacation home developments unless the required State or County Health approval has been obtained as required in the Special Provisions of this Zoning Ordinance.

Sec. 830 Conditional Uses Requiring Board Approval

1. Once the Planned Development District is underway or completed, no change in use is permitted except by approval of the Zoning Board of Appeals. The Board of Zoning Appeals may after a public hearing as set forth in this Zoning Ordinance approve any proposed change, proposed use or design modification.

ARTICLE IX SIGN REGULATIONS

Sec. 900 Purpose

1. The purpose of these Sign Regulations is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the Village, reduce sign advertising distraction and obstructions that may contribute to traffic accidents, provide more open space, and generally curb the deterioration of the natural environment.

Sec. 905 Definition of Sign Types

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

Sec. 910 Signs Permitted in All Districts – No Permit Required

1. The following types of signs shall be permitted in all districts within the Village according to the limits specified:
 - a. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 10 SF for 1 or 2 parcels and 60 SF for 3 or more parcels.

- b. Professional name plates or home occupation signs not exceeding three (3) square feet in area, not exceeding one sign per home or business, and not internally lighted.
 - c. Signs denoting the name and address of the occupants of the premises, not exceeding two (2) square feet in area, not exceeding one sign per home, and not internally lighted.
 - d. Farm signs for farms or orchards over five (5) acres denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms and denoting membership organizations.
 - e. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies; the total area of these signs or bulletin boards shall not exceed forty (40) square feet in area and shall be located on the premises of such institutions.
 - f. Entrance and exit signs containing only directional information.
 - g. Temporary signs announcing special public or institutional events, the erection of a building, or signs for similar uses. Such signs shall be removed within two (2) weeks of the completion of the event or project.
 - h. Political signs, provided such signs shall be removed within two (2) weeks following election day.
 - i. Government signs such as for roads, parks, or similar type uses.
 - j. Existing signs which are in place or under construction at the time of adoption of this ordinance.
2. Existing signs, as defined above, are permitted to continue and to be maintained as they existed at the time of adoption of this ordinance; however, replacement signs shall meet all requirements of this ordinance.
3. A Zoning Permit is not required for the above defined signs.

Sec. 915 Signs Permitted for Business and Industrial Uses – Permit Required

1. The following shall be permitted for business and industrial use; and a permit shall be required:
- a. Each business or industry shall be permitted one projecting sign for each face of the building facing a street. Projecting signs shall not exceed six (6) feet measured from the face of the building, nor more than thirty (30) square feet on any one face of the sign, nor more than sixty (60) square feet on any two (2) or more faces. Such projecting signs are prohibited in the Downtown C-2 Community Commercial District. However, in the Downtown C-2 District, pedestrian oriented projecting signs which are not internally lit and which do not exceed six (6) square feet on any one (1) face nor more than twelve (12) square feet on any two (2) or more faces, shall be permitted.
 - b. In addition to the above, each business or industry shall be permitted wall signs for each face of the building facing a street, not to exceed an area equivalent to two and one-half (2 ½) square feet of sign area for each lineal foot of building frontage.
 - c. In addition to the above each business or industry shall be permitted one on-premise ground sign on the premises provided all parts of the sign shall be setback five (5) feet from street right-of-way and no part of the sign exceed thirty feet (30') above normal grade. The maximum area of such sign shall not exceed fifty (50) square feet on any face of the sign nor more than one hundred (100) square feet on any two (2) or more faces.
 - d. In addition to the above each business or industry shall be permitted two (2) small on-premise free standing or portable advertising signs not exceeding eight (8) feet in height or twelve (12) square feet on any face of the sign. Such signs shall not be located in any street right-of-way.

- e. In lieu of the permitted ground signs as permitted in item b, above, groups of establishments of four (4) or more businesses shall be permitted one (1) larger ground sign for all businesses for each road frontage. Such sign shall not exceed one hundred (100) square feet on any one (1) face or two hundred (200) square feet on two or more faces, nor exceed thirty (30) feet in height and shall be setback at least ten (10) feet from the street right-of-way.
 - f. Larger signs and/or greater numbers of signs may be permitted by the Board of Zoning Appeals for businesses which have larger than normal frontage and yard space to adequately accommodate them.
2. A Zoning Permit shall be required for all signs listed in this ordinance as “Signs Permitted for Commercial and Industrial Uses – Permit Required” that are erected after the adoption of this Zoning Ordinance. The Zoning Permit may be included as part of the Zoning Permit approving the erection or alteration of a structure. However, any change in signs or additional signs constructed after issuance of the initial Zoning Permit shall require another permit before such changes or additions are made.
 3. Any application for a Zoning Permit for which a sign is to be constructed or altered shall include a written application and a diagram showing the size of the sign, and location on the property, and the name and address of the owner and/or agent of the sign.

Sec. 920 Outdoor Advertising Display and/or Billboards

- 1 Existing Outdoor Advertising Displays and Billboards shall be permitted to continue as they existed at the time of adoption of this Zoning Ordinance unless voluntarily discontinued for at least two (2) years, however, any expansion of such displays or signs shall meet the following regulations.
2. Outdoor advertising displays or billboards shall not be located in the Village except by permission of Village Council, after a public hearing (unless determined unnecessary by Council), and when the following requirements are met:
 - a. Such display or sign must be in one of the following districts: C-2, Community Commercial; C-3, Community Services; or I-2, General Industrial. Other locations where advertising is often located may be considered.
 - b. Such displays or signs would not impose a nuisance or blighting effect on any residential, public or semi-public property.
 - c. Such displays or signs shall not be located within twenty (20) feet of any street right-of-way.
 - d. Such displays or signs shall not be located so as to interfere with the visibility and safe operation of vehicles entering or leaving the premises or intersecting street.
 - e. Such signs or displays shall in no other way adversely affect the public health, safety, or welfare.
3. A Zoning Permit is required for all Advertising Displays and/or Billboards but shall not be granted by the Zoning Officer until after approval by Council.

Sec. 925 Violation of Sign Regulations

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

Sec. 930 Signs Prohibited in All Districts

1. The following signs are prohibited in all districts.
 - a. Signs or advertising erected or maintained on trees, or painted or drawn upon rocks or other natural features.
 - b. Signs or advertising devices which, in the opinion of the Zoning Officer, are traffic hazards or a danger to the safety of the traveling public.
 - c. Signs or advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
 - d. Signs or advertising devices illuminated so as to interfere with the effectiveness of, or obscure, an official sign, signal, or device.
 - e. Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal, or device.
 - f. Signs or advertising, except public signs, in the right-of-way of any street or road.
 - f. Signs not mentioned by these Sign Regulations unless determined by the Board of Zoning Appeals to be permitted as an Exception.
 - g. Trailer mounted signs or similar portable signs are prohibited.

ARTICLE X OFF-STREET PARKING REQUIREMENTS

Sec. 1000 General Requirements

1. Number of Spaces: In all instances, (excepting the downtown C-2 District), for every business, institutional, recreational, residential or other use, there shall be provided at any time any new structure or any existing structure is enlarged or increased in capacity, off-street parking spaces for automobiles for the amount of new structure or increase in capacity in accordance with the Schedule for Off-Street Parking Spaces. Required parking in the downtown C-2 District shall be determined by the Board.
2. Area: Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet unless marked for small cars.
3. Location: Location of off-street parking spaces shall be provided on the premises intended to be served.
4. Every off-street parking area used for more than five (5) cars and access driveways thereto shall be hard surfaced to completely eliminate dust and dirt and shall be so graded and drained as to dispose of all surface water accumulations. Access driveways shall be subject to approval of the Village Engineer.
5. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residences.
6. Setback from Streets: No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any established street right-of-way in any commercial or industrial district. No part of any parking area, with the exception of parking in normal driveways shall be closer than the building line in any residential, apartment, or residential-office district.
7. Setback from Yards in Residential Districts: No part of any parking area for vehicles shall be closer than five (5) feet to any residential side or rear property line.

Sec. 1005 Required Off-Street Loading Spaces

1. In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of from five thousand (5,000) to ten thousand (10,000) square feet which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, laundry or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space. For buildings larger than ten thousand (10,000) square feet in area, the number of loading spaces shall be determined by the Board of Zoning Appeals. The Board may require loading space or spaces for buildings smaller than five thousand (5,000) square feet in area if in the opinion of the Board such space or spaces is required to prevent undue traffic congestion in the neighborhood.
 - a. Each loading space shall be not less than ten (10) feet in width and thirty (30) feet in length.
 - b. Such space may occupy any required yard subject to the following restrictions:
 1. No such space shall occupy any portion of the required front yard unless and until such location has been approved by the Board of Zoning Appeals.
 2. No such space shall be located closer than twenty-five (25) feet to any other lot in a Residential District, unless wholly within an enclosed building, unless and until such location has been approved by the Board of Zoning Appeals.
 3. Where such spaces are located within required yards, the Board may require screening or other barriers if, in the opinion of the Board, they are required for the protection of the neighborhood.

Sec. 1010 Restricted Parking Lot

1. The Board of Appeals may authorize the establishment of restricted parking lots in any Residential District, subject to the following conditions and limitations.
 - a. The parking lot is incidental to a business or industrial use.
 - b. Such parking lot shall be situated on private land which has an area of not less than seven thousand five hundred (7,500) square feet and which abuts directly on any business or industrial use.
 - c. Such parking lot shall be used for the parking of passenger vehicles only, and no commercial repair work, sales, or service of any kind shall be conducted thereon.
 - d. Every off-street parking area and access driveway thereto shall be hard surfaced to completely eliminate dust and dirt and shall be so graded and drained as to dispose of all surface water accumulation.
 - e. No parking space shall extend beyond the set back or building line.
 - f. Definite artistic barriers and landscaping shall be placed around the area where needed so that such parking lot will not be a detriment to the neighborhood. The Board may prescribe further requirements or conditions deemed necessary for the protection of adjacent property.
 - g. Any fixture used to illuminate any off-street parking area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes. The intensity of lighting shall not be such as to interfere unreasonably with any adjacent premises.
 - h. Access to and from public streets shall be subject to approval of the Village Engineer.
 - i. Any permission herein granted is conditional upon full and complete compliance by the permittee with all requirements of the Board of Appeals because of specific problems involved relative to a specific location. Such full compliance must be complete and finished within six (6) months from the effective date of permission. Otherwise, permission is automatically withdrawn.
 - j. Entrances and exits shall be located within the adjoining business or industrial districts.

- k. An application for the establishment of a restricted parking lot shall be accompanied by the names and addresses of all property owners within two hundred (200) feet of the premises in question so they may be given the opportunity to be heard in connection with the consideration of such application.

Sec. 1015 Parking and storing Vehicles in Residential Districts

- 1. Parking and storing of vehicles in residential districts are subject to the provisions of this section, all parking of vehicles shall at all times comply with the traffic code of the Village of Coldwater, Ohio as amended.
 - d. In any residential district a recreational vehicle, boat or utility trailer may not be stored or parked in any front yard for more than 48 hours and must be at least two feet from any lot line if legally parked or stored in any yard. At no time will said vehicle be use for habitation unless approved by the zoning officer.
 - e. No Vehicle shall be parked or stored in a residential district that is a semi tractor, semi trailer, commercial bus, school bus, dump truck, garbage truck, or other motor vehicle that is larger in size than a ¾ ton pick up truck or van, and which is primarily used for the transportation, delivery or temporary storage of equipment, tools, freight, and products for sale.

SCHEDULES FOR OFF-STREET PARKING SPACES

<u>Use</u>	<u>Off Street Parking Spaces Required</u>
One-family dwellings	1 for each dwelling unit
Two-family and multiple-family dwelling	1 ½ for each dwelling unit
Tourist homes, hotels, motels, etc.	1 for each sleeping room
Clubs and lodges	1 for each two hundred (200) square feet of floor area
Churches	1 for each five (5) seats in main auditorium
Schools	As determined by the school administrators and the Village Planning Commission
Community center library, museum or art gallery	10 plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet
Hospital	1 for each bed

Sanitarium, convalescent home, home for the aged, nursing home or similar institution	1 for each three (3) beds
Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium	1 for each five (5) seats or each ten (10) lineal feet of bench seating spaces, whichever is greater
Bowling alley	5 for each lane; plus one (1) additional space for each 200 square feet of area used for eating, drinking, or other recreation
Mortuary or funeral home	1 for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms
Retail commercial or business service establishment except as otherwise specified herein	1 for each three hundred (300) square feet of gross floor area
Personal or professional services; restaurants nightclubs, cafes or similar recreation or amusement establishments, dance halls, assembly or exhibition halls without fixed seats	1 for each two hundred (200) square feet of floor area
Offices and institutions, furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service	1 for each three hundred (300) square feet of gross floor area
Printing or plumbing shop or similar service establishment	1 for each two (2) persons employed therein
Manufacturing or industrial establishment, research or testing laboratory, dairy processing, bakery, bottling plant, warehouse or similar establishment	1 for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith

ARTICLE XI ADOPTION AND AMENDMENTS

Sec. 1100 Procedure and Regulations on Adopting and Amending Zoning Ordinance

1. Before this Zoning Ordinance, or any amendments thereto, may be adopted or passed, the Council shall hold a public hearing thereon, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Village. Whenever an amendment to this Ordinance intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of the Village by first class mail, at least twenty (20) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list of the County Treasurer's mailing list, and to such other lists(s) that may be specified by the Council. The failure of delivery of such notice shall not invalidate any such Zoning Ordinance. During such thirty (30) days the text or copy of the text of such Zoning Ordinance, together with the maps or plans or copies thereof forming part of or referred to in such Zoning Ordinance and the maps, plans, and any reports submitted by the Planning Commission, Board, or Zoning Officer shall be on file, for public examination, in the office of the Clerk of the Village or in such other office as is designated by the Council. No such Zoning Ordinance which violates, differs from or departs from the plan or report submitted by the Commission, Board or Zoning Officer shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the council. No such Zoning Ordinance which is in accordance with the recommendation, plan or report submitted by the Commission, Board, or Zoning Officer shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the Council.

Sec. 1105 Initiation of Amendment to Re-Zone

1. Amendments or supplements to the Zoning Ordinance may be initiated by:
 - a. Motion of the Planning Commission.
 - b. By application of one or more owners or lessees of property within the area to be changed.
 - c. By passage of a resolution by the Village Council.
2. All zoning amendments or supplements not initially made by the Village Planning Commission shall be referred to the Planning Commission for review and recommendation to Council before any action is taken by Council. If no recommendation is received by Council within thirty (30) days, Council may proceed without a recommendation from the Planning Commission if it so desires.

Sec. 1110 Fee for Zoning Amendment

1. There shall be established by the Village Council for Zoning Amendments, due at the time of application, to cover the cost of advertising and other expenses. The application and fee shall be presented to the Village Clerk. The fee shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied. The fee shall not apply to any Amendment initiated by the Planning Commission or Council. When the Council finds it necessary to require special studies to be made, the applicant may be required to provide such special studies as a part of the application and bear the cost of such studies.

ARTICLE XII ENFORCEMENT

Sec. 1200 Zoning Officer

1. The position of Zoning Officer is hereby recognized. He shall be appointed and serve at the pleasure of the Village Council and shall receive such compensation as the Council may provide.
2. The Zoning Officer shall have the following duties:
 - a. Issue Zoning Permits when this Ordinance has been followed, or refuse to issue same in the event of non-compliance.
 - b. Make and keep records on all applications, issuance and denial of all permits, and on complaints of violations.
 - c. Enforce this Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work in progress, and request the Law Director to commence appropriate legal action when necessary.
 - d. Keep the Planning Commission and Council advised of all matters other than routine duties pertaining to the enforcement of this Zoning Ordinance and to transmit all applications and records pertaining to Amendments.
 - e. Keep the Board of Zoning Appeals advised of all matters pertaining to Appeals, Variances, and Conditional Uses, Exceptions, and transmit all applications and records pertaining thereto.

Sec. 1205 Zoning Permits Required

1. Before constructing, excavating for foundation, changing the use of, or structurally altering any building or sign, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Officer for a Zoning Permit. The Zoning Permit requirement shall not include interior remodeling if the type of use is not changed and shall not include exterior upkeep and maintenance. The applications shall include the following information:
 - a. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
 - b. The location, dimensions, height and bulk of structures to be erected.
 - c. The intended use.
 - d. The yard, open area and parking dimensions.
 - e. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.
2. Before constructing or altering any sign or outdoor advertising device requiring a Zoning Permit (See Sign Regulations) a Zoning Permit shall be secured.
3. Within ten (10) days after a receipt of application, the Zoning Officer shall issue a Zoning Permit if the application complies with the requirements of this Zoning Ordinance and the application is accompanied by the proper fee.
4. The Zoning Permit shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or use changed within six (6) months of date of Permit, a new Permit is required upon application.

Sec. 1210 Fee for Zoning Permit

1. The fee for a Zoning Permit (including Zoning Permits for signs) shall be established by the Village Council.

Sec. 1215 Violations

1. Building or signs erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Zoning Ordinance are declared to be a nuisance per Sec. 615 and shall be subject to the Penalties stated in this Zoning Ordinance. Any building or land use activities considered possible violations of the provisions of this Ordinance, which are observed by the residents of the Village, shall be reported to the Zoning Officer.

Sec. 1220 Inspection

1. The Zoning Officer shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Ordinance.

Sec. 1225 Correction period

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

Sec. 1230 Penalties

1. Any person, firm, or corporation violating any of the provisions of this Ordinance shall, for each violation upon conviction thereof, be fined not less than ten (10) dollars or more than fifty (50) dollars for a first offense as to any particular unit of property and for a second or subsequent offense as to such unit or property, not less than fifty (50) dollars or more than five hundred (500) dollars. A second or subsequent offense is hereby defined as a continuance of a violation more than thirty (30) days from or beyond the date of the last previous arrest which resulted in conviction.
2. In the event of any violation, or imminent threat thereof, the municipal corporation, or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation.
3. Upon request of the Planning Commission or the Village Council, the Law Director shall, within thirty (30) days, prosecute necessary civil proceedings to arrest, stop, or prevent violations of this Ordinance.

ARTICLE XIII BOARD OF ZONING APPEALS

Sec. 1300 Establishment and Composition of Board of Zoning Appeals

1. The Board of Zoning Appeals is established by the Village Charter

Sec. 1305 Organization

1. Reference: the Village Charter.

Sec. 1310 Quorum

1. Reference: the Village Charter.

Sec. 1315 Witnesses

1. Reference: the Village Charter.

Sec. 1320 Powers and Duties of Board of Zoning Appeals

1. Appeals: The Board of Zoning Appeals shall hear and decide Appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement of this Zoning Ordinance.

There shall be established by the Village Council for any Appeal of actions by the Zoning Officer. If such appeal is won by the applicant the fee for the required Zoning Permit which must be obtained after winning any Appeal shall be waived, and the Zoning Permit shall be issued by the Zoning Officer.

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer or Board of the Village, deeming himself or itself to be adversely affected by the decision of the Zoning Officer respecting the interpretation of the Ordinance. Appeals shall be made no later than within ten (10) calendar days after the date of the grievance, and the Board shall initiate a public hearing on any appeal within thirty (30) days of its filing.

An Appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause "imminent" peril to life or property in such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. The Board of Zoning Appeals shall make a decision on the appeal within ten (10) days after the public hearing, unless additional time is necessary because of unusual circumstances. At the hearing any party may appear in person or by attorney.

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

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

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

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

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

The fee for a Variance shall be established by the Village Council, which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after the approval of any Variance, shall be waived, and the Zoning Permit issued by the Zoning Officer.

3. Conditional Uses: The Board of Zoning Appeals shall hear and determine all Conditional Uses that are specifically listed within the various districts. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted Uses of such districts. Since this is the case, the Board of Zoning Appeals shall approve an application for a Conditional Use only when the following conditions are met:
 - a. The Conditional Use is specifically listed or interpreted as listed in the district in question.
 - b. The Conditional Use is in general accord with any adopted Village Plans.
 - c. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.
 - d. A public hearing has been held.

In granting a Conditional Use the Board of Zoning Appeals may impose such conditions, as it may deem necessary to protect the public health, safety, or welfare and to further the purpose and intent of this Zoning Ordinance.

The fee for a Conditional Use shall be established by the Village Council, which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after approval of any Conditional Use, shall be waived, and the Zoning Permit issued by the Zoning Officer.

4. Exception: The Board of Zoning Appeals shall have the authority to grant exceptions. An exception is a Use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because the provisions of this Zoning Ordinance covering conditions are not precise enough or are too general to cover all applications without the Board of Zoning Appeals interpretation. In granting an Exception, the Board may

impose such conditions, as it may deem necessary to protect the public health, safety or welfare and to further the purpose and intent of this Zoning Ordinance. The Board shall not, however, have the right to change the intent of this Zoning Ordinance by permitting any use that cannot be reasonably interpreted as intended in the district in question.

The fee for an Exception shall be established by the Village Council, which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after approval of any Exception, shall be waived, and the Zoning Permit issued by the Zoning Officer.

5. Interpretation of Zoning Map: Where the street or lot layout physically, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. No fee shall be charged for an interpretation of the Zoning Map.
6. Nonconforming Uses: The Board shall have the power to permit changes and extensions of nonconforming uses as follows:
 - a. A nonconforming use of a less objectionable nature may be substituted for an existing nonconforming use.
 - b. An existing, legal nonconforming use, which occupies only a portion of an existing structure or premises, may be extended throughout such structure or premises.
 - c. The alteration or reconstruction of a nonconforming use or building provided that this action would make the nonconforming use substantially more in character with its surroundings.
 - d. The extension of a nonconforming use when such extension will substantially make the nonconforming use more in character with its surroundings. Such extensions shall not be greater than 50% of the size of the nonconforming use that existed at the time of passage of this Zoning Ordinance.
 - e. A public hearing has been held.

The Board may impose such requirements and conditions, as they may deem necessary for the protection of adjacent properties and the public interest. The fee for a Nonconforming Use change shall be established by the Village Council, which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after approval of any nonconforming Use change, shall be waived and the Zoning Permit issued by the Zoning Officer.

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

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

The fee for a Temporary Use shall be established by the Village Council, which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after approval of any Temporary Use, shall be waived, and the Zoning Permit issued by the Zoning Officer.

Sec. 1325 Procedure for Actions by the Board of Zoning Appeals

1. The Board of Zoning Appeals shall act according to the procedure specified by law, including this Zoning Ordinance.
2. The Board shall keep minutes of its proceedings showing the vote for each member on all questions, or if absent or failing to vote, it shall indicate such fact.
3. All applications for Appeals, Variances, Conditional Uses, Exceptions, and Nonconforming Uses, shall be made to the Board of Zoning Appeals in writing and on any forms prescribed therefore. All applications shall set forth the reason the Appeal, Variance, Conditional Use, Exception, or Nonconforming Use, should be granted.
4. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals together with all documents pertaining thereto and shall be a public record.
5. Fees as prescribed in this Zoning Ordinance shall be paid in full prior to any action by the Board of Zoning Appeals.
6. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee or services may be required at the expense of the applicant as a part of the application.
7. No action shall be taken on any request for any Appeal, Variance, or Exception prior to notification by the Village by first class mail of such request to all property owners contiguous to and directly across the street from the property in question. When any such property owner objects to such request in writing within 10 days, then the Board shall be required to hold a public hearing as required in Section 1330.
8. No action shall be taken on any request for any Conditional Use, or Nonconforming Use, prior to a public hearing.

Sec. 1330 Notice of Hearings by Board of Zoning Appeals

1. When a notice of Appeal, Variance, Conditional Use, Exception, or Nonconforming Use has been filed in proper form with the Board of Zoning Appeals, and a public hearing is required, the secretary or other designated person shall immediately place the said request for same upon the calendar for hearing, and shall state on the notices the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request, at least five (5) days prior to the date of scheduled hearing.
2. Written notice of such hearings when required shall also be given by mail or served personally to the owners of property within and contiguous to and directly across the street from such land to which such Appeal, Variance, Conditional Use, Exception, or Nonconforming Use is related.
3. All notices shall be sent to addresses given on the last tax assessment roll or other legally designated address list.
4. Such hearings when required shall be advertised by at least one (1) publication in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of such hearing.

5. The Board may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

Sec. 1335 Replace Powers of Village Council

1. Nothing in this Ordinance shall give the Board the power to act for the Council of the Village of Coldwater.

ARTICLE XIV DEFINITIONS

For the purpose of the Zoning Ordinance certain terms and words are defined as follows. Except where specifically defined, all words used in the Zoning Ordinance shall carry their customary meanings.

1. "Abandoned Structure" means any structure that has not been occupied for 30 days or more and meets any of the following criteria:
 - a. Provides for loitering, vagrancy, unauthorized entry or criminal activity
 - b. Has been boarded up for at least 30 days
 - c. Has real estate taxes in arrears for a period of time exceeding 365 days
 - d. Has disconnected utilities or utilities that are not in use
 - e. Is not maintained in compliance with Village Ordinances
2. "Accessory Use or Structure" means a use or structure (such as a garage) incidental to the main use of the land or building. In buildings restricted to residence use, the office of a professional and workshops not conducted for compensation shall be deemed accessory uses. Offices or workshops conducted for compensation shall be deemed home occupations.
3. "Adult Entertainment Facility" means a commercial entertainment facility having a significant portion of its function as adult entertainment, which includes "Adult book/video store," "Adult entertainment theater," or "Adult entertainment business."
4. "Adult Book/Video Store" means a facility, in which at least five percent (5%) of the inventory contained therein deals in books, magazines, or other periodical, or video materials that display and are distinguished or characterized by an emphasis on the depiction of items listed under "Specified Sexual Activities" or "Specified Anatomical Areas." A facility meeting this definition shall meet the requirements of a commercial entertainment facility.
5. "Adult Entertainment Theater" means a commercial entertainment facility which devotes any of its presentation time to the display of material distinguished or characterized by an emphasis on any items listed in "Specified Sexual Activities" or "Specified Anatomical Areas."
6. "Adult Entertainment Business" means any commercial entertainment facility involved in the sale or services of products characterized by salacious conduct appealing to prurient interest for the observation or presentation of specified anatomical areas or physical contact of live males or females. These activities are characterized by, but not limited to, photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as stated in "Specified Sexual Activities."

7. "Agriculture" means farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry and limited processing and sale of agricultural products from land under same ownership.
8. "Alley" means a public or private thoroughfare, which affords only a secondary means of access to property abutting thereon.
9. "Altering of Building" means any change in supporting members of a building; any addition to a building; any change in use from one district classification to another; or removal of a building from one location to another. Altering shall not include interior remodeling, outdoor maintenance, and miscellaneous changes as may be required for safety reasons.
10. "Animal Hospital and Clinic" means a building used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits, and birds by a veterinarian.
11. "Assisted Living Facility" means a residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.
12. "Automotive Filling Station" means any building or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.
13. "Automotive Services" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles and commercial car washes.
14. "Automotive Sales" means the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
15. "Basement" means a story having part but not more than one-half of its height above grade and used for storage, garages for use of occupants of the building, or other active use for the rest of the building.
16. "Bed and Breakfast Establishment" or "Tourist Home" means any owner occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, are provided for compensation.
17. "Board" or "Board of Appeals" means the Board of Zoning Appeals of Coldwater, Ohio.
18. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
19. "Building and Related Trades" means a building or premises used for the storage and retail sale of those materials and services customary to the

construction profession of which offices of those professionals associated with the construction profession may be an accessory use.

20. "Building, Front Line of" means the line of that face of the building nearest the front line of the lot. This line does not include uncovered steps or handicapped access ramps.
21. "Building Lot" means any platted lot, a legally described parcel of land, or combination of adjacent platted lots or other described land that is identified on a deed as being owned by the same owner, and is large enough for the construction of a residence. It may also be any combination of adjacent land deeded separately but shown on the county's tax maps as owned by the same owner.
22. "Building, Height of" means the vertical distance from the average grade level along the front building line to the highest point of the building or structure.
23. "Building, Principal" means a building in which is conducted the main or principal use of the lot on which such building is situated.
24. "Camp" means any tract of land or premises having facilities used for camping purposes such as recreational, health, educational, construction, sectarian, tourist, picnic, or resort camps not for permanent occupancy.
25. "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including crematories, mausoleums and mortuaries, if operated in connection with, and within the boundaries of, such cemetery.
26. "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical, dental or surgical attention, but who are not provided with room or board nor kept overnight on the premises.
27. "Club" means a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
28. "Commercial School" means a facility, operating for profit, providing a curriculum of continuing academic instruction including vocational and technical courses.
29. "Commission" means the Village of Coldwater Planning Commission.
30. "Commercial Entertainment Facilities" means any activity, which is generally related to the entertainment field, such as motion picture theaters, nightclubs, and similar entertainment activities and excluding taverns.
31. "Community Development Project" means any development of land for industrial, commercial or residential purposes, or a combination of these uses, provided they are functionally integrated, to attain an improved

character of development that conforms to the purpose and intent of the Zoning Ordinance.

32. "Council" means the Village Council of Coldwater, Ohio.
33. "Day Care Facility" means a building or structure where daytime care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week. This definition includes childcare Facilities, which address and pertain to the care of children up to and throughout school ages. Adult Care Facilities address and pertain to the care of adults. This definition does not include residential care such as Assisted Living Facility and Group Home.
34. "Days" means calendar days unless stated otherwise.
35. "District" means a portion of the territory of the village, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
36. "Drive-in Commercial Uses" means any retail commercial use serving primarily vehicular trade such as drive-in restaurants, drive-in theaters, drive-in banks and drive through convenience stores.
37. "Dwelling" means any building or portion thereof which is designated for or used for residential purposes.
38. "Dwelling, Efficiency Apartment" means a dwelling unit in a multi-family building without a separate distinct room for sleeping.
39. "Dwelling, Multi-Family" means a building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.
40. "Dwelling, Permanently Sited Manufactured Home" means a building manufactured in an off-site facility designated for or occupied exclusively by one family that meets all of the following criteria:
 - a. The structure is affixed to a permanent foundation and is connected to appropriate utilities;
 - b. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 900 square feet;
 - c. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering;
 - d. The structure has a permanent label or tag certifying that it was constructed in conformance with all applicable federal construction and safety standards.
41. "Dwelling, Single-Family" means a building designated for or occupied exclusively by one family, including Permanently Sited Manufactured Homes as defined herein.

42. Dwelling, two-family" means a building designated for or occupied exclusively by two families.
43. "Dwelling, Three Family" means a building designated for or occupied exclusively by three families.
44. "Educational Institution" means a facility that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary schools, junior high schools, high schools and technical and collegiate level courses.
45. "Essential Services" means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of facilities which are necessary for furnishing adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
46. "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a hotel, as herein defined.
47. "Financial Institution" means any building, property or activity of which the principal use or purpose is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions and mortgage companies.
48. "Food Processing" means the preparation or processing of food products excluding restaurants, for wholesale distribution.
49. "Frontage" means all of the property between a street and the front building line. The front boundary line of a lot is the line that abuts on a street, and includes its length.
50. "Funeral Home" means any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
51. "Grain Elevators and Feed Mill" means a building, structure or premises used for the storage and retail sales of grain and other related agricultural supplies and products.
52. "Group Home" means any licensed residential facility designed to allow not more than eight (8) persons, needing specialized care, counseling, on-going medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment.
53. "Home Occupation" means any occupation, profession, activity or use which is accessory to the principal use of the premises and is conducted by a resident occupant which does not alter the interior of the property or affect the residential character of the neighborhood.
54. "Hospital" means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related

facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

55. "Hotel/Motel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and possibly providing as an accessory use additional facilities such as restaurants, meeting rooms and recreational facilities.
56. "House Trailer Park" see Mobile Home Park
57. "Institution" means buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.
58. "Interior Lot Line" means any lot line shown by plat or deed of separately described parcels of land making up a building lot and located within its boundaries.
59. "Junk Storage and/or Sales; Salvage Operation" means any lot, land or structure or part thereof used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof.
60. "Land Use Plan" means the long-range plan for the desirable use of land as adopted by the Planning Commission; the purpose of such plan being to serve as a guide in future development and zoning of the community.
61. "Loading Space" means a space within the main building or on the same lot therewith providing for the loading or unloading of trucks.
62. "Lock and Store (or Store and Lock) Warehousing" means a building or group of buildings in a controlled access compound that contains equal or varying sizes of compartmentalized and controlled access stalls or lockers for the storage of customer goods or wares.
63. "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance, including one principal building together with accessory buildings, the open spaces and parking spaces required by the Zoning Ordinance, and having its principal frontage upon a street.
64. "Lot Coverage" means the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.
65. "Lot Depth" means the average horizontal distance between the front and rear lot lines.
66. "Lot of Record" means any lot which, individually or as a part of a subdivision, has been recorded in the office of the County Recorder.
67. "Lot, Minimum Area Of" means the area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

68. "Lot Width" means the width of a lot at the building setback line measured at right angles to its depth. The lot width of lots on curved streets shall be the chord distance between points of intersection of the side lot lines with the curve describing the required depth of front yard.
69. "Lot - Outlot" means a lot associated with larger development plan where the primary parcel defines the development. The development on outlots must conform, in use type, to the primary site development. Outlots may be deeded separately from the primary parcel, but can be considered part of the overall development. In site plan reviews, these lots shall be considered as part of the overall site development. In a shopping center, or in a B-3 zone, it is a lot that is owned and/or developed separately from the shopping center and has its own access drives, parking, and signage.
70. "Manufacturing" means the mechanical, chemical, or biological transformation or assembly of materials, substances, or component parts into new products or components, usually for distribution to wholesale markets, or for interplant transfer to industrial users.
71. "Manufactured Housing or Dwelling" means a Mobile home certified under the National Mobile Home Construction and Safety Standard Act of 1974, placed on a foundation/support system constructed according to the provisions of Section 18551 of the Health and Safety Code and implementing regulations, and designed for or occupied by one family.
72. "Mineral Extraction, Storage and Processing" means any mining, quarrying or processing of limestone, shale, clay, coal or other minerals.
73. "Mixed Use" means a combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Planning Commission, in the same building or on the same premises.
74. "Mobile Homes or Trailers" means any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
75. "Mobile Home Parks" means an area manifestly designed for rent or lease of mobile home lots in a safe, sanitary and desirable manner as described in Chapter 620 of Article VI and all of Article VIII.
76. "Multi-unit housing" means any structure composed of two or more living units which are attached together as part of the same structure or which are unattached, but are connected to joint electrical, water, or sewage systems as one unit; or which are independent of each other but are no more than twenty (20) feet apart.
77. Nonconforming Use means a legal use of a building or structure and/or of land that antedates the adoption of this Zoning Ordinance and does not conform to the regulations for zoning district in which it is located.
78. "Nursing Home" means a building, group of buildings or licensed facility, public or private, which provides full-time personal care or nursing to the ill,

physically inform or aged persons who are not related by blood or marriage to the operator.

79. "Office" means a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
80. "Off-Street Parking Space" means any parking space located wholly off any street, alley or sidewalk either in an enclosed building or on an open lot.
81. "Personal Services" means any enterprise conducted for gain, which serves primarily personal needs of the general public such as shoe repair, watch repairing, barber shop, beauty parlors, and similar activities.
82. "Petroleum Refining and Storage" means a facility designed to separate and remove impurities from oil or gas and store such fuels for distribution.
83. "Planning Commission" means the Village of Coldwater Planning Commission.
84. "Public Service Facility" means the erection, construction, alteration, operation or maintenance of buildings and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage disposal services.
85. "Public uses" means public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.
86. "Public Recreation" means recreational facilities developed, used and/or maintained by public agencies for use by the public.
87. "Recreational facilities, commercial " means recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, boat docks, fishing piers, boat launching, and other private noncommercial recreation areas and facilities or recreation centers, including private community swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.
88. "Recreational facilities, noncommercial" means private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, and other private noncommercial recreation areas and facilities or recreation centers, including private community swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.
89. "Religious places of worship" means an institution that a congregation of people regularly attends to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denominations are held.

90. "Restaurant" means an establishment with table services whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers.
91. "Restaurant, fast food" means an establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.
92. "Retail Business" means any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale.
93. "Retail neighborhood business" means small retail commercial establishments catering primarily to nearby residential areas providing convenience goods and services, including but not limited to, small grocery stores, pharmacies, barber shops, beauty salons and coin-op Laundromats.
94. "Scientific research facility" means a building or buildings in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.
95. "Semi-public buildings" means churches, Sunday schools, private and parochial schools, hospitals and other institutions of a charitable, educational or religious nature.
96. "Shopping center" means a grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking and loading as an integral part of that unit.
97. "Sign" means any device or display designed to inform or convey messages to the public. (See Article IX for definition of sign types.)
98. "Specified Anatomical Areas" means areas of the human body as follows: (1) Human genitals, pubic region, buttocks, and the areola area of the female breasts which are less than completely or opaquely covered; (2) Human male genitals in a discernible turgid state, even if completely or opaquely covered.
99. "Specified Sexual Activities" means activities such as: (1) Human genitals in a state of sexual stimulation or arousal; (2) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.
100. "Story" means that portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters, or if one-half of its volume is above the average level of the adjacent ground.

101. "Story, Half" means a partial story under a gable, hip, gambrel, or similar roof, the wall plates of which at least two opposite exterior walls are not more than four (4) feet above the floor of such story.
102. "Street Line, Right-of-Way Line" means a dividing line between a lot, tract or parcel of land and contiguous street.
103. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground.
104. "Structural Alterations" means any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.
105. "Tavern" means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
106. "Transport Trucking Terminal" means any business, structures or premises, which primarily receives or distributes goods by tractor-trailer or other similar vehicle.
107. "Unit" means a residential apartment, condominium, or other dwelling which serves as, or is intended to serve as, a separate living area for an individual or family group.
108. "Use" means the purpose for which land, a building or structure is arranged, designed, or intended, or for which either land, a building or structure is, or may be, occupied or maintained.
109. "Use, Accessory" means a use, building or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.
110. "Use, conditional" means a use, which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Planning Commission.
111. "Use, Non-Conforming" means any building, structure, or premises legally existing or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.
112. "Use, Principally Permitted" means a use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Officer provided that the applicant meets the applicable requirements of the Ordinance.

113. "Vacation or Seasonal Home" means a single-family home for vacation use, full-time or part-time, is the same as a single-family dwelling except they are not permitted except where specifically provided for in this Zoning Ordinances.
114. "Variance" means a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Zoning Ordinance would prohibit the reasonable use of the land.
115. "Warehousing" means a building or facility that stores commodities in large quantities for distribution to retail, wholesale or manufacturing businesses.
116. "Wholesale Business" means an establishment that is engaged in the selling of merchandise to retail establishments rather than to consumers.
117. "Wrecked and/or Inoperable Motor Vehicle" means any motor vehicle meeting any of the following requirements:
- ◆ Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
 - ◆ Under intensive repair, such repair including but not limited to any of the following: body repair, motor removal or dismantling, transmission or differential removal or dismantling;
 - ◆ Other conditions involving a motor vehicle which creates a nuisance or blight on the area in which the motor vehicle is located.
118. "Yard" means an open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
119. "Yard, Front" means a yard between the front building line and the right-of-way line of the fronting street. In case of a lot that fronts more than one street, the yard abutting the street named in the property address shall be considered the front yard.
120. "Yard, Rear" means a yard extending across the full width of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches. In the case of a lot that fronts more than one street, the yard opposite the front yard shall be considered the rear yard.
121. "Yard, Side" means a yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot and the side of the main building or any projections thereto.

- 122. "Zoning Certificate" means the document issued by the Zoning Officer authorizing the use of the land or building consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.
- 123. "Zoning Map" means the Zoning District Map or Maps of the Village, together with all amendments subsequently adopted.
- 124. "Zoning Officer" or "Zoning Inspector" means the appointed person by the Village Council or his designee.
- 114. "Zoning Permit" shall be synonymous with Zoning Certificate, and these two terms shall be considered one and the same where listed within this Ordinance.

ARTICLE XV ACCEPTANCE

Any legislation inconsistent herewith be the same is hereby repealed.

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

Adopted this _____ day of August, 2017.

Joseph H, Knapschaefer, Mayor
Attest:

Jason Eyink, Clerk
Approved:

Judy A. Koesters, Law Director