

*Record of Ordinances*

Ordinance No.: 2024-09

Passed: March <sup>25</sup> 11, 2024

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**AN ORDINANCE AMENDING ORDINANCE 2023-23, THE VILLAGE OF WEST LAFAYETTE BUILDING AND ZONING CODES.**

**WHEREAS**, Council for the Village of West Lafayette, the Mayor, and Village Administrator have necessary additions to the Village of West Lafayette Building and Zoning Codes; and

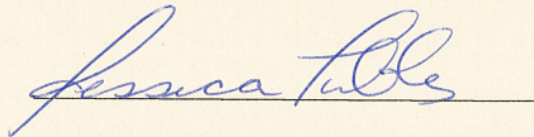
**WHEREAS**, the Village of West Lafayette Building and Zoning Codes has been updated to add specifications for accessory structures in R-1 zones, and to reduce the minimum floor area in all R-zones; and

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL**, of West Lafayette, Ohio that:

**SECTION 1:** The Village of West Lafayette Building and Zoning Codes has been updated and attached hereto and ordinances and resolutions in conflict are repealed.

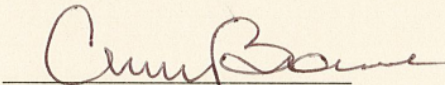
**SECTION 2:** That if any provision of this ordinance shall be declared invalid or void, all other provisions within The Village of West Lafayette Building and Zoning Codes attached to this ordinance shall remain in full force and effect. The Council for the Village of West Lafayette, Ohio shall decide, if necessary, which section of this document to proceed upon. Failure to follow a specific section shall not preclude enforcement under another section.

Passed on this <sup>25<sup>th</sup></sup> day of March, 2024.



Jessica Tubbs, Mayor

ATTEST:



Amy Bourne, Fiscal Officer

# Village of West Lafayette Ordinance 2024-09 Building and Zoning Codes

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## SECTION 1: BUILDING PERMITS

### **1. REQUIRED APPLICATION FOR BUILDING PERMIT**

- a. No person shall commence the new construction, alteration, or addition of any building within the village, which would be subject to, or cause an increase in taxation under the laws of the state, unless such person has first obtained a permit from the Village Administrator. Such permit shall be obtained by filing with the Village Administrator an application signed by the owner of the premises on which the proposed new construction, alteration, or addition is to be made. This application shall contain the name of the owner address at which the work will be completed, a description of the work being completed, and a plot plan, drawing, or legal description to be completed. In addition, the applicant must specify the nature of the project the building use the height of the building (If Applicable) the lot size, the contractor completing the work, and the estimated cost of construction.
- b. Building permits are valid for one year after the date they are approved. The Village Administrator may choose to extend the expiration date of the building permit.

2. **RECORDS OF BUILDING PERMITS INFORMATION REQUIRED.** The Village Administrator shall keep a record of all applications received and permits issued under this ordinance, stating therein the name of the person applying for the permit, the address at which such proposed structure as is named therein shall be situated, the approximate cost thereof, a brief description of the premises on which the structure shall be situated, the disposition of the application, the date of the permit, if one is issued, and such other facts as may be deemed pertinent and appropriate.
3. **FEES.** A fee shall be charged by the Village Administrator for each permit. Residential construction equals \$7.50 per 100 square feet with a minimum of \$10.00. Sidewalk, curbs, and driveways equal \$10.00 flat fee. Signs equal \$10.00 per sign flat fee. Fencing equals \$17.50 flat fee. All applications will have a \$7.50 processing fee.
4. **BUILDING PERMIT; REFUSAL; 30-DAY LIMITATION.** The Zoning Inspector shall act on all such applications within 30 days after they are filed. The Zoning Inspector shall either issue a building permit within such 30 days or shall notify the applicant in writing of the refusal of such permit and the reasons, therefore.
5. **VIOLATIONS; REMEDIES.** In case any building is to be erected, constructed, reconstructed, enlarged, changed, or any land is being used in violation of this Zoning Ordinance or any amendment or supplement thereto, the Zoning Inspector may institute injunction, abatement, or any other appropriate actions or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

6. **PENALTY.** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of this Zoning Ordinance, or any amendment or supplement thereto. Any person, firm, or corporation violating any of the provisions of this Zoning Ordinance, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Per day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense. The Zoning Inspector shall prepare a complaint against whoever violates any provision of this ordinance and unless corrected, the complaint shall be filed with the Coshocton County Municipal Court by the Village Solicitor.
7. **INAPPLICABILITY TO CERTAIN STRUCTURES OR ALTERATIONS.** The provisions of this ordinance shall not apply to any structure as provided for in Section 1 (1)(a) the cost of which does not exceed \$100 or to any such reconstruction as provided for therein which does not bring about a material enlargement of the building so reconstructed, or to the roofing, painting, or normal repair of any building, accessory building, sidewalk, or driveway.
8. **COMPLAINTS.** It shall be the duty of the Village Administrator to report to West Lafayette Village Council any complaints relative to this code and any actions taken.
9. **COMMITTEE INSPECTION.** The Village Administrator may solicit the advice of the buildings and properties committee for suggestions on how to remedy any complaint if deemed mutually beneficial for village administration and Village Council

## SECTION 2: BOARD OF ZONING APPEALS

1. **ORGANIZATION.** A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor and approved by Village Council. The term of all members shall be five (5) years and their terms shall be so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. The Mayor may also choose to appoint one (1) alternate member to the Board who can attend meetings when needed to fill the absence of a regular member of the Board. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing either personally or by registered mail, or by leaving the same at his place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor, with the approval of Council, and shall be for the unexpired term.
2. All rules and regulations shall be filed with the Village Administrator and made available for public inspection. The Board of Zoning Appeals shall annually choose from its membership a chairman and vice-chairman.
3. **MEETINGS.** The Board of Zoning Appeals shall meet at the call of the chairman, a request by the Village Administrator, the Mayor or majority of Village Council, or upon a schedule determined by

the Board of Zoning Appeals. All meetings are public meetings and records of all proceedings shall be kept including the vote of each member on each issue, members present or absent, the facts of each matter considered and other minutes of the meeting. All records of proceedings shall be made available for public inspection, and copies shall be provided by the Village Administrator to members of Village Council.

4. **PROCEDURE.** Four (4) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three (3) members of the Board shall be necessary to reverse an order of determination of the Zoning Inspector, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Zoning Ordinance, or to grant any variance from the requirements stipulated in this Zoning Ordinance.
5. **POWERS AND DUTIES.** In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Zoning Ordinance reverse or affirm, wholly or partly, or modify the order, requirements, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. For the purpose of this Zoning Ordinance, the Board has the following specific responsibilities:
  - (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
  - (b) To authorize such variances from the terms of this Zoning Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Ordinance will result in unnecessary hardship, and so that the spirit of this Zoning Ordinance shall be observed, and substantial justice done.
  - (c) To grant conditional use permits as specified in the Schedule of District Regulations and such additional safeguards as will uphold the intent of this Zoning Ordinance.
  - (d) To hear and decide requests for the interpretation of the Zoning Map
6. **APPEALS.** Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Zoning Ordinance may be taken by any person aggrieved affected by any decision rendered by the Zoning Inspector or by Village Council. Such appeal shall be taken within fourteen (14) calendar days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
7. **STAY OF PROCEEDINGS.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Village Solicitor or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.



8. **VARIANCE.** The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience, financial hardship, or profit, but only where strict application of the provisions of this Zoning Ordinance would result in unnecessary hardship.
  
9. **APPLICATION AND STANDARDS FOR VARIANCES.** Except as otherwise permitted in this Zoning Ordinance, no variance in the strict application of the provisions of this Zoning Ordinance shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements.
  - (a) Name, address, and phone number of applicant(s).
  - (b) Legal description of property.
  - (c) Description or nature of variance requested.
  - (d) A fee as established by ordinance, of Fifty dollars (\$50.00). This fee is non-refundable.
  - (e) Narrative statements establishing and substantiating that the variance conforms to the following standards:
    - (1) The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Ordinance on the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare.
    - (2) The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
    - (3) There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Ordinance would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
    - (4) There must be proof of hardship created by the strict application of this Zoning Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases without knowledge of the restrictions; it must result from the application of this Zoning Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
    - (5) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
    - (6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

(7) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

10. **SUPPLEMENTARY CONDITION AND SAFEGUARDS.** Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance.
11. **PUBLIC HEARINGS.** The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector of an applicant.
12. **NOTICE OF PUBLIC HEARINGS IN NEWSPAPER.** Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate the granting or denial of a variance.
13. **NOTICE TO PARTIES IN INTEREST.** Before holding the public hearing, written notice of such hearing shall be mailed by the Village Administrator, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. "All parties in interest" shall include, but not be limited to, the following: applicant, adjacent property owners, and person(s) making the appeal, the Mayor, and members of Village Council. The notice shall consist of the same information as required of notices published in newspapers as specified in Section 2 (12). Failure of any such property owner to receive mail notice does not invalidate the granting or denial of a variance.
14. **ACTION BY BOARD.** Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.
15. **TERM OF VARIANCE.** No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started, or the use is commenced within such period.
16. **AUTHORIZED VARIANCES.** Variances from the regulations of this Zoning Ordinance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence

presented to it, which support conclusions that the standards and conditions imposed in Section 2 (9) and Section 2 (10) if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- (a) To permit any yard or setback less than the yard or setback required by the applicable regulations.
- (b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
- (c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- (d) To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- (f) To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
- (g) To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.

**SECTION 3: PLANNING COMMISSION**

1. **ESTABLISHMENT.** There is established a Village Planning Commission in accordance with the provisions of the Ohio Revised Code.
2. **COMPOSITION, COMPENSATION, AND APPOINTMENT OF TERM.** The Village Planning Commission shall consist of five members: The Mayor, one member of the legislative authority to be elected thereby for the remainder of his term as such member of the legislative authority, and three citizens of the village or as appointed herein, such members shall serve without compensation. They shall be appointed by the mayor for a term of six years, except that the term of one of the members of the first Commission shall be for four years and one for two years. The public members appointed under this section need not be residents but shall be residents of the county.
3. **POWERS AND DUTIES.** The powers and duties of the Village Planning Commission shall be as provided in R.C. 713.02. The planning commission established under this section shall make plans and maps of the whole or any portion of the municipality and make changes in such plans or maps when it deems it advisable.
4. **INTERPRETATION OF ZONING MAP.** Where the street or lot layout on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Planning Commission, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this ordinance. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made to the Board and a determination shall be made by the Commission.

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**SECTION 4: DEFINITIONS.** To this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Accessory Building.** A Building used for an Accessory Use.

**Accessory Use.** A Use customarily incidental and subordinate to the Principal Use or Building but distinct from Garages and Secondary Dwelling Units. Accessory Uses shall be permitted on the same Lot with and incidental to any Permitted Use; they shall not be conducted as an independent Principal Use. Examples include, but are not limited to, swimming pools, and Yard Barns.

**Adjoining; Abutting.** Having a common border with or being separated from such common border by an Alley or easement or right-of-way.

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing produce. However, the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**Alley or Lane.** A public or private way not more than 20 feet wide affording only secondary means of access to abutting property.

**Apartment.** A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single house-keeping unit.

**Apartment, Efficiency.** A dwelling unit in a multi-family building consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

**Apartment, Hotel.** An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.

**Apartment House.** See **Multi-Family Dwelling.**

**Application.** An application for a certificate, permit, or other approval called for in this Ordinance.

**Applicant.** Any Owner(s) or person(s) who files an application.

**Automobile Repair.**

**Major Automobile Repair.** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision services, including body, frame, or fender straightening or repair; overall painting or paint shop, and vehicle steam cleaning.

**Minor Automobile Repair.** Incidental body or fender work, other minor repairs, painting, and upholstering, and replacement of parts and motorservice to passenger cars and trucks not exceeding 1-1/2 tons in capacity, but not including any operation defined in Major Automobile Repair.

**Automobile Sales Area or Utility Trailer Sales Area.** An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

**AUTOMOBILE Service Station or Filling Station.** A place where gasoline or other motor fuel lubricants, tires, batteries, accessories, and supplies for operating and equipping motor vehicles are sold at retail to the public and deliveries are made directly into or onto motor vehicles, including greasing and oiling, and, if within an enclosed building, incidental battery, brake, muffler, and tire service. An Automobile Service Station does not lose its classification as such on account of additional business activities conducted therein, such as the sale of food, beverages, or other merchandise.

**Auxiliary Sign.** A Sign which provides special information related to the Use of property such as direction, price, sales information, hours of operation, or warning, and which does not include names, brand names, or information regarding product lines or services. Examples of such Signs include directories of tenants in Buildings, "no trespassing" Signs, and Signs which list prices of gasoline.

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**Basement.** A Story whose floor line is below grade at any entrance or exit or whose ceiling is not more than 5 feet above grade.

**Boardinghouse or Lodging House.** A dwelling or part thereof where meals or lodging are provided for compensation for five or more persons who are not transients.

**Board of Zoning.** The Board of Zoning Appeals of the village.

**Building.** 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.

**Building, Height of.** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

**Building Permit.** A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of this zoning ordinance for the purpose of carrying out and enforcing its provisions.

**Cellar.** That portion of a Building beneath the ground and generally used for storage.

**Certificate of Occupancy.** A document issued by authority of the State of Ohio, or the village of West Lafayette's contracted commercial building inspector, authorizing occupancy of Buildings or Structures for Uses which, after inspection, are determined to be consistent with the terms of all applicable codes or ordinances and all conditions and requirements, if any, stipulated by such appropriate state or contracted inspector.

**Clinic.** A Clinic is a place where an individual licensed practitioner or a group of licensed practitioners, their associates, and assistants, provide a range of services including the care, diagnosis and treatment of persons who are sick, ailing, infirm, and/or injured and in need of medical, surgical, or dental attention but who are not provided with board or room nor kept overnight on the premises.

**Club.** A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. Examples of Clubs include fraternal societies and beneficial or charitable societies.

**Conditional Use.** A Use of land which is not a Permitted Use (or otherwise permitted as a matter of right) in a District, but which may be permitted upon compliance with the requirements of this Ordinance.

**Demolish/Demolition.** The complete removal or destruction of any Building within any District, including Buildings of historic significance (Buildings more than 50 years old).

**Developer.** The legal or beneficial Owner of a Lot or parcel of land proposed for inclusion in a Development, whether commercial or Residential, including the holder of an option or contract to purchase such land; also, a corporation, partnership or other legal entity hired by such Owner to coordinate and direct the Development of such Lot or parcel of land.

**Development.** The construction, reconstruction, conversion, Structural Alteration, relocation, or enlargement of any Structures or Buildings; or the division of a parcel of land into two or more parcels; or any Use or change in Use of any Buildings or land; or any extension of any Use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.

**District.** 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:

**Residential District.** Any R-1, R-2, or R-3 District

**One-Family Dwelling.** A building designed for or used exclusively for residence purposes by one family or house-keeping unit (*R1 District*).

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**Two-Family Dwelling.** A building designed for or used exclusively by two families or housekeeping units (*R2 District*).

**Multi-Family Dwelling.** A building or portion thereof designed for or used by three or more families or house-keeping units (*R3 District*).

**Business District.** Any B-1 or B-2

**Manufacturing District.** Any M-1 or M-2 District.

**Dwelling Group.** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or courtyard in common.

**Erosion.** Any removal and/or loss of soil by the Action of water, ice, gravity, or wind. Erosion includes both the detachment and movement of soil particles.

**Essential Services.** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground, electrical, water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare.

**Family.** A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house, or group home.

**Fence.** A barrier with two sides exposed.

**Chain-link Fence.** A Fence consisting of loops of wire interconnected in a series of joined links with no permanent inserts or weavings. It is not an Open Fence.

**Picket Fence.** A wooden fence made of a spaced upright connected by two or more horizontal rail.

**Privacy Fence.** A fence designed to conceal your yard from neighbors or passersby. Can be made of wood or vinyl.

**Split Rail Fence.** A wooden rail split lengthwise from a log and commonly used in rustic rail and post fencing.

**Vinyl Fence.** A type of fence made of PVC (polyvinyl chloride)

**Wood Fence.** Made of or consisting of wood.

**Wrought Iron.** A type of iron that is easily formed into shapes.

**Frontage.** All the property Abutting on one side of a Street between intersecting Streets, or between a Street and a right-of-way, waterway, or a dead-end Street, or a Village or property boundary measured along the Street line.

**Garage.** An enclosed detached Accessory Building or a portion of the Principal Building used for storage.

**Group Home.** A dwelling used exclusively for residential purposes by a group of not more than ten persons excluding employees, approved, and regulated by the public health officials of Coshocton County and or by Coshocton County Jobs and Family Services or any other State Regulatory Agency.

**Hotel.** Any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing 15 or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite.

**Home Occupation.** Any business use conducted entirely within a residence or accessory building by the owners or occupants of the residence as a secondary use which is clearly incidental to the use of the residence for residential purposes.

**Institution.** An established organization or corporation of a public or private character organized for charitable, educational, governmental, scientific, humanitarian, or religious purposes.

**Junk Yard.** A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

**Kenel.** Any structure or premises on which five or more dogs over four months of age are kept.

**Land use Plan.** The long-range plan for the desirable use of land in the village, as officially adopted and as amended from time to time by the planning commission. The purpose of such plan is among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the subdividing and use of undeveloped land and in the acquisition of rights-of way or sites for public purposes such as streets, parks, schools, and public buildings.

**Loading Space.** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley, or other appropriate means of access.

**Lot.** A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance and having frontage on a public street or alley.

**Corner Lot.** A lot abutting on two or more streets at their intersection or on two parts of the same street, such street, or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street line is the corner.

**Front Lot Line.** The line separating the lot from a street.

**Interior Lot.** A lot other than a corner lot.

**Lot Area.** The computed area contained within the lot lines.

**Lot Depth.** The means horizontal distance between the front and rear lot lines.

**Lot Lines.** The property bounding the lot.

**Lot Width.** The mean width of the lot measured at right angles to its depth.

**Rear Lot Line.** The lot line opposite and most distant from the front lot line.

**Side Lot Line.** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot, or lots is called an interior side lot line.

**Street Lot Line or Alley Lot Line.** A lot line separating the lot from a street or alley.

**Through Lot.** A lot having frontage on two parallel or approximately parallel streets.

**Manufactured Home.** A Structure intended for human habitation and residential use that is prefabricated and manufactured at a location other than the Lot where the Manufactured Home will be installed.

**Manufactured or Mobile Home Park/ Village.** Any lot or part thereof, or any parcel. of land, which is used or offered as a location for three or more trailers.

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**Mobile Home.** A trailer, which may or may not be equipped with wheels or other devices to be transported from place to place, which is fitted with parts for connection to utilities, and which may be installed on a relatively permanent site for use as a residence.

**Motel or Motor Hotel.** A series of attached, semi-attached, or detached sleeping or living units, for the accommodation of transient guests and not including individual cooking or kitchen facilities, such units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

**Neglect.** To omit or fail to do a thing that can be done or is required to be done; also imports an absence of care or attention in the action or omission, or a designed refusal to perform a duty.

**Nonconforming Use.** A building, structure, or premises legally existing or used at the time of adoption of this zoning code, 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 or yards, or distance requirements from more restricted districts or uses shall not be considered a nonconforming use.

**Owner.** The legal owner of record of real property.

**Permitted Use.** A use of land which is allowed as a matter of right if the Owner meets the requirements of this Ordinance and any other applicable laws.

**Principal Building.** A Building used for a Principal Use.

**Principal Use.** The primary Use of a particular property or piece of land.

**Public Parking Area / Lot.** An open area, other than a street or other public way, used for the parking of vehicles and available to the public, whether for a fee, free, or as an accommodation for clients or customers.

**Recreational Camping.** The use of real estate for purposes of camping with tents, recreational vehicles, and camping trailers for periods of time aggregating not in excess of six months out of any calendar year.

**Sign.** Any object, device, display, Structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, Institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, fixtures, colors, illumination, or projected images. Signs do not include the flag or banner of any nation, state, city, or religious organization; also excluded are merchandise, pictures, or models of products or services incorporated in a window display.

**Free Standing Sign.** A self-supporting sign resting on or supported by means of poles, standards, or any other type of based on the ground.

**Home Sign.** A sign identifying the Home Occupation located in a particular dwelling or Accessory Building.

**Sign Area, or Area of Sign.** The total surface computed in square feet of a Sign having one exposed exterior surface, or half of the total of the exposed exterior surface computed in square feet of a Sign having more than one such surface. The Sign Area of a doubled-faced projecting Sign is calculated by measuring one face of the Sign only.

**Sign, lighting – Back-lit or Internally Lit.** The Sign in question is lit by some mechanism projected from the back or internal to the Sign face or area.

**Sign, lighting – exterior lighting standards, definitions:**

**Cutoff:** the point at which all light rays emitted by a lamp or light source are eliminated (Cutoff) at a specific angle above the ground.

**Foot Candle:** a unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 candle.



**Glare:** the brightness of a light source which causes eye discomfort.

**Maximum Permitted Illumination:** the maximum illumination measured in foot candles at the interior yard line at ground level in accordance with the standards provided in this Ordinance.

**Sign, lighting – General Lighting:** The Sign itself is neither lit internally nor has an external source of light specifically directed at it; the Sign depends upon the general illumination of the area for its illumination.

**Sign, lighting – Spot Lighting:** The Sign is lit by spotlights specifically directed at it.

**Sign, Temporary:** A Sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material, including inflatable signs, which is intended to be displayed for less than 30 days and which is no larger than 40 square feet. Included in this category are retailer's signs temporarily displayed for the purpose of informing the public of a sale or "special" offer. Portable Signs such as those that are designed to be moved with regularity from one location to another shall also be considered Temporary Signs.

**Standard, Performance.** A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

**Stored.** To have placed or left in a location for later use or disposal or to provide a space for, whether temporarily or permanently.

**Story.** That portion of a building 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.

**First Story.** The lowest story or the ground story of any building the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building, except that any basement or cellar used for residence purposes.

**HALF-Story.** A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

**Mezzanine Story.** A story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full-story in case it covers more than one-third of the area of the story directly underneath such mezzanine story.

**Street.** A public right-of-way 50 feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than 20 feet and less than 50 feet in width, provided it existed prior to the enactment of this ordinance. Street includes avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

**Structural Alterations.** Any change in the structural members of a building such as walls, columns, beams, or girders.

**Structure.** Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

**Swimming Pool.** Any pool, open tank, or man-made body of water not located within a completely enclosed Building, and containing, or normally capable of containing, water to a depth at any point greater than three feet or capable of holding more than 750 gallons of water.

**Thoroughfare (Primary or Secondary).** An officially designated federal or state numbered highway or county or another road or street designated as a primary thoroughfare on the Village of West Lafayette Street Plan.

**Transmission Towers.** Any antenna, Structure or other transmission device created or erected for the purpose of holding equipment used in the transmission, reception, or relay of signals for radio, telephone, television, cellular telephone, or other communications media.

**Use.** The purpose or activity for which a Building, Structure, or land is occupied or maintained.

**Vacation Home.** A building or part thereof, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients. (Example Airbnb, Home Away)

**Variance.** A modification of the strict terms of this Ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the Applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

**Village Administrator.** A staff employee of the Village responsible for overseeing day to day Village activities utilizing powers granted by section 735.273 of the ORC., 31.01 of the Ohio Basic code, and ordinance number 2020-11.

**Yard.** An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

**Courtyard.** A yard of any size that is completely enclosed by the principal building.

**Front Yard.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

**Measurement of Front Yard.** Front yard depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line). However, if the proposed location of the right-of-way line of such street, as established on the Village of West Lafayette Street Plan, differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the Village of West Lafayette Street Plan.

**Measurement of Side Yard Least Width.** Side yard width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street. However, if the proposed location of the right-of-way line of such street, as established on the Village of West Lafayette Street Plan, differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Village of West Lafayette Street Plan.

**Rear Yard.** A yard extending along the rear lot line (not a street line) throughout the entire width of the lot.

**Side Yard.** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Zoning Inspector.** See Village Administrator.

**Zoning Map.** The zoning map of the village dated (November 2003), together with all amendments subsequently adopted.

## **SECTION 5: GENERAL PROVISIONS**

1. **PURPOSE.** This zoning ordinance is enacted for the purpose of promoting public health, safety, comfort, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development

of the village, and to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described.

2. **INTERPRETATION OF STANDARDS.** In their interpretation and application, the provisions of this zoning ordinance shall be held to be minimum requirements. Wherever this zoning 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 zoning ordinance shall govern.
3. **SEVERABILITY AND VALIDITY.** This Zoning Ordinance and the various titles, ordinances, and sections thereof are hereby declared to be severable. If any ordinance, section, subsection, paragraph, sentence, or phrase of this Zoning Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Zoning Ordinance shall not be affected thereby.
4. **BUILDING PERMIT; REFUSAL; 30-DAY LIMITATION.** The Zoning Inspector shall act on all such applications on which he is authorized to act by the provisions of this ordinance within 30 days after they are filed in full compliance with all the applicable requirements. He shall either issue a building permit within such 30 days or shall notify the applicant in writing of his refusal of such permit and the reasons.
5. **CONFORMANCE.** Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located. Such regulations include, but are not limited to, the following: the use of buildings, structures, or land, including performance standards for the control of any dangerous and objectionable elements, as defined herein, in connection with such use; the height, size, and dimensions of buildings or structures; the size or dimensions of lots, yards, and other open spaces surrounding buildings; the provision, location, size, improvement, and operation of off-street parking, loading, and unloading spaces.
6. **NON-CONFORMING USES.** Uses other than those specifically mentioned in this ordinance as permitted uses in each of the districts also may be allowed therein, provided that, in the judgment of the Board of Zoning Appeals, as evidenced by resolution of record, such other uses are of similar character to those mentioned and will have no adverse influence or no more adverse influence on adjacent properties or the neighborhood or the community than the permitted uses specifically mentioned for the district. Statutory references: retroactive measures, see ORC 713.15.
7. **EXTENSIONS; SUBSTITUTIONS; CHANGE TO CONFORMING USE.** No existing building or premises devoted to a use not permitted by this ordinance in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:
  - a. Substitution or extension. When authorized by the Zoning Inspector or the Board of

Zoning Appeals, the substitution for a nonconforming use of another not more objectionable nonconforming use, or an extension of a nonconforming use, may be made, but not both a substitution and an extension.

b. Extension on adjoining lot. When authorized by the Zoning Inspector or the Board of Zoning Appeals, the extension or completion of a building devoted to a nonconforming use on a lot occupied by such building, or on a lot adjoining, may be made, provided that such lot was under the same ownership as the lot in question on the date the use of such building became nonconforming, and where such extension is necessary and identical to the existing use of such building.

c. Nonconforming use made to conform. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

8. **REESTABLISHMENT OF ABANDONED USE.** No building, structure, or premises where a nonconforming use has ceased for one years or more shall again be put to a nonconforming use.
9. **DISCONTINUANCE OF NONCONFORMING USE.** All nonconforming uses of land not involving any building or structure may be continued for a period of one year after the date of enactment of this ordinance, at the end of which period such nonconforming use shall cease or shall be changed to a conforming use.
10. **REPLACING DAMAGED BUILDINGS.** Any nonconforming building or structure damaged more than 60% of its then fair market value, exclusive of the foundations, at the time of damage by fire, flood, explosion, wind, earthquake, riot or other calamity, or act of God, shall not be restored or reconstructed and used as before such occurrence, but if less than 60% damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it is done within six months of such occurrence.
11. **REPAIRS AND ALTERATIONS.** Such repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, provided no structural alterations shall be made except such as are required by law or ordinance or authorized by the Zoning Inspector.
12. **YARD PROJECTIONS.** Certain architectural features may project into required yards or courts as follows:
  - a. Front and side yards. Into any required front yard, or required side yard adjoining a side street lot line, as follows:
    - (1) Cornices, canopies, eaves, or other architectural features may project a distance not exceeding two feet, six inches.
    - (2) Fire escapes may project a distance not exceeding four feet, six inches.
    - (3) An uncovered stair and necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet in height.
    - (4) Bay windows, balconies, and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate,

more than one-third of the length of the building wall on which they are located.

b. Interior side yards. Subject to the limitations in division (a) above, the above-named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one- third of the required least width of such side yard, but not exceeding three feet in any case.

c. Rear yards. Subject to the limitation in division (b) above, the features named therein may project into any required rear yards the same distances they are permitted to project into a front yard. However, landings or porches may be covered and may project a distance not closer than ten feet from the rear lot line.

13. **PROHIBITED CONDITIONS.** No land or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other substance, condition, or element, in such a manner or in such amount as to adversely affect the adjoining premises or surrounding area, referred to herein as dangerous or objectionable elements. However, any use permitted or not prohibited by this ordinance may be established and maintained if it conforms to the provisions of this ordinance.
14. **TEMPORARY STORAGE UNITS.** Shipping containers, railroad cargo containers, conex containers, or any other similar item, may not be utilized and/or exist in any district for more than thirty (30) days, or length of time determined by Village Administrator.
15. **CONVERSION OF DWELLINGS.** The conversion of any building into a dwelling, or the conversion of any dwelling as to accommodate an increased number of dwelling units of families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this ordinance, and only when the resulting occupancy will comply with all sections permitted under this ordinance within such district.
16. **REAR DWELLINGS.** No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other open space and off-street parking requirements of this code, and for the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building in front shall be considered the front line for the building in the rear. In addition, there must be provided for any such rear dwelling, an unoccupied and unobstructed accessway not less than ten feet wide to a public street for each dwelling unit in such dwelling, or one not less than 30 feet wide for three or more dwelling units.
17. **YARDS ALONG DISTRICT BOUNDARY.** Along any zoning boundary line, on a lot adjoining such boundary line in the less restricted district all requirements from the more restricted zoning district must be met.
18. **REDUCTION OF AREA OR SPACE.** No lot, yard, court, parking area, or other space shall be reduced in area or dimension to make such area or dimension less than the minimum required by this ordinance. No part of a yard, court, parking area, or other space provided about or for any

building or structure for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, court, parking area, or other space required under this ordinance for another building or structure.

19. **ENCROACHING GARAGE DOORS.** Every garage building or portion of a main building used for garage purposes shall be so equipped that the doors when open or being opened will not project beyond any lot line of the lot on which such building is located. When such doors open to an alley, the wall or portion thereof containing such doors shall be at least six feet from the line forming the common boundary between such lot and the alley.
  
20. **PARKING TRUCKS IN R DISTRICTS.** No Semi Truck or Semi-Truck and or Trailer shall be parked on any street or on any residential premises in any R District for any consecutive period of four hours or more if nothing herein shall prevent the parking of such vehicle in a fully enclosed garage or similar permanent structure.
  
21. **STREET AND SIDEWALK IMPROVEMENTS.** All streets shall be graded to their full width including side slopes and improved in- conformance with the standards given or referred to in these regulations
  - A. **STREET WIDTH.** Minimum street pavement widths shall conform to the standards given in Standards for Construction Details & Specifications for West Lafayette, Ohio. Where pavement widths greater than those specified are deemed necessary by the Village administrator and approved by the Village Council, the village shall bear the extracost of providing a greater than the minimum pavement width required by these regulations.
  
  - B. **STREET SUBGRADE.** The subgrade shall be free of sod, vegetative or organic matter, soft clay, and other objectional materials for a depth of at least two feet below the finished surface. The subgrade shall be properly rolled, shaped, and compacted, and shall be subject to the approval of the Village Administrator.
  
  - C. **STREET BASE COURSE.** Aggregate, bituminous aggregate, asphaltic concrete, water bound macadam, Portland cement concrete, or equally suitable base course. Thickness shall be determined by the Village Administrator, based on the physical properties of the base course used and the physical properties of the roadbed.
  
  - D. **STREET SURFACE COURSE.** On the expiration of the established maintenance period for the base course, the surface course shall be constructed using either asphaltic concrete, bituminous mix, or Portland cement concrete. Specific material and thickness recommendations shall be determined by the Village Administrator based on traffic conditions.
  
  - E. **FULL-DEPTH ASPHALT PAVEMENT.** If streets are to be constructed out of full depth asphalt an asphalt pavement in which asphalt aggregate mixtures are used for all courses above the subgrade, careful inspection of the subgrade may be necessary, to determine pavement thickness. In no case shall the thickness be less than that specified in Standards for Construction Details & Specifications for West Lafayette, Ohio.

**F. RESTORATION OF SURFACES OF PAVED STREETS**

1. All sidewalks, driveways, streets or parts of streets that are paved or concreted will be repaired within 30 days. Any extensions must be approved by the Village Administrator. All the backfilling shall be well-compacted by jetting. After the trench has been backfilled and jetted to the required height, the subgrade for the new paving shall be further compacted by rolling the backfill at paving subgrade elevation. The pavement shall then be re-laid carefully and thoroughly to the section and of the materials specified. If not specified, then the replacement shall be to the section and of the materials originally placed and to the satisfaction of the Village Administrator.
2. When the work is completed, all surplus material, earth, rubbish, etc., shall be removed and that portion of the surface of each street disturbed by construction shall be left in as good condition as it was before the commencement of the work, and it shall be promptly and regularly maintained in such condition during a period of one year after the acceptance of the work.

**G. STREET CURBS AND GUTTERS.** The requirements for curbs and gutters will vary according to the character of the area and the density of development. In areas of notable flash flooding or heavy rain run-off, curbs shall be required to channel the flow of water. Curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds three dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs, combined curbs, and gutters shall be constructed in conformance with the current "Construction and Material Specifications of the State of Ohio Department of Highways, and Standards for Construction Details & Specifications for West Lafayette, Ohio.

**H. SIDEWALKS.** All sidewalks shall be constructed of Portland cement concrete or other acceptable material to the minimum width of three feet and a minimum depth of four inches.

**22. CONTINUATION OF EXISTING USES.** Except as hereinafter specified, any use, building, or structure existing at the time of the enactment of this ordinance may be continued, even though such use, building, or structure may not conform with the provisions of this ordinance for the district in which it is located.

**23. PENDING APPLICATIONS FOR BUILDING PERMITS.** Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure, or part thereof for which official approvals and required building permits have been granted before the enactment of this ordinance the construction of which shall have been started within three months after the effective date of this ordinance.

**24. VIOLATIONS; REMEDIES.** In case any building is to be erected, constructed, reconstructed, enlarged, changed, or any land is being used in violation of this Zoning Ordinance or any amendment or supplement thereto, the Zoning Inspector may institute injunction, abatement, or

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any other appropriate actions or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

**SECTION 6: ZONING DISTRICTS AND MAPS.** The Village of West Lafayette shall be divided into the following seven (7) zoning districts:

- a. R-1 Single Family Residential District
- b. R-2 One- and Two-Family Residential District
- c. R-3 Multi-Family Residential District
- d. B-1 Neighborhood Business District
- e. B-2 General Business District
- f. M-1 Light Manufacturing District
- g. M-2 General Manufacturing District

1. **MAP INCORPORATED; FILE COPY.** The several districts and boundaries thereof are adopted and established as shown on the zoning map of the village, which map, together with all notations, references, data, district boundaries, and other information shown thereon shall be and is made a part of this ordinance and which map, properly attested, shall remain on file in the office of the Village Administration office and is so designated as the Village of West Lafayette Zoning Map 2021.
2. **DISTRICT BOUNDARIES.** Except where referenced on the zoning map to a street or alley line or other designated line by dimensions shown on the map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of the adoption of this ordinance.
3. **DIVIDED LOT; EXTENSION OF DISTRICT.** Where a district boundary line established in this ordinance or as shown on the zoning map divides a lot which was in single ownership at the time of enactment of this ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this ordinance shall be considered as extending to the entire lot. The use so extended shall be deemed to be conforming.
4. **INTERPRETATION WHEN BOUNDARIES UNCERTAIN.** All questions concerning the exact location of district boundary lines shall be determined by the Zoning inspector according to rules and regulations which may be adopted by it. The Zoning Inspector may utilize surveys, deeds, or other such legal documentation to justify decision.
5. **VACATED STREET OR ALLEY.** Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district of such public way shall be that of the districts on each side. If such vacation occurs on the boundary between districts, then it shall fall under the more stringent use group.
6. **PROPERTY NOT INCLUDING, ANNEXED TERRITORY.** Territory annexed to or consolidated with the village after the effective date of this ordinance shall, on the effective date of such annexation or consolidation become zoned as determined by the planning commission. The Planning



Commission shall recommend to Village Council, within a period of not to exceed 30 days from such date of annexation or consolidation the suggested final zoning map for the annexed territory. Village Council shall then make final zoning determination via ordinance.

7. **COMMERCIAL PROPERTIES AND REGULATION.** All commercial properties shall be governed by the Ohio Building Code with enforcement and oversight of use, construction, alteration, and other issues relative to occupancy falling under the jurisdiction of the Village contracted Building Code Official. Any conflicting language in this ordinance with Building Code Official's rulings shall result in the Building Code Official's ruling to prevail.

#### SECTION 7: R-1 SINGLE-FAMILY RESIDENCE DISTRICT

1. **PRINCIPAL PERMITTED USES.** No building, structure, or land shall be used, and no building or structure shall be erected, altered, or enlarged, which is arranged, intended, or designed for other than one of the following uses, except as provided in Section 5 (6):
  - a. Residential. One-family detached dwellings.
  - b. Institutional and cultural. Churches, and other places of worship, or building associated with churches and places of worship. Schools and colleges for academic instruction. Public library, public museum, public art gallery, and similar public cultural uses.
  - c. Recreational. Public parks, playgrounds, recreational and community center buildings and grounds, golf courses, country clubs, tennis courts, and similar recreational uses, of a noncommercial nature.
  - d. Agricultural. Nurseries, greenhouses.
2. **CONDITIONALLY PERMITTED USES.** The following uses shall be permitted only if specifically authorized by the Board of Zoning Appeals.
  - a. Utility stations. Static transformer stations, booster stations, and other utility stations, when operating requirements necessitate locating in an R-1 District in order to serve the neighborhood, provided there is no yard or garage for service or storage and, provided further, that the premises on which such utility station is erected and maintained shall be appropriately landscaped, screened, fenced or protected so as to be in harmony with the general appearance and safety of the neighborhood.
3. **ACCESSORY USES.** Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected, or constructed, provided that such accessory uses shall not involve the conduct of any business, trade, or industry, or any private way or walk giving access to such activity, or any billboard, sign, or poster other than hereinafter authorized, and shall not include the boarding of animals or the keeping of fowl or farm animals. Accessory uses may include the following:
  - a. Gardening. Gardening, the raising of vegetables or fruits, exclusively for personal use of the residents of the premises and not for commercial purposes.
  - b. Parking facilities. garages, carports, or other parking spaces for the exclusive use of residents of the premises. A garage may have a one-bedroom apartment above and it must have adequate off-street parking.

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c. Swimming pools. Any pool, open tank, or man-made body of water not located within a completely enclosed Building, and containing, or normally capable of containing, water to a depth at any point greater than three feet or capable of holding more than 750 gallons of water.

4. **HEIGHT REGULATIONS.** No principal structure shall exceed 2-1/2 stories or 35 feet in height, and no accessory structure shall exceed 20 feet in height from the peak to the lowest ground grade level.

5. **HEIGHT MODIFICATIONS EXCEPTIONS.** The height limitations stipulated elsewhere in this ordinance shall not apply to the following:

a. Architectural features: church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, chimneys, flag poles, radio towers, masts and aerials, elevator penthouses, parapet walls extending not more than four feet above the limiting height of the building.

6. **TRAFFIC VISIBILITY ACROSS CORNER LOTS.** In any R District on any corner lot, no fence, structure, or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way line) which interferes with traffic visibility across the corner.

7. **LOT AREA FRONTAGE, AND YARD REQUIREMENTS.** The following minimum requirements shall be observed for single-family dwellings:

Minimum lot area – 7,500 square feet.

Minimum lot frontage - 50 feet.

Minimum front yard depth - 30 feet.

Minimum lot width - 50 feet.

Minimum side yard width - ten feet with minimum sums of 25 feet in both widths.

Minimum rear yard depth - 40 feet.

Minimum floor area as follows:

DWELLING TYPE	MINIMUM FLOOR AREA
One or two bedrooms	600 sq. ft.
Three bedrooms	1,200 sq. ft.
Four bedrooms	1,400 sq. ft.

**SECTION 8: R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT**

1. **PRINCIPAL PERMITTED USES.**

a. General. All principal uses permitted and as regulated in the R-1 District, except.

b. Residential. Two-family dwellings.

c. Hospitals, Veterinary Hospital, medical clinics, and sanitariums, provided that any hospital or sanitarium shall be at least 50 feet distant from any other lot in any R District.

d. Group homes for developmentally delayed or disabled.

2. **ACCESSORY USES.** Home occupations. Customary home occupations, such as handicraft, dressmaking, millinery, laundry, preserving, and home cooking, provided that such occupation shall be conducted exclusively by resident occupants, that not more than one-quarter of the area

of one floor of such residence shall be used for such purpose, that no structural alterations or constructions involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from the dwelling. An unlighted sign only, of not over one square foot in area and attached flat against the building, shall be permitted.

3. **HEIGHT REGULATIONS.** Same as specified in the R-1 District.
4. **TRAFFIC VISIBILITY ACROSS CORNER LOTS.** In any R District on any corner lot, no fence, structure, or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way line) which interferes with traffic visibility across the corner.
5. **LOT AREA, FRONTAGE, AND YARD REQUIREMENTS.** The following minimum requirements shall be observed, except as otherwise provided herein:

	LOT AREA (SQ. FT.)	LOT FRONTAGE (FT.)	LOT AREA PER FAMILY (SQ. FT.)	FRONT YARD DEPTH (FT.)	DE YARD WIDTHS		REAR YARD DEPTHS (FT.)
					Least Width (FT.)	Sum of widths (FT.)	
One-family dwellings 1- 1/2 stories	7,500	50	6,000	20	6	15	35
2 and 2-1/2 stories	7,500	50	6,000	20	8	20	35
Two-Family dwellings 1 and 1-1/2 stories	7,500	50	3,000	20	8	20	40
2 and 2-1/2 stories	7,500	50	3,000	20	10	25	40
Group Homes	15,000	100		20	20	40	20
Hospitals (§ 152.111 C)	5 acres	150		30	12	30	40

**SECTION 9: R-3 MULTI-FAMILY RESIDENCE DISTRICT**

1. **PRINCIPAL PERMITTED USES.** General. All principal uses permitted and as regulated in the R-1 and R-2 Districts, except as hereinafter specified.
  - a. Residential. Multi-family dwellings for any number of families or housekeeping units.
2. **CONDITIONALLY PERMITTED USES.**
  - a. Tourist home, bed and breakfasts, vacation homes.
  - b. Civic Organizations and meeting places for other similar organizations, not including those that are customarily conducted as a gainful business, provided all buildings in which such organizations or activities are housed shall be located at least 20 feet from any other lot in any R District.

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3. **ACCESSORY USES.** Any accessory use or structure permitted and as regulated in the R-2 District, and any accessory use or structure customarily incident or accessory to a principal permitted use or conditionally permitted use in the R-3 District.
4. **HEIGHT REGULATIONS.** No principal structure shall exceed three stories or 40 feet in height, and no accessory structure shall exceed two stories or 25 feet in height.
5. **LOT AREA, FRONTAGE, AND YARD REQUIREMENTS.** The following minimum requirements shall be observed, except as otherwise provided herein:

	LOT AREA (SQ. FT.)	LOT FRONTAGE (FT.)	LOT AREA PER FAMILY (SQ. FT.)	FRONT YARD DEPTH (SQ. FT.)	Side Yard Widths		REAR YARD DEPTHS (FT.)
					Least Width Widths (FT.)	Sum of Widths (FT.)	
One-and-two family dwellings	Same as R-2						
Two-family dwellings	6,000	60	2,000	20	8	16	40
and 1 ½ stories	6,000	60	2,000	20	10	20	40
and 2 ½ stories	6,000	60	2,000	20	12	25	45
Four-Family dwellings 2 and dwelling	12,000	60	3,000	20	10	25	40
Group homes	6,000	60		20	10	20	40
Community development projects, three acres minimum.	2,000						

**SECTION 10: B-1 NEIGHBORHOOD BUSINESS DISTRICT**

1. **PRINCIPAL PERMITTED USES.** Any local retail business or service establishment supplying commodities or performing services primarily for residents of the neighborhood on a day-to-day basis, such as:
  - a. Retail and services. Groceries, supermarkets, fruit and vegetable stores, drugstores, garden supply stores, barber shops, beauty parlors, clothes cleaning and laundry pickup, retail liquor store, and the like.
  - b. Offices. Business and professional.
  - c. Eating and drinking places. Restaurants, liquor sales, soda fountains and ice cream

parlors, not including adult entertainment and or exotic dancing.

d. Automotive services. Automobile service stations, minor repair and commercial storage garages, and parking lots, subject to the applicable requirements of this ordinance.

(1) Entrance and Exit, Requirement. No gasoline filling station, parking lot for 25 or more motor vehicles, or parking garage or automobile repair shop shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

(2) Oil Drain Pits. No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance for any such purpose, other than filling caps, is located within ten feet of any street lot line or within 25 feet of any R District, except where such appliance or pit is within a building.

e. Residential uses. Any use permitted and as regulated in the R District adjoining the B-1 District, if there are adjoining two or more different categories of residence districts, the regulations of the least restrictive residence district shall prevail.

2. **ACCESSORY USES.** Accessory uses and structures as permitted and regulated in any R District.

3. **REQUIRED CONDITIONS.**

a. Business in enclosed buildings. All businesses, services, or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants, and other fluids at service stations, and such outdoor display or storage of vehicles, materials, and equipment.

b. Use must be non-objectionable. Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by any reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste.

4. **LOT AREA, FRONTAGE. AND YARD REQUIREMENTS.** The following minimum requirements shall be observed, except as otherwise provided herein:

	LOT AREAS	FRONTAGE	FRONT YARD DEPTH (FT.)	SIDE YARD WIDTH STORY ONE BOTH	REAR YARD DEPTH
Nonresidential uses	None	None	20	None, except when adjoining any R District.	Ten feet, except when adjoining any R District.
Residential	Same as R-3 District				

5. **HEIGHT REGULATIONS.** No principal structure shall exceed 2-1/2 stories or 30 feet in height, and no accessory structure shall exceed one story or 20 feet in height, except as provided in.

**SECTION 11: B-2 GENERAL BUSINESS DISTRICT**

**1. PRINCIPAL PERMITTED USES.**

- a. General. Any use permitted and as regulated in the B-1 District, except as hereinafter modified.
- b. Retail and services. Laundries, clothes cleaning, or dyeing establishments; used merchandise stores; funeral homes and mortuaries.
- c. Wholesale and warehousing. Any wholesale business, storage, and warehousing; commercial greenhouses.
- d. Eating and drinking establishments. Drive-in eating and drinking places, summer gardens and roadhouses, provided the principal building is distant not less than 100 feet from any R District.
- e. Automotive services and farm implements. Automobiles, trucks, trailers, and farm implements for sale, display, hire, or repair, including sales lots, used car lots, trailer lots, repair garages, body and fender shops, and paint shops, but not within 50 feet of any R District.
- f. Animal hospitals and veterinary clinics. Animal hospitals, kennels, display, and housing or boarding of pets and other domestic animals, provided that any enclosures or building in which the animals are kept shall be at least 100 feet from any R District and at least 50 feet from any B-1 District. Exercise runs shall be enclosed on four sides by an unpierced fence or wall at least six feet in height.
- g. Commercial recreation. Any type of commercial recreation, including baseball fields, swimming pools, skating rinks, golf driving ranges, and similar open-air facilities, provided such establishments shall be distant at least 200 feet from any R District.
- h. Entertainment. Drive-in theaters, provided the screen shall be so located as not to be visible from adjacent streets or highways and setback not less than 200 feet from the established right-of-way line of any such street or highway.
- i. Building and related trades. Carpenter shops, electrical and plumbing shops, paint shops, heating shops, paper hanging shops, furniture upholstery, and similar enterprises, not including contractors' yards, but not within 50 feet of any R District.
- j. Printing and related trades. Publishing, job printing, lithographing, and blue printing.
- k. Bottling works. Bottling of soft drinks and milk or distribution stations, providing a building uses for such processing and distribution shall be at least 100 feet from any R District.
- l. Miscellaneous trades and business. Sheet metal shops, sign painting shops, and wholesale bakeries, but not within 100 feet of any R District.
- m. Contractors' yards and related establishments.
- n. Building material yards, excluding concrete mixing; contractors' equipment storage yards or plants, or storage yards for rental of equipment commonly used by contractors, trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sales of grain, livestock feed or fuel; carting, express, or hauling establishments, including storage of vehicles. Such uses shall be conducted either:



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commercial advertising structures; light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.

c. Laboratories. Experimental, film, or testing laboratories, provided no operation shall be conducted or equipment used which would create hazardous, noxious, or offensive conditions.

d. Warehouses. Warehouses for the storage of merchandise and materials.

e. Metal working, foundries, carpet cleaning, and cold storage to include:

(1) Blacksmith, welding, or other metal working shop, excluding punch presses over 20 tons' rated capacity, drop hammers, and other noise-producing machine-operated tools, machine shops, cooperage works.

(2) Foundry, casting lightweight nonferrous metals, or electric foundry not causing noxious fumes or odors.

(3) Bag, carpet, and rag cleaning provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

(4) Ice manufacturing and cold storage plant; creamery and bottling plant.

f. Flammable liquids; building materials. The following uses when located not less than 200 feet from any R District. Flammable liquids, underground storage only, not to exceed 25,000 gallons.

g. Building material sales yards, including concrete mixing; including millwork; open yards for storage and sale of fuel.

2. **PROHIBITED USES.** Offensive uses not to be authorized. No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards in compliance with the provisions of this ordinance, and any additional conditions or requirements that may become hazardous, noxious, or offensive due to emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, beat frequency, refuse matter, or water-carried waste.

3. **REQUIRED CONDITIONS.** Enclosed buildings. All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants, and other fluids at service stations; loading and unloading operations; parking; the outdoor display or storage of vehicles, materials, and equipment.

4. **LOT AREA, FRONTAGE, AND YARD REQUIREMENTS.** The following minimum requirements shall be observed, except as otherwise provided herein:

	LOT AREAS	FRONTAGE	FRONT YARD DEPTH (FT.)	SIDE YARD WIDTH STORY ONE BOTH	REAR YARD DEPTH
Nonresidential	None	None	20	None; except when adjoining R District, then not less than 25 ft. Each	None except when adjoining R District Then not less than 25 feet.

**SECTION 13: M-2 GENERAL MANUFACTURING DISTRICT**



1. **PRINCIPAL PERMITTED USES.** Any of the following uses, when located not less than 300 feet from any R District, and not less than 100 feet from any other district, except an M-1 or B-2 District:
  - a. Acetylene manufacturing more than 15 pounds pressure per square inch.
  - b. Automobile assembly.
  - c. Bleaching, cleaning, and dyeing plant of large-scale production.
  - d. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over 20 tons' rated capacity.
  - e. Candle or manufacturing.
  - f. Cooperage works. Dextrin, starch, or glucose manufacturing.
  - g. Disinfectant, insecticide, or poison manufacturing.
  - h. Dye and dyestuff manufacture.
  - i. Enameling, lacquering, or japanning.
  - j. Emery cloth or sandpaper manufacturing.
  - k. Felt manufacturing.
  - l. Flour or grain mill.
  - m. Forge or foundry works.
  - n. Gas, generation, or storage for illumination or heating.
  - o. Grain drying or poultry feed manufacturing from refuse, mash, or grain.
  - p. Hair or hair products manufacturing.
  - q. Lime or lime products manufacturing.
  - r. Linoleum, oilcloth, or oiled goods manufacturing.
  - s. Match manufacturing.
  - t. Meat packing, but not stockyards or slaughterhouses
  - u. Oil, paint, shellac, turpentine, varnish, or enamel.
  - v. Paper and pulp manufacturing.
  - w. Perfume manufacturing.
  - x. Pickle, sauerkraut, or sausage manufacturing.
  - y. Plaster manufacturing.
  - z. Printing ink manufacturing.
  - aa. Radium extraction.
  - bb. Sandblasting or cutting.
  - cc. Sawmill, the manufacture of excelsior, wood fiber, or sawdust products.
  - dd. Sewage disposal plant.
  - ee. Shoddy manufacturing.
  - ff. Shoe blacking or polish or stove polish manufacturing.
  - gg. Soap manufacturing.
  - hh. Steam power plant, except where accessory to a permitted principal use.
  - ii. Stone and monument work employing power-driven tools.
  - jj. Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper, or clippings, including sorting, refining, baling, wool pulling, and scouring.
  - kk. Sugar refining.
  - ll. Tar or asphalt roofing or waterproofing manufacturing.
  - mm. Tar distillation or manufacturing.
  - nn. Vinegar manufacturing.
  - oo. Wire or rod drawing; nut, screw, or bolt manufacturing.
  - pp. Yeast manufacturing.
  - qq. Any other use which, in the opinion of the Zoning Inspector, is of a similar

character as those specified above.

**SECTION 14: FENCES, WALKS, AND HEDGES.**

1. **REQUIRED.** Fences, walks, and hedges must be the following requirements:
  - a. If not exceeding, at any point, four feet in height above the elevation of the surface of the ground at such point, such features may be in any yard.
  - b. If not exceeding, at any point, six feet in height above the elevation of the surface of the ground at such point, they may be in any required rear yard or side yard.
  - c. The finished or flat side of a privacy fence must face outward toward neighbor's property or municipal street or alley on a corner lot. The support post must be located on the interior of the fence facing the landowner.
  - d. Fences walks and hedges shall be located at least 3 feet off property line.
  
2. **TRAFFIC VISIBILITY ACROSS CORNER LOTS.** In any District, on any corner lot, no fence, structure, or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way line) which interferes with traffic visibility across the corner.

**SECTION 15: OFF-STREET PARKING AND LOADING**

1. **LOADING SPACE REQUIREMENTS.** Distance from R Districts. No such space shall be closer than 50 feet from any other lot located in any R District.
  
2. **PARKING SPACE.** When required, in all districts, in connection with every industrial, business, institutional, recreational, residential, or other use, there shall be provided, at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for automobiles in the same or a less restricted district as those in which such uses are permitted in accordance with the requirements herein.
  - a. Minimum size. Each off-street parking space shall have an area of not less than 160 square feet, exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be less than 1,000 square feet in area.
  - b. Access. There shall be adequate provision for ingress and egress. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading or unloading spaces required hereunder in such a manner as to secure the most appropriate development of the property in question. Such access drive shall be not less than eight feet in width in the case of a dwelling, and not less than 18 feet in width in all other cases, provided, however, that one-way aisles for either ingress or egress for uses other than dwellings may be reduced to not less than ten feet in width. Such access drive or easement shall not be in any R District, except were provided in connection with a use permitted in an R District.
  - c. Type. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this ordinance.
  
3. **LOCATION OF PARKING FACILITIES.** Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured

from the nearest point of the parking facility to the nearest point of the building such facility is required to serve.

- a. One- and two-family dwellings. On the same lot with the building, they are required to serve.
- b. Multiple dwellings. Not more than 200 feet from the building they are required to serve.
- c. Commercial and institutional uses. For uses located and first permitted in the B-1, B-2 Districts, and for hospitals, institutions developmentally disabled, adoption or foster care home, rooming houses, lodging houses, civic organization meeting rooms, fraternity, and sorority houses, not more than 300 feet from the building they are required to serve.

**4. UNITS OF MEASUREMENT.** For purposes of this ordinance, the following units of measurement shall apply:

- a. Floor area. In the case of offices, merchandising or service types of uses, FLOOR AREA means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. The term FLOOR AREA does not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing, or packaging of merchandise; for show windows, offices incidental to the management or maintenance of stores or buildings, toilet or rest rooms, utilities or for dressing rooms, fitting or alteration rooms.
- b. Hospital bassinets. In hospitals bassinets shall not be counted as beds.
- c. Places of public assembly; benches. In places of public assembly in which patrons or spectators occupy benches, pews, or other such seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities.

**5. CHANGES IN USE, ADDITIONS, AND ENLARGEMENTS.** Whenever in any building there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement hereinafter specified for the determination of required off-street parking spaces, additional off-street parking facilities shall be provided based on the increased requirements of the new use or other unit of measurement. However, in case such change in use creates a need for an increase in off-street parking spaces of less than 10% of the parking facilities previously provided, no additional parking facilities shall be required.

**6. MIXED OCCUPANCIES AND USES NOT SPECIFIED.** In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and to which such use is similar, shall apply. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified for joint use.

**7. COLLECTIVE PROVISION.** Nothing in this ordinance shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided that the

total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the -various uses computed separately and provided also, that the requirements set forth in this section as to maximum distances between parking areas and establishments served shall apply to each such establishment participating in the collective provision of parking.

**8. JOINT USE OF FACILITIES.**

a. Not more than 50% of the off-street parking facilities required under this ordinance for a theater, bowling alley, dance hall, or an establishment for sale and consumption on the premises of food, alcoholic beverages, or refreshments, and up to 100% of such facilities required for a church or an auditorium incidental to a public or parochial school, may be supplied by off-street parking facilities. Provided for certain other kinds of buildings or uses specified in (b.) below, which are not normally open, used or operated during the principal operating hours of theaters, churches, or the aforesaid establishments, and not more than 50% of the off-street parking facilities required under this ordinance for certain buildings or uses specified in (b.) below may be supplied by such facilities provided for theaters, churches, or other aforesaid establishments, provided that a properly drawn legal instrument is executed by the parties concerned for the joint use of the off-street parking facilities. Such instrument, duly approved as to form and manner of execution by the Village Solicitor, shall be filed with the application for a building permit.

b. Buildings or uses not normally open, used, or operated during the principal operating hours of theaters, churches, or other of the aforesaid establishments are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing buildings, and similar uses.

**9. NUMBER OF PARKING SPACES REQUIRED.**

a. Listed uses. The number of off-street parking spaces required shall be as set forth in the following:

Dwellings – one for each family of dwelling unit

b. Uses not listed. In the case of any building, structure, or premise the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which such use is similar, shall apply. As determined by the Zoning Inspector.

**10. DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.** Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and an automobile or trailer sales lot, shall be developed, and maintained in accordance with the following requirements:

a. Screening and landscaping. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces premises situated. in any R District or institutional premises by a masonry wall or solid fence of acceptable design. Such wall or fence shall be not less than four feet in height and shall be maintained in

good condition. In case the capacity of the parking area exceeds 30 vehicles, it shall be screened by a masonry wall of a height herein above prescribed.

b. Minimum distances and setbacks. No part of any parking area for more than five vehicles shall be closer than ten feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless screened by a solid masonry wall, if parking areas for 25 or more motor vehicles, or for trucks and busses, shall also comply with the provisions of Section 10 (d).

c. Surfacing. Any off-street parking area for more than five vehicles shall be surfaced with an asphaltic or Portland cement binder pavement to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

d. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R District.

**SECTION 16: MANUFACTURED HOME PARKS**

1. **APPLICATION AND PLANNING.** An application for the establishment of a manufactured home park shall be filed with the Zoning Inspector and must be accompanied by a scale drawing certified by a registered engineer or surveyor. Such drawing shall contain the following information:
  - a. Accurate dimensions of the proposed manufactured home park.
  - b. All roads and approaches and the method of ingress and egress.
  - c. The complete electric service installation, wire service outlets, and lighting facilities.
  - d. A complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof.
  - e. The location of electric power or gas distribution systems, water mains, or wells for water supply outlets for domestic-water users, and the location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leaching beds, and other building or structures contemplated to be used by such applicant in connection with such business.
  
2. **SANITARY REGULATIONS.** The sanitary regulations prescribed by the State Board of Health or other authority having jurisdiction, the regulations of this building code and other requirements of law shall be complied with, in addition to the following regulations: After the date of enactment of this code, it shall be unlawful to park, locate, install, or situate any manufactured home on publicly or privately owned property within the corporation limits of the village.
  
3. **LANDSCAPING OF UNUSED AREAS.** All areas not used for access, parking, circulation, buildings, and service shall be completely and permanently landscaped, and the entire site shall be maintained in good condition. A landscaped strip of land not less than ten feet in width shall be established and maintained within the park along its exterior boundaries.
  
4. **EXISTING MANUFACTURED HOMES.** Manufactured home sites with trailer pads located within the Village of West Lafayette, Ohio on or before October 13, 1994, that do not conform with the requirements of this code may continue to be put to the nonconforming use if the

nonconforming use does not cease for more than 90 days provided that the manufactured home comply with the requirements of this code.

5. **GENERAL REGULATIONS.** All Manufactured homes must be located within an approved manufactured home park meeting the following regulations:
  - a. Each manufactured home site shall consist of a parcel of land with dimensions not less than 50 feet in width and not less than 100 feet in length.
  - b. Each manufactured home site shall conform to existing front and rear set back distances of adjoining properties, and no manufactured home shall be situated nearer than 110 feet to any lot line upon which such manufactured home is located.
  - c. Each manufactured home site shall have a minimum frontage of 50 feet upon a public or private street built to public standards and shall provide suitable off-street parking space for at least one motor vehicle.
  - d. Each manufactured home shall have skirting or panels constructed of suitable materials affixed around the perimeter of the manufactured home to screen all areas beneath such manufactured home from view.
  - e. Each manufactured home shall have a separate connection with the Municipal water and sanitary sewer systems and shall otherwise comply with local ordinances, resolutions, rules, and regulations pertaining to manufactured homes, and residential structures.

**SECTION 17: DESIGN AND MAINTENANCE REQUIREMENTS FOR MOBILE HOME/TRAILER PARKS.**

1. **GENERAL PROVISIONS.** Trailer parks shall be designed and maintained in accordance with the following requirements:
  - a. Park area. The minimum trailer park area shall be 40,000 square feet.
  - b. Lot area. The minimum lot area per trailer unit within the trailer park shall be 1,500 square feet.
  - c. Lot width. The minimum lot width per trailer unit within the trailer park shall be 30 feet.
  - d. Access. Each trailer park shall abut on a public street and each trailer lot shall have direct access to a private hard surface road.
  - e. Distance from property line. The minimum distance for each trailer from the exterior property lines shall be not less than 20 feet.
  - f. Distance between trailers. The minimum distance between neighboring trailers shall be not less than 20 feet.
2. **CONCRETE SLAB.** Each trailer unit shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Such slab shall have a minimum horizontal dimension of eight by ten feet and a minimum thickness of four inches.
3. **UTILITIES.** Each trailer unit shall be equipped with one electric outlet. A municipal sanitary sewer and municipal water system shall be installed in accordance with village specifications. Trailer units not equipped with water and sewer facilities shall be located not more than 200 feet from a community utility building which shall provide separate toilet and shower facilities for each sex. No trailer shall remain in a trailer park for a period exceeding 15 days without connection to the permanent sanitary sewer system of the park. Fire hydrants shall be of type and accordance to specifications of the West Lafayette Fire Department.

4. **INTERIOR STREETS.** The minimum roadway width of interior one-way streets with parking permitted on one side shall be 20 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 26 feet. The minimum width of two-way streets without parking permitted shall be 20 feet. Such streets shall be paved according to village specifications for residential streets and maintained in good condition and lighted at night.
5. **RECREATION AREAS.** There shall be provided within each trailer park an adequate site for recreation for the exclusive use of the park occupants. Such recreation site shall have a minimum area in the aggregate of 100 square feet for each trailer space in the park. The recreation sites shall be of appropriate design and provided with appropriate equipment
6. **ENTRANCES.** No vehicular entrance to or exit from any trailer park or motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such property is in another block or another street which the premises in question does not abut.
7. **SPEED LIMIT.** It shall be unlawful for any type of vehicle to travel at a rate of speed more than ten (10) miles per hour within any trailer park, motel area, or tourist camp, except emergency vehicles on call.
8. **LANDSCAPING OF UNUSED AREAS.** All areas not used for access, parking, circulation, buildings, and service shall be completely and permanently landscaped, and the entire site shall be maintained in good condition. A landscaped strip of land not less than ten feet in width shall be established and maintained within the park along its exterior boundaries.
9. **PARKING AND OCCUPYING PROHIBITED, STORAGE REQUIREMENTS.** No person shall park or occupy any trailer on any premises in any district outside an approved trailer park. The parking of an unoccupied trailer in an accessory private garage building, or in a rear yard in any district, shall be permitted, provided no living quarters are maintained or any business conducted in such trailer while so parked or stored.

**SECTION 18: SIGNS:**

1. **GENERAL REGULATIONS.** The following is a list of regulations to guide the installation, maintenance, and location of signs:
  - a. No person shall erect, install, maintain, on premises owned or controlled by the owner any sign, display, or banner unless such sign, display, or banner complies with the provisions of this ordinance.
  - b. All signs, displays, or banners erected, installed, or maintained contrary to any provisions contained in this ordinance shall be made to conform to the provisions of this ordinance within 10 days after notice from the Village Administrator.
2. **OUTDOOR ADVERTISING.** Display signs, billboards, and other outdoor advertising signs and structures subject to the following provisions:
  - a. **Setbacks Required:** Outdoor advertising signs and structures, where permitted, shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal building in the districts where located, provided that for every square foot by which such signs or billboards exceed 288 square feet, such setback shall be increased by ½ foot, but such setback need not exceed 75 feet

from the established right-of-way line of each such street or highway in any case.

b. Not to Face R District: No billboard, sign, or advertising sign shall be permitted which faces the front or side lot line of any lot in any R District within 200 feet of such lot line, or which faces any public parkway, public square, or entrance to any public park, public or parochial school, library, church, or similar institution, within 300 feet thereof.

3. **REAL ESTATE SIGNS.** Real estate signs advertising the sale, rental, or lease of the premises on which they are maintained shall set back from every street lot line at least a distance in feet equal to one-half the number of square feet of area of the sign, but not less than one-half the depth of the required front yard in any R District. However, such real estate sign, not exceeding six square feet in area and when attached flat against the building to which it pertains shall be permitted in any case.
4. **ANNOUNCEMENT OR PROFESSIONAL SIGNS.** Small announcement or professional signs, where permitted, shall not exceed one square foot in area, except that a church, school, community center, or other public or institutional building may have for its own use an announcement sign or bulletin board not over 12 square feet in area, which, if not attached flat against a building, shall be at least ten (10) feet from all street lines.
5. **HEIGHTS ABOVE SIDEWALK.** No sign, display, or banner shall be erected, installed, maintained at less than 12 feet above the sidewalk. Signs, displays, or banners extending into the street over the sidewalk or roadway shall be at a height of at least 21 feet.
6. **SUPPORTS IN THE STREETS PROHIBITED.** No sign, display, or banner shall be supported either wholly or in part by any pole, standard, or other support erected, placed, or embedded in any street or public roadway. No sign, display, or banner shall be maintained which is so supported.
7. **EXTENSION ACROSS ROADWAY.** No sign, display, or banner shall extend across any public roadway without approval of the Village Administrator.

**SECTION 19: SUBDIVISIONS:**

1. **REQUIREMENT.** Individual subdivisions will follow all regulations as established previously for the residential district they are designated under.
2. **EASEMENTS.** Private and public easements shall have a minimum width of 16 feet, or such additional width as may be required by the Village Administrator for necessary access to the utility involved. Such easements shall be located along rear or side lot lines except under special circumstances where the Planning Commission may require them in other locations. For lots facing curvilinear streets, the rear easement shall consist of straight lines with a minimum of points of deflection.

**SECTION 20: CONSTRUCTION IMPROVEMENT REQUIREMENTS:**

1. **CONSTRUCTION PROCEDURE AND MATERIALS.** The subdivider OR contractor shall design, and construct improvements not less than the standards outlined in these regulations. The work shall be done under village supervision and inspection and shall be completed within the time fixed or



agreed on by the Village Administrator. The minimum requirements for materials shall be in accordance with the standards of the current volume of "Construction and Material Specifications" of the State of Ohio Department of Highways, and the requirements of the Ohio Department of Health.

2. **MONUMENTS, MARKERS, AND PINS.** Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision, at the intersections of those boundary lines with all street lines; at the beginning and end of all curves, at points on curves where the radius or direction changes, and at such other points as are necessary to establish definitely all lines of the plat, including all lot corners. Stone or concrete monuments shall be at least 36 inches long and at least six inches in diameter and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least ½ inch in diameter and at least 30 inches long may be used at all other points.
3. **PORTLAND CEMENT CONCRETE PAVEMENT.** If the subdivider elects to construct streets totally out of Portland cement concrete or if such pavement is required by the Village Administrator, thickness of seven inches for all streets shall be required. The Village Planning Commission may require pavement of greater thickness, on the recommendation of the Village Administrator, based on his evaluation of the subgrade, traffic, and wheel load conditions.

4. **FIRE PROTECTION.**

(A) Fire hydrants with 2-1/2-inch outlets and one large pumping connection shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at midblock for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length.

(B) The type of hydrants and control valves and the location of the hydrant shall be approved by the Fire Chief. Water lines serving any hydrant shall be circulating and shall be not less than eight inches in diameter. The size and location of water lines shall be approved by the Village Administrator, the Fire Chief, and the contracted engineer.

5. **SANITARY SEWER IMPROVEMENTS.**

The following requirements shall govern sanitary sewer improvements:

(A) Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Department of Health and Village standards. Combinations of sanitary sewers and storm sewers shall be prohibited.

(B) Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide a central treatment plant for the group, provided that such central treatment plant is installed in accordance with State and Village Board of Health requirements.

6. **DRAINAGE IMPROVEMENTS.** The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as determined by the Village Administrator and or engineer to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The velocity of flow in an openditch shall not exceed four feet per second in soil ditches or six feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facility.
  
7. **STORM SEWERS AND STORM WATER DRAINAGE.** Where an adequate public storm sewer is available at the plat boundary, the sub-divider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer is not accessible, natural drainage channels with easements of adequate width shall be predetermined by the Village Engineer and approved by the Commission. Paved gutters and/or storm sewer will be required if velocities of flow are greater than specified in § 15 above or causes destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into sanitary sewer facility, but shall be connected to an adequate drainage outlet.
  
8. **OVER-SIZED AND OFF-SITE IMPROVEMENTS.** The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed over-sized and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the Village Administrator.
  
9. **COST OF OVER-SIZE IMPROVEMENTS.** The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers, or water lines which are serving the proposed subdivision as determined by the Village Administrator. The village shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas specified in § 17 above.
  
10. **EXTENSIONS TO BOUNDARIES.** The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land as determined by the Commission.
  
11. **OFF-SITE EXTENSIONS.** If streets or utilities are available at the boundary of a proposed subdivision, and if the Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.
  
12. **EROSION AND SEDIMENTATION CONTROL.** Effective erosion and sediment controls shall be planned and applied according to the following principles:
  - (A) The smallest practical area of land should be exposed at any one-time during development.
  
  - (B) When land is exposed during development, the exposure should be kept to the shortest practical period of time.

- (C) Temporary vegetation, such as rye grass seeding, or mulching shall be used to protect higherosion potential or other critical areas exposed during development.
- (D) Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
- (E) Provisions shall be made to effectively accommodate the increased run-off caused by changedsoil and surface conditions during and after development.
- (F) The permanent final vegetation cover and storm water management structures shall be installedas soon as practical.
- (G) The development plan shall be fitted to the topography and soils so as to create the least erosionpotential.
- (H) Wherever feasible, natural vegetation should be retained and protected.

13. **FINAL INSPECTION.** On completion of all the improvements, the subdivider shall request, in writing, a final inspection by the Village Administrator as required under R.C. § 711.091.

**Section 21: Solar Energy Systems:**

1. **Intent.** The intent of this Chapter is to regulate the placement and construction of solar energy systems in order to promote their safe and efficient use, to increase opportunities for generation of renewable energy, and to minimize the visual, environmental, and operational impacts of solar systems on the Village and its residents
2. **Permitted Accessory Use.** Solar energy systems shall be a permitted accessory use in all zoning districts.
3. **Development Standards.**
  - (A) **Height.** The height of ground mounted solar energy systems shall not exceed five (5) feet in height. The height of roof mounted systems on any building shall not exceed more than three (3) feet above the finished roof to which it is mounted. In no instance shall any part of the system extend beyond the edge of the roof.
  - (B) **location.** Ground mounted solar energy systems are prohibited in front yards, and shall not extend beyond the front wall of any building.
  - (C) **Lot Coverage.** No more than ten (10) percent of a lot may be covered with ground mounted solar energy systems, and every effort shall be made to control storm water runoff.
  - (D) **Setbacks.** Ground mounted solar energy systems shall be setback from any side or rear property lines not less than 3 feet.
  - (E) **Utility Lines.** All exterior utility lines shall meet all applicable building and electric codes. All

utility lines for ground mounted systems shall be buried underground.

- (F) **Glare.** Solar panels shall be placed such that reflection angles from the collector surface shall be oriented away from neighboring windows and roadways,

**4. Administrative Review.**

- (A) **Procedure.** A building permit with a fee of \$50.00 shall be required for the installation of any solar energy systems

- (B) **Submittal Requirements.** Each application for a solar energy system shall include the following:

- (1) Applicants name, contact information and evidence of site control.
- (2) Address of the property
- (3) Site survey including property lines and physical dimensions of the property, and location of proposed system showing setback requirements.
- (4) Drawings and specifications including description of all components of the solar energy system including the manufacturer's model, capacity, and dimensions, and drawings which have been approved by a registered professional engineer for any ground mounted solar energy system foundation.

- (C) **Expiration.** The permit issued pursuant to this chapter shall expire if the system is not installed within twelve (12) months from the date the permit is issued.