

VILLAGE OF MT. ORAB
ZONING ORDINANCES

ORDINANCE NO. 336

ORDINANCE NO. 441

ORDINANCE NO. 542

ORDINANCE NO. 1140

STATE OF OHIO
VILLAGE OF MOUNT ORAB OHIO
ORDINANCE NO. 336

PROVIDING FOR AND DIVIDING THE VILLAGE OF MOUNT ORAB OHIO INTO DISTRICTS (ZONES) AND REGULATING THE USE OF LAND AND STRUCTURES WITHIN SUCH DISTRICTS.

BE IT ORDAINED by the Council of the Village of Mount Orab, Ohio:

ARTICLE I
PURPOSE

The dividing of the Village of Mount Orab, Ohio, into districts (zones) and in such districts the regulations of the locations use, height, number of stories, and size of buildings and structures, the portions of lot and acreage areas which may be occupied, the setback building lines, size of yards and other spaces, and the density of land occupancy; the making of amendments or supplements to such regulations and the boundaries of the districts or zones; a Village Board of Zoning Appeals; the enforcement of and prescription of penalties for violations of the provisions hereof;

Sec. 1.2 Interpretations of this Ordinance. The provisions of this Ordinance shall be held be minimum requirements. This Ordinance is not intended to repeal, annul or interfere with any existing laws, regulations. However, where the provisions of this Ordinance are greater than the requirements of existing laws, regulations or restrictions, the provisions of this Ordinance shall control.

ARTICLE II

Sec. 2.1. Creation of Districts. The Village of Mount Orab is hereby divided into the following Districts or Zones:

“R-1” — (pg. 9)	Residence District
“R-2” — (pg. 10)	Residence District
“R-3” — (pg. 11)	Residence District
“C-1” — (pg. 13)	Neighborhood District
“CBD”— (pg. 15)	Central Business District
“I” — (pg. 16)	Industrial District

Sec. 2.2 Boundaries

A) Map.

The boundaries of the Districts or Zones are as shown on the District Zoning Map of Mount Orab and the written description. The said map and written description is made a part of this Ordinance.

B) Intention of Boundary Lines.

District of zone boundaries are intended to follow lot lines, the centerline of streets or alloys, corporations lines, the centerlines of rivers or streams (if located within the municipal corporation), and railroad right of way, all as were in existence at the time of the enactment of the Ordinance

C) Split Lots.

When a district line divides a lot held in a single ownership and recorded before the enactment of this Ordinance, the regulations applicable in the district in which the larger portion of the lot is located shall apply to the smaller portion of the lot.

D) Doubtful Boundary.

Whenever there may be a doubt as to the location of a district boundary the matter shall be resolved by the Board of Zoning Appeals.

Sec 2.3 Status of Annexed Lands.

A) Zoned Territory.

When a part of the unincorporated territory of Brown County, zoned under the provisions of Section 519 or Section 303 of the Revised Code of Ohio, is annexed to the Village of Mount Orab, the zoning plan under which the territory was zoned shall remain in the force until the Village Council (upon recommendation from the Village Planning Commission) shall either adopt the existing zoning regulations or new regulations for such territory.

B) Unzoned Territory.

Unzoned lands which may be annexed to the Village of Mount Orab after the enactment of this Ordinance shall be classified R-1 Residence District until the Village Council (upon recommendation from the Village Planning Commission) adopts zoning regulations to regulate the said annexed lands.

ARTICLE III
GENERAL PROVISIONS
APPLYING TO ALL DISTRICTS

Sec 3.1 Definitions. For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory, the word "may" is permissive.

The word "used" or "occupied" included the words "intended", "designed", or "arranged to be used or occupied".

- 1) Accessory Use or Structure: A use of structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- 2) Alley: A public way through the middles of a block, giving access to the rear of buildings and having a right of way of twenty (20) feet or less.
- 3) Basement: A story not having more than one-half (1/2) its height above grade.
- 4) Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.
- 5) Dwelling: Any building or portion thereof which is designed as or used for non-transient residential purpose.
 - A) Dwelling, Single-Family: A detached building occupied by one family only
 - B) Dwelling, Two-Family: A building occupied by two families only with separate housekeeping and cooking facilities for each.
 - C) Dwelling, Multiple-Family: A building occupied by three or more families, with separate housekeeping and cooking facilities for each.
- 6) Family: One or more persons occupying a single housekeeping unit and using common cooking facilities as distinguished from a group occupying a boarding house, lodging house, or hotel.
- 7) Home Occupation: Any occupation or activity carried on by a member of the immediate family residing on the premises, in connection with which there is no sign other than a name plate not more than six (6) square feet in area, and no display that will indicate from the exterior that the building is being used for any purpose other than that of a dwelling, there is no commodity sold upon the premises except that which is produced on the premises, no person is employed other than a member of the immediate family residing on the premises; and not more than twenty-five (25) percent of the total floor area of any dwelling unit is used for such purposes.
- 8) Junk Yard: Any use of land for the dismantling, wrecking, dumping, or storage of obsolete or wrecked vehicles, trailers, appliances, or other equipment, paper, rags, or other refuse.
- 9) Lot: A piece, parcel, or plot of land occupied or intended to be occupied by a principal building and its accessory building or buildings and including yards and other open spaces required by this Ordinance.
 - A) Lot, Corner: A lot fronting on two streets at their intersection.

- B) Lot, Double Frontings: A lot having frontage on two (2) more or less parallel public streets, and which is not a corner lot.
- C) Lot, Reverse Frontage: A lot having frontage on two intersecting streets but not at the point of their intersection.
- D) Lot Interior: Any lot other than above.
- 10) Lot of Record: Any lot which has been established as such by plat, survey, record, or deed prior to the effective date of this Ordinance as shown on the records of Brown County.
- 11) Mobile Home: A vehicle with or without its own motive power, equipped for or used for living purposes, and mounted on wheels or designed to be so mounted and transported.
- 12) Mobile Home Park: Any lot on which three (3) or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodations.
- 13) Non-Conforming Use: Any building, structure, or land lawfully occupied by a use at the time of the passage of this Ordinance or amendments thereto, which does not conform with the use regulations of the district in which it is situated.
- 14) Public Use: Any use of land or buildings owned and operated by a municipality, county, state, or federal government or agency thereof and for a public service or purpose.
- 15) Retail: The sale of commodities in small quantities or parcels directly to the consumer.
- 16) Street: Any public or private way fifty (50) feet or more in width set aside as a permanent right of way for vehicular travel by the general public and affording the principal means of access to abutting property shall be designated as a primary street and if such public or private way be twenty (20) feet or more in width but less than fifty (50) feet in width shall be designated as a secondary street.
- 17) Street Right-Of-Way Line: The dividing line between a lot and the right of way of a street
- 18) Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures including buildings, walls, fences, billboards, and poster panels.
- 19) Wholesale: The sale of goods in the piece or in larger quantities to retailers or jobbers rather than consumers.

20) Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from Thirty (30) inches above the ground level of the graded lot upward.

A) Font Yard: The yard extending across the entire width of the lot between the principal building and the street right-of-way line upon which the principal building faces.

B) Rear Yard: The yard extending across the entire width of the lot between the rear plot line and the nearest part of the principal building.

21) Existing: Shall mean to be present force, activity, or effect or already created and in use for a given purpose at the time of the passage of this Ordinance.

22) Future: Shall mean any activity occurring after the date of this passage of this Ordinance.

Sec 3.2 Zoning Affects Every Building and Use.

No use of structure of land shall hereafter be changed, and no structure or part thereof shall be erected, moved, or altered unless for a use expressly permitted by, and in conformity, with the regulations herein specified for the district in which it is located, except as hereinafter provided.

Sec 3.3 Continuance of the Non-Conforming Uses.

Any use of land or structure existing at the time of enactment or subsequent amendments of this Ordinance, but not in conformity with its provisions, may be continued with the following limitations:

- 1) No structure containing a non-conforming use shall hereafter be expanded unless approved by the Board of Zoning Appeals. Before granting such approval, the Board shall determine that the proposed expansion will not result in a greater detriment to surrounding properties. In no case shall expansion be approved beyond the property limits existing at the time of adoption of this Ordinance
- 2) No non-conforming use may be changed to any other non-conforming use unless the Board of Zoning Appeals finds that the proposed non-conforming use is less detrimental to the district than the existing non-conforming use of the property.
- 3) Any non-conforming land use which has been damaged to the extent of seventy-five (75) percent of its assessed value, exclusive of foundation, shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance.

Sec 3.4 Regulations Governing Rear Dwellings and Mobile Homes.

- 1) No dwelling of mobile home shall be erected or placed on a lot which does not abut at least one public street for at least thirty-five (35) feet, except as noted in Article IV, Section 2.

- 2) No building in the rear of a main building on the same lot may be used for residential purposes, except for domestic employees of the occupants of the main building.
- 3) No dwelling may be built or erected behind another building, on the same lot, and having access on the same street.
- 4) On reverse fronting and double frontings lots more than one dwelling structure may be permitted if the area, front, side, and rear yard requirements for the district in which the property is located are complied with for each structure.
- 5) No mobile homes shall be placed on a lot on which a structure used for dwelling purposes already exists unless the mobile home is so placed that it meets all of the requirements for a dwelling locating in that district. A mobile home shall not be connected to electric, gas, telephone, water, sewer, or any other utility, or service in, through, or at another structure; all such utility service connections must be made directly to the mobile home from regular utility service lines in the same manner that connections are provided to other dwelling structures in that area.
- 6) A mobile home, camping trailer, and/or boat owned by a resident of a dwelling unit on a particular lot may be located on the lot, except where prohibited by restrictions in deed, provided it is parked in the rear yard, meets the setback requirements for an accessory building in the district in which it is located, has no utility or service connections, and is not used for dwelling or sleeping purposes.

Sec 3.5 Reductions in Lot Area Prohibited.

No lot, although it may consist of one or more lots of record, shall be reduced in area to the extent that yards, lot area per family, lot width, building area, or other requirement of this Ordinance are not maintained, this section shall not apply when a portion of a lot is required for public purpose.

No space applied or necessary under this Ordinance to satisfy the yard or other open-space requirements in relations to any building or area, whether now or subsequently built or occupied, shall be count as part of the required open space in relation to any other buildings.

Sec 3.6 Obstruction to Vision at Street Intersections Prohibited.

On a corner lot, in all districts except the Central Business District (CBD), nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2 ½) feet and ten (10) feet above the center line grades for the intersection streets in an area bounded by the street lines of such corner lots and a line joining such points along said street lines fifty (50) feet from the point of the intersection.

Sec 3.7 Fences, Walls, and Hedges.

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard provided; however, that no fence, wall, or hedge along the sides or front edge of any front yard shall not be over two and one half (2 ½) feet in height on corner lots and four and one half (4 ½) feet on interior lots.

Sec 3.8 Off-Street Automobile Parking.

Permanent off-street automobile parking, storage, or standing space shall be provided asset forth below at the time of the erection of any building or structure, at the time any principal building or structure is enlarged or increased in capacity by adding a dwelling units, guest rooms, seats, or floor area, or before conversion from one zoning use or occupancy to another. Such space shall be provided with vehicular access to a street or alley. This space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. No required front yard or portion there of in any residential district shall be utilized to provide parking space required in this Ordinance. These parking space requirements shall be apply in the Central Business District (CBD).

At least the following minimum parking space requirements shall be provided and for the purpose of computing the number of parking spaces, the ratio of two hundred and fifty (250) square feet per parking space shall be used:

- 1) Amusement Facilities: One (1) parking space for every five (5) customers computed on the basis of maximum servicing capacity at any one time plus one additional parking space for every two (2) persons regularly employed on the premises.
- 2) Churches, Auditoriums, Stadiums, Gymnasiums: One (1) space for every five (5) seats occupied a maximum capacity.
- 3) Retail Business: Parking or storage for all vehicles used directly in the conduct of such business plus four (4) parking spaces for the first one thousand (1,000) square feet of total floor area, one (1) additional space for every additional two hundred (200) square feet of floor area.
- 4) Service Establishments Offering Both Personal and Repair Services, etc.: Parking or storage for all vehicles used directly in the conduct of the business plus two (2) parking spaces for each person regularly employed on the premises.
- 5) Residences: One (1) parking space fro each dwelling unit or family unit.
- 6) Industrial Plants and Facilities: Parking or storage spaces for all vehicles used directly in the conduct of such industrial use plus one (1) parking space for every three (3) employees on the premises at maximum employment on a single shift.

- 7) Offices: One (1) parking space for every two hundred (200) square feet of office space.
- 8) Wholesale Businesses and Warehouses: Parking or storage for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed on the premises at maximum seasonal employment.

ARTICLE IV EXCEPTIONS AND MODIFICATIONS

Sec 4.1 Lot of Record.

Lots or parcels of land recorded before the effective date of this Ordinance shall be considered as buildable lots even though such lot does not contain sufficient land to conform to yard or other requirements of this Ordinance. The Zoning Inspector may issue a permit to construct a permitted use of such a lot within the following limitations:

- 1) The sum of the side yard widths of any lot of parcel of land, which is a lot of record as defined by this Ordinance and which does not contain sufficient land to conform to the yard and other area requirements of this Ordinance, shall be twenty (20) percent of the width, but in no case shall any other side yard be less than three (3) feet.
- 2) The depth of the rear yard of the above described lot shall be twenty (20) percent of the depth of the lot, but in no case less than ten (10) feet.

If two (2) or more adjoining and vacant lots with continuous frontage are in a single ownership at any time after the adoption of this Ordinance and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be permitted to be size, and the lots in the ownership shall be subject to the requirements of this Ordinance

Sec 4.2 Group Housing.

In the case of group housing of two or more buildings to be constructed on a plot of ground, not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street layout make it impracticable to apply the requirements of this Ordinance to the individual building units in such group housing, the application of the terms of this Ordinance may be varied by the Board of Zoning Appeals. In order to develop grouping housing as permitted in this section, the owner must submit to the Board of Zoning Appeals a site plan showing the location of all proposed buildings, streets, yards, and other open spaces accurately drawn to scale and indicating all dimensions of buildings, driveways, parking areas and yards and open spaces. Upon receipt and review of such a site plan, the Board of Zoning Appeals may waive the heretofore established side and rear yard requirements, and the heretofore established front yard requirements, except for streets which are dedicated thoroughfares of the Village, with respect to such group housing developments and may direct

the zoning inspector to issue permits in accordance therewith, provided; the net land area per dwelling unit contained in the development is not less than that prescribed for the district in which the development is located.

Sec 4.3 Exceptions To Height Limitations.

The height limitations of this Ordinance shall not apply to church spires, belfries, conoplas, and domes not intended for human occupancy or to monuments, water towers, observation towers, power transmissions towers, silos, chimneys, smoke stacks, derricks, conveyors, flag poles, and radio and television towers, mast, and aerials.

ARTICLE V
PROVISIONS GOVERNING DISTRICTS

(See amended provisions in Ordinance #542)

Sec 5.1 "R-1" Single Family Residence District.

- A) Permitted Use: Within the "R-1" Single Family Residence District, no building or other structure or land shall be used, and not building or other structure shall be built, altered, or erected to be used for any purpose other than that of:
- 1) Single Family dwelling.
 - 2) Public or private schools offering general education courses.
 - 3) Home occupations
 - 4) Funeral homes
 - 5) Accessory uses or structures incidental to any of the above permitted uses, including but not limited to non-commercial greenhouses, private garages, swimming pools, and sign advertising the sale, rent, or lease of the building, furnishings, or land on which it is located.
- B) Uses Permitted as Special Exceptions: The following uses are special exceptions and require written approval of the Board of Zoning Appeals:
- 1) Hospitals for human care
 - 2) The taking of boarders or tourist or the leasing of rooms by the family resident on the premises. For the purpose of advertising such use, one sign not over six (6) square feet in area may be used.
 - 3) Philanthropic institutions.

C) Area, Yard, and Height Restrictions.

- 1) Area per Dwelling Unit and Lot Dimensions As To All Future Use After Passage of This Ordinance: The minimum land are of lot size per dwelling unit shall be twelve thousand (12,000) square feet and the minimum width of the lot at the front of the building like shall be seventy-five (75) feet.
- 1) Front yard: No building of part of a building other than steps, caves, and cornices and similar fixtures shall extend nearer the front street right of way that twenty-five (25) feet.
- 2) Rear Yard: There shall be a rear yard depth of not less than thirty (30) feet.
- 3) Side Yards: There shall be two side yards each having a width of not less than fifteen (15) feet. On a corner lot, the front yard set back shall be observed on all sides of the lot bordering a public street.
- 4) Height Restrictions: No dwelling shall exceed two and one half (2 ½) stories or thirty (30) feet in height.

D) Private Garages and Other Accessory Buildings and Uses.

- 1) No detached private garage or other accessory building, vehicle or use, shall be placed closer to a rear property line than six (6) feet, or closer to a side property line than three (3) feet, and for each foot of height of such a building that exceeds fifteen (15) feet, the offset from the rear and the side property lines shall be increased by one (1) foot. No detached garage or other accessory building or vehicle shall be placed closer to a front building than fifty (50) feet,
- 2) Any accessory swimming pool, having a depth of eighteen (18) inches or more shall be so walled or fenced so as to prevent uncontrolled access from the street or adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in good condition.

Sec. 5.2 “R-2” Single Family and Two-Family Residence District.

- A) Permitted Uses: Within the “R-2” family and two-family residence district, no building or structure or land shall be build, altered or erected to be used for any purpose other than that of;
- 1) a use permitted in the “R-1” Single Family Residence District
 - 2) Two-Family (Duplex) dwellings
- B) Uses Permitted As Special Exceptions. The following uses are special exceptions and require approval of the Board of Zoning Appeals:
- 1) The special exceptions permitted under the “R-1” Single Family Residence District.

- 2) Nursery Schools and Child Care Centers provided there is established and maintained in connection therewith one or more completely securely fenced play lots.

C) Area, Yard and Height Restrictions.

- 1) Area Per Dwelling Unit and Lot Dimensions: The minimum land area of a lot size for a single family dwelling shall be eight thousand (8,000) square foot and the minimum width of the lot at the front building lines shall be fifty (50) feet. The minimum land area or lot size for a two family dwelling shall be ten thousand (10,000) square feet and the minimum width of the lot at the front of the building line shall be fifty (50) feet.
- 2) Front Yard: No building or part of a building other than steps, eaves, and cornices sand similar fixtures shall extend nearer the front street right-of-way line than twenty-five (25) feet.
- 3) Rear Yard: There shall be a rear yard with a depth of not less than thirty (30) feet.
- 4) Side Yards: There shall be two side yards each having a width of not less than five (5) feet. Multiple family dwellings shall have an additional one foot, and up to and including, twenty-two (22) units or twenty-five (25) foot after which no additional side yard will be required. On a corner lot, the front yard set back shall be observed on all sides on the lot bordering a public road.
- 5) Height Restrictions: No dwelling shall exceed three (3) stories or forty-five (45) feet in height.

B. Private Garages and Other Accessory Buildings and Uses:

- 1) Permitted garages, vehicles, and other accessory buildings and uses shall be governed by the same restrictions as in the “R-1” Single Family Residence District as set forth in Article V, Section 5.1-D, Subsections (1) and (2).

Sec. 5.3 “R-3 Multi-Family Residence District.

- A. Permitted Uses. Within the “R-3” Multi-Family Residence District, no building or structure or land shall be used, and no building or other structure or land be built, altered, or erected to be built, altered, or erected to be used for any purpose other than that of:

- 1) A use permitted in the “R-2” Single Family and Two-Family Residence District.
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- 1) Multi-Family (3 units and above) dwellings.

A. Uses Permitted As Special Exceptions. The following uses are special exceptions and require written approval of the Board of Zoning Appeals.

1) The special exceptions permitted in the "R-2" Single and Two-Family District.

1) Nursing Homes for the care of the aged.

1) Clubhouses or lodges of social organization not conducted for profit and which is not operated by or in connection with a public tavern, café or other public place.

A. Area, Yard, and Height Restrictions.

1) Area Per Dwelling Unit and Lot Dimensions: The minimum land area or lot size for a single family dwelling shall be eight thousand (8,000) square foot and the minimum width of the lot at the front of the building line shall be fifty (50) feet. The minimum land area or lot size for a two-family dwelling shall be ten thousand (10,000) square feet and the minimum width of the lot at the front buildings line shall be fifty (50) feet. The land area or lot size for a multi-family dwelling shall be ten thousand (10,000) square feet for the first two (2) dwelling units and an additional one thousand (1,000) square feet for each additional dwelling unit. The minimum width of a lot on which a multi-family unit is located shall be fifty (50) feet at the front building line for the first two (2) dwelling units and an additional ten (10) feet for each additional dwelling unit.

1) Front Yard: No building or part of a building other than steps, eaves, or cornices and similar fixtures shall extend nearer than the front street right-of-way line than twenty-five (25) feet.

1) Rear Yard: There shall be a rear yard with a depth of not less than thirty (30) feet.

1) Side Yards: There shall be two side yards each having a width of not less than five (5) feet. Multi-family dwellings shall have an additional one foot on each side yard for each dwelling unit over two (2) and up to and including twenty-two (22) units or twenty-five (25) feet after which no additional side yard will be required. On a corner lot, the front yard set back shall be observed on all sides on the lot bordering on a public street.

1) Height Restrictions: No dwelling shall exceed three (3) stories or forty-five (45) feet in height.

A) Private Garages and Other Accessory Buildings and Uses:

1) Permitted garages, vehicles, and other accessory buildings and uses shall be governed by the same restrictions as in the "R-1" Single Family Residence District as set forth in Article V, Section 5.1-D, Subsections (1) and (2).

Sec. 5.4 "C-1" Neighborhood Business District

A. **Permitted Uses.** Within the "C-1" Neighborhood Business District, no building or other structure or land shall be used, and no building or other structure shall be built, altered or erected to be used for any purpose other than that of:

- 1) A use permitted in the "R-3" Multi-Family Residence District.
- 2) Shops offering personal services such as barbers, beauty parlors, and branch laundries (where no laundering or cleaning is done on the premises).
- 3) Drugs stores.
- 4) Hardware stores.
- 5) Shops offering at retail, foods and food products such as fruit markets, meat markets, grocery stores, and bakeries.
- 6) Shops offering the repair services, such as small appliance and shoe repair.
- 7) Offices and office buildings.
- 8) Self-Service Laundry and Dry Cleaning establishments.
- 9) Signs not longer than sixty (60) square foot and not more than one (1) per establishment, advertising a business or activity conducted on the premises.
- 10) Any necessary use or building customarily incidental to the above permitted uses.
- 11) Any use which in the opinion of the Board of Zoning Appeals to be the same general character as the above permitted uses.

B. **Uses Permitted As Special Exceptions:** The following uses are special exceptions and require written approve of the Board of Zoning Appeals:

- 1) Trade or Business Schools.
- 2) Music Schools or Schools of Dance.
- 3) Commercial Swimming Pools and Skating Rinks or similar open-air recreational uses and facilities if located at least two hundred (200) feet away from any residential district.
- 4) Animal Hospital or Veterinary Clinic, not including any exercise runway, provided any structure or premises used for such purpose shall be at least two hundred (200) feet away for any Residential District, and one hundred (100) feet for any other

permitted use in the “C-1” Neighborhood Business District.

C Area, Yard and Height Restrictions.

- 1a) Areas Per Dwelling Unit and Lot Dimensions: The minimum land area or lot size per dwelling unit and the minimum width of the lot at the building lines shall be the same as the minimum requirement for dwellings in the “R-3” Multi-Family Residence District as in Article V, Section 5.3-C, Subsection 1.
- 1b) Area and Lot Dimensions for Any Other Permitted Uses: There shall be no minimum land area or minimum lot width requirements for any other permitted use in the “C-1” Neighborhood Business District.
- 2) Front Yard: No building, including permitted dwellings, or any part of a building other than steps, eaves, cornices, fire escapes and similar fixtures shall be nearer to the front street right-of-way than forty (40) feet.
- 3) Rear Yards:
 - a) For dwellings, there shall be a rear yard with at least a depth of not less than thirty (30) feet.
 - b) For other permitted uses in the “C-1” Neighborhood Business District there shall be a rear yard with a depth of not less than ten (10) feet except when such a lot abuts at the rear lot line on a Residence District in which case a rear yard having a depth of not less than twenty (20) feet shall be required.
4. Side Yards
 - a) The side yard requirements for dwelling are the same as those for dwelling in the “R-3” Multi-Family Residence District as set forth in Article V, Section 503, Subsection 4.
 - b) For other permitted uses in the “C-1” Neighborhood Business District there shall be a two side yards each having a width of not less than ten (10) feet except when such a lot is a corner lot or abuts a Residence District, then the side yard facing the corner or the Residence District shall be not less than twenty (20) feet.
5. Height Restrictions: No building or structure except as provided in Article IV, Section 4.3 shall exceed three stories for forty-five (45) feet in height.

D. Private Garages and Other Accessory Buildings and Uses:

Permitted garages, vehicles, and other accessory buildings and uses shall be governed by the same restrictions as in the “R-1” Single Family Residence District as set forth in Article V, Section 5.1-D, Subsection (1) and (2).

Sec. 5.5 “CBD” Central Business District.

A. Permitted Uses: Within the “CBD” Central Business District no building or structure or land shall be used, and no building or other structure shall be built, altered or erected to be used for any purpose other than that of:

- 1) A use permitted in the “C11” Neighborhood Business District
- 2) Automobile Service Station
- 3) Any Retail Business or Service
- 4) Restaurants, Hotels and Motels
- 5) Public Garages and Auto Repair
- 6) Financial Establishments
- 7) Attached signs provided they do not project more than forty-two (42) inches from the building and the bottom of the sign shall not be less than twelve (12) feet above the finished grade of any sidewalk. Small signs of not more than two (2) square feet in area and extending not more than two (2) feet beyond the building to which they are attached may be placed at any desired level above the finished sidewalk.
- 8) Trade and Business Schools, schools of music or dance, and recreational establishments operated entirely within an enclosed building.
- 9) Any use which in the opinion of the Board of Zoning Appeal to be the same general character as the above permitted uses.

B. Uses Permitted as Special Exceptions: The following uses are special exceptions and require written approval of the Board of Zoning Appeal

- 1) Warehouse and Storage Plants
- 2) Drive-in restaurants and other establishments catering mainly to drive-in trade, where on-site parking must be provided.
- 3) Wholesale establishments

C. Area, Yard and Height Restrictions.

- 1a) Area Per Dwelling Unit and Lot Dimensions: The minimum land area or lot size per dwelling unit and the minimum width of the lot at the building lines shall be the same as the minimum requirements for dwellings in the “R-3” Multi-Family Residence District as in Article V, Section 5.3-C, Subsection 1.

- 1b) Area and Lot Dimensions for All Other Permitted Uses: There shall be no minimum land area or minimum lot width requirements for any other permitted use in the “CBD Central Business District.
2. Front Yard: There shall be no minimum front yard required for any permitted building (including dwellings) in the “CBD” Central Business District
3. Rear Yard:
 - a) For dwellings there shall be a rear yard with a dept of not less than thirty (30) feet.
 - b) For other permitted uses in the “CBD” Central Business District there shall be no minimum rear yard required except when the lot on which a permitted use is located abuts at the rear lot line on a Residence District, in which case a rear yard having a depth of not less than fifteen (15) feet shall be required.
4. Side Yards:
 - a). The side yard requirements for dwelling are the same as those for dwellings in the “R-3” Multi-Family Residence District as set forth in Article V, Section 5.3-C, Subsection 4.
 - b) For other permitted uses in the “CBD” Central Business District there shall be no minimum side yard requirements except on a side yard which abuts a Residence District where a side yard of not less than ten (10) feet shall be required.
5. Height Restrictions: No building or structure except as provided in Article IV, Section 4.3 shall exceed five stories or seventy-five (75) feet in height.

D. Private Garages and Other Accessory Building and Uses:

- 1) Except where they abut upon a Residence District there shall be no side, rear or front yard set-back requirements for accessory buildings, uses, and structures permitted in the “CBD” Central Business District. When the abut upon a Residence District such accessory uses and buildings shall be governed by the same restrictions as set forth in Article V, Section 5.1-D, Subsections (1) and (2).

Section 5.6 “I” Industrial District

- A. Permitted Uses: Within the “I” Industrial District, no building or other structure or land shall be used, and no building or structure shall be built, altered or erected to be used for any purpose other than that of:
 - 1) Any use permitted in the “CBD Central Business District except dwellings, hospitals, rest homes and schools.

- 2) Warehouses and storage establishments.
- 3) Coal Yards, Lumber yards and ice houses.
- 4) Bulk gasoline storage above ground.
- 5) Any industrial or manufacturing activity which can be shown not to omit noise, smoke, dust, vibration, heat, bright light, odor or other obnoxious effects beyond the limit of its lot.
- 6) Attached and free standing signs provided they are not located any closer than ten (10) feet to any street right of way or closer than three (3) feet to any side lot line.

B. Uses Permitted as Special Exceptions: The following uses are special exceptions and require written approval of the Board of Zoning Appeal.

- 1) Bag cleaning plants; boiler and tank works, central mixing plants for cement, mortar, plaster or paving materials.
- 2) Coke ovens; junk yards; establishment which cure, tan or store raw hides and skins; distillation plants for bones; coal, wood or tar; fat rendering plants, forge plants, foundries and metal fabrication plants.
- 3) Slaughterhouses and stockyards; smelting plants; plants for the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, chemical, brick, pottery, terra-cotta, tile, candles, disinfectants, dye-stuffing, fertilizer, illuminations or heating as (or storage of ammo) linseed oil, paint, oil turpentine, varnish, soap and tar products.

C. Area, Yard and Height Restrictions.

- 1) There shall be no minimum land area or minimum lot width requirements for any permitted use in the "I" Industrial District.
- 2) Front Yard:
 - a) No industrial, manufacturing, warehouse or storage building or structure or any part of such a building other than steps, eaves, cornices, fire escapes and similar fixtures shall extend nearer to the front street right-of-way than one hundred (100) feet.
 - b) No other building or use permitted in the "I" Industrial District shall be nearer to the front street right-of-way than forty (40) feet.
- 3) Rear Yard: There shall be a rear yard with a depth of not less than twenty (20) feet, except that the rear yard required in the "I" Industrial District shall not apply in cases where the rear lot line of an Industrial lot abuts a railroad right of way.

4) Side Yards:

- a) Industrial, manufacturing, warehouses and/or storage building, structures or uses shall have two (2) side yards each having a width of not less than fifty (50) feet.
- b) Other permitted buildings, structures, and uses in the "I" Industrial District shall have two (2) side yards each having a width of not less than twenty (20) feet.

5) Height Restrictions: No building or structure except as provided in Article IV, Section 4.3, shall exceed six (6) stories for ninety (90) feet in height.

B) Accessory Building Uses.

- 1) Accessory buildings and uses permitted in the "I" Industrial District shall comply with the same front, side, rear, yard and height requirements as are specified for the principal building structure, or use in the lot for which the accessory building or use is located.

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

Sec. 6.1 The Planning Commission.

- A) Membership. The Planning Commission of the Village of Mount Orab shall consist of five members, the mayor, one member of the Villager Council to be elected for the remainder of his term as such member of the legislative authority, three citizens of the village appointed by the mayor for terms of six (6) years each, except that the term of one of the members of the first commission shall be for four (4) years and one for two (2) years. All such members shall serve without compensation.
- B) Powers: Among the powers vested in the Planning Commission by the Ohio Revised Code is rendering advice to the Village Council concerning proposed district changes to this Ordinance.
- C) As the Village of Mount Orab grows and develops, the village council may from time to time amend or change by ordinance the number, shape or area of districts established by this Ordinance. The said council may change the regulations set forth in this Ordinance.

The Ordinance proposing such amendment, or change shall be submitted to the Village Planning Commission for approval, disapproval, or suggestions. The commission shall render its decision within thirty (30) days after receiving a copy of the proposed amendment.

Any person or person desiring a change in zoning of property shall by petitioning to the Village Council, initiate such a zoning change. The petition shall be submitted in form furnished by the Village of Mount Orab and shall include the names and addresses of the owners of all properties lying within the block where the proposed change is located and within two hundred (200) fee of any part of the property proposed to be changed.

Sec. 6.2 Hearing by Planning Commission.

- 1) Before submitting its recommendation to the Village Council, the Planning Commission shall hold a public hearing on the proposed amendment or change, and shall give notice of the time and place of such hearing to all property owners who, in the opinion of the commission, may be affected by such amendment or change.

Sec. 6.3 Hearing by Village Council

- 1) The Village Council shall hold a public hearing before the adoption of the proposed amendment or change. At least thirty (30) days notice of such amendment, or change, and of the time and place of the hearing thereon shall be given by posting notice, at the established places in the usual manner in the Village. The Village Council shall, within reasonable time after the hearing, determine whether the proposed change shall be approved or denied.

ARTICLE VII

BOARD OF ZONING APPEALS

Sec, 7.1 Appointment,

- 1) The Board of Zoning Appeals is hereby created as provided by section 713.11 of the Ohio Revised Code.

Sec. 7.2 Meetings.

- 1) The meetings of the Board shall be held at the call of the Chairman, and at such times as the board may determine. Such chairman, or in his absence, the Acting Chairman, may administer oaths and require the attendance of witnesses. All meetings of the board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions.

Sec. 7.3 Appeals to the Board.

- 1) Appeals may be taken by any person affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days by filing with the

Zoning Administrator and with the Board, a notice of appeal and giving reasons for same. The Zoning Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

- 2) The Board shall hold a hearing on the appeal, give public notice thereof, and decide the same within reasonable time. At the hearing any party may appear in person, by a representative or legal counsel. The expense incurred by the Board in advertising and notification to those concerned shall be paid by the appealing person or persons.

Sec. 7.4 Powers and Duties. The Board shall have the following powers and duties:

- 1) To hear and decide appeals where it is alleged there is error in any order, requirement or decision of the Zoning Administrator in the enforcement of this Ordinance.
- 2) To grant a variation in the regulations when a property owner can show that his property was acquired in good faith or where by reason of exceptional narrowness, shallowness or shape of a specific piece of property the application of this Ordinance may result in undue hardship.
- 3) To grant a variation in the regulations where by reason of exceptional situation or exceptional topographical conditions, the strict application of this Ordinance actually unreasonably restrict the use of his property, and where the Board is satisfied, under the evidence heard before it, the granting of such variation does not constitute a direct amendment of any district regulation.
- 4) To interpret the provisions of this Ordinance.
- 5) To grant the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record at the time of the effective date of this Ordinance.

ARTICLE VIII

ZONING ADMINISTRATOR

Sec. 8.1 Appointment and Responsibilities.

- 1) The Village Council shall appoint a Zoning Administrator who shall serve at the pleasure of the Council.
- 2) It shall be the duty of the Zoning Administrator to enforce this ordinance in accordance with its literal provisions. The said administrator shall in no case issue any zoning certificate for any building or structure or for any use of land unless such building or structure or use is in compliance with this ordinance. The zoning administrator shall have no discretionary power and shall have no authority to grant variations from the terms of this ordinance. He shall have authority to cause any building, structure, place, or premises to be inspected and examined and to order in writing the correction of any condition found to exist in violation of this ordinance.

Sec. 8.2 Filing of Plans.

- 1) Every application for a building permit shall be filed with the zoning administrator. They shall be accompanied by two (2) copies of plans and specifications, drawn to scale, and in ink. Said plans shall show the dimensions of the lot in which a building or structure is to be located; the exact location, size and height of the building; side yards; setback lines; intended use of building or part thereof; number of families or housekeeping units; and such other information as may be required by the zoning administrator, and in forms provided by him. All dimensions shall be based on actual survey. The lot and the location of the building shall be staked out on the ground before construction is started.

Sec. 8.3 Approval of Plans.

- 1) The Zoning Administrator shall, if plans for filed in accordance with his requirements and the requirements of this ordinance, approve or disapprove said plans within ten (10) days after they have been filed in his office.

Sec. 8.4 Inspection.

- 1) The Zoning Administrator shall inspect a lot, building or structure when the same has been staked out on the ground; when footings are ready to be poured; when building is completed and ready for occupancy. The Administrator shall inspect such building or structure at any time during the construction when he may deem it advisable.

Sec. 8.5 Certificate of Occupancy.

- 1) No building shall be occupied or any structure used until a certificate of occupancy is issued by the zoning administrator. The certificate shall certify that such building or structure and the proposed use thereof are in conformity with the provisions of this ordinance.

ARTICLE IX

FEES

Sec. 9.1 Zoning Certificates.

- 1) The following shall be standard fees for a zoning certificate:
Single Family Residence
Two-Family Residence
Multiple Family Residence SEE ORDINANCE #441
General Business
Industrial Business

Signs.

Up to \$1,000.00 in cost	10.00
Over \$1,000.00 in cost	10.00 plus \$4.50 for each \$1,000 or fraction thereof over \$1,000.00

Sec. 9.2 Amendments.

- 1) A fee of \$20.00 will be required with each application for change of the zoning ordinance.

Sec. 9.3 Appeals.

- 1) A fee of \$5.00 will be required with each application for variance.

Sec. 9.4 Special Exceptions.

- 1) A fee of R30.00 shall be required with each application of special exception.

ARTICLE X

EFFECTIVE DATE

Sec. 10.1 This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: September 16, 1969



Mayor


Clerk-Treasurer

ORDINANCE # 441

AN ORDINANCE TO AMEN ORDINANCE #336, ARTICLE 1X, SECTION 9.1 AND TO REPEAL ORDINANCE #367.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MT. ORAB BROWN COUNTY, OHIO TWO-THIRDS OR MORE OF ALL MEMBERS ELECTED THERETO CONCURRING.

SECTION I

Zoning Certificates and / or Building Permits

(1) The following shall be standard fees for the Zoning Certificated and / or Building Permits,

(a) Single Family Residence

\$20.00 plus \$1.00 for each additional two hundred (200) square feet and (or any part thereof in excess of one thousand (1000) square foot; of living space.

(b) Two-Family Residence

\$40.00 plus \$1.00 for each additional tow hundred 200 square feet and / or part thereof in excess of sixteen hundred (16000) square foot of living space.

(c) Multiple Family Residence

\$20.00 per family unit

(d) General Business

\$40.00 plus \$1.00 for each additional two hundred (200) square feet and / or, and part hereof in excess of two thousand (2000) square feet of building area.

(e) Industrial Buildings

\$120.00 plus \$1.00 for each additional two hundred (200) square foot and / or any part thereof in excess of three hundred (3000) square feet of building area.

SECTION II

That all ordinances or parts of Ordinances in conflict here with are and the Same hereby are repealed, including Ordinance #336, Article IX, and Section 9.1.

SECTION III

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

Passed: December 5, 1978



Mayor

Attest: _____


Clerk

I, MICHAEL BOYD, Clerk of the Village of Mt. Orab, Ohio, do hereby certify that the foregoing is true and correct copy of an Ordinance duly passed by the Council of the Village of Mt. Orab, Ohio, on the 5th day of December.

ORDINANCE #542

AN ORDINANCE ESTABLISHING MINMUM SQUARE FEETAREA OF ANY STRUCTURE HEREAFTER ERECTED, INSTALLED OR PLACED UPON ANY LOT OR PLOT OF LAND WITHING THE CORPORATE LIMITS OF THE VILLAGE OF MOUNT ORAB, BROWN COUNTY, OHIO, AND WHICH SAID STRUCTURE IS INTENDED OR IS TO BE USED AS A DWELLING OR PALCE OF RESIDENCE FOR AN INHABITANT OF SAID VILLAGE.

SECTION I

Any structure hereafter erected, installed or otherwise placed on any lot or plot of land in the Village of Mount Orab and intended for use as a dwelling or place of residence for any inhabitant of the Village shall be of such dimensions that the same shall contain a minimum of 1300 square feet of living space exclusive of basements, porches, patios, breezeways, garages other appurtenances to such structures.

SECTION II

That this Ordinance or parts of Ordinances in conflict herewith be the same hereby repealed. Including Ordinance #349 and Ordinance #365.

SECTION III

That any person, firm, corporation, property owner, developer, contractor, or other entity that may make an installation of in violation of this ordinance, or without the proper permits required, shall be subjected to a fine of not more than one hundred dollars (\$100.00) plus the cost of prosecution and each day said installation exists without proper permit shall constitute a separate violation.

SECTION IV

That this Ordinance is necessary for the health, safety and welfare of the inhabitants of the Village of Mount Orab, Brown County, Ohio and that the same be declared an emergency.

SECTION V

That this Ordinance shall be in full force and effect immediately upon its passage.

Passed: July 11, 1989.



MAYOR

ATTEST:



CLERK-TREASURER

I, MICHAEL BOYD, Clerk-Treasurer of the Village of Mount Orab, Brown County, Ohio, do hereby certify that foregoing is a true and correct copy of an Ordinance duly passed by Council.

ORDINANCE NO. 1140

AN ORDINANCE TO AMEND ORDINANCE NO. 336
AND ALL ORDINANCES AMENDATORY THERETO
REGARDING ARTICLE V, SECTION 5.1 (D) SUBSECTION 1
OF THE ZONING ORDINANCE OF THE VILLAGE OF MT. ORAB, OHIO

The Council of the Village of Mt. Orab, Ohio, met at a duly called and authorized meeting of the Council on October 6, 2015, the following Ordinance was offered and introduced before the Council of the Village of Mt. Orab, Ohio.

Whereas, the Council of the Village of Mt. Orab, Ohio desires to amend Ordinance No. 336 and all Ordinances amendatory thereto being the Zoning Ordinance of the Village of Mt. Orab, Ohio.

Whereas, the amendment relates to Article V, Section 5.1(D), Subsection 1, titled Private Garages and Other Accessory Buildings and Uses.

Whereas, it is desirable and in the best interest of the inhabitants of the Village of Mt. Orab, Ohio to amend Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MT. ORAB, BROWN COUNTY, TWO THIRD OF ALL MEMBERS ELECTED THERETO, CONCURRING.

Section 1. Article V, Section 5.1(D), Subsection 1, is hereby amended and revised by deleting the existing language and inserting the following.

D. Private Garages and Other Accessory Buildings and Uses

1a. No detached private garage, carports or there accessory building, vehicle or use, shall be placed closer to a rear property line than ten (10) feet, or closer to a side property line than ten (10) feet, and for each foot of height of such a building that exceeds fifteen (15) feet, the offset from the rear and the side property lines shall be increased by one (1) foot. The front of a detached garage or accessory building shall be at least fifteen (15) feet behind the front part of the house closest to its location. There shall be no more than two (2) detached accessory buildings on a lot in a residential area, only one (1) of these accessory buildings shall be a garage. Pet houses are not accessory building.

1b. The maximum size of an accessory structure (detached garage, storage building, etc.) shall be in accordance with the table below:

<u>Description:</u>	<u>Size:</u>
Lots less than one (1) acre	900 square feet
Lots only (1) acre up to three (3) acres	1200 square feet
Lots five (5) acres or greater	5000 square feet

Accessory structures shall not occupy more than 30% of the rear yard.

Section 2. It is found and determined that all formal actions of the Council of the Village of Mt. Orab, Ohio concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of the Council of the Village of Mt. Orab, Ohio and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

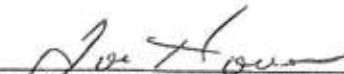
Section 3. This Ordinance is hereby declared to be an emergency measure for reason that the public peace, health, safety and welfare of the inhabitants of the Village of Mt. Orab, Ohio requires the immediate adoption of said Ordinance.

This Ordinance shall be in full force and effect immediately upon its adoption.

Adopted this 17 day of November, 2015.



Mayor



President of Council

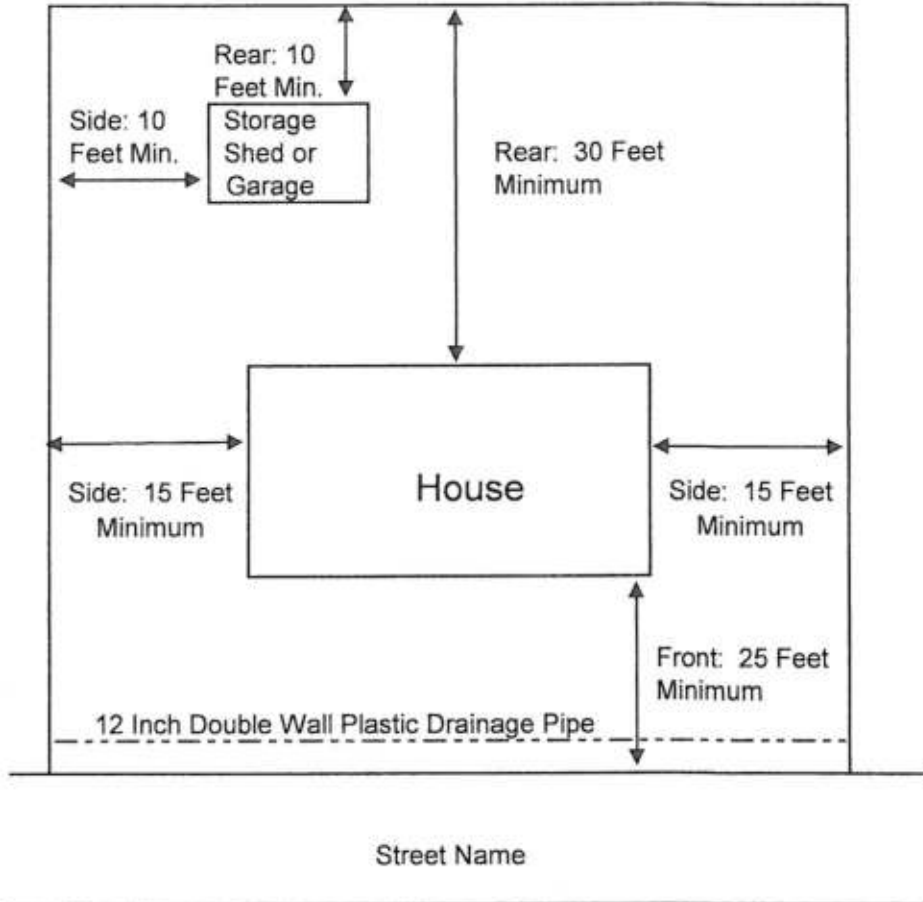
ATTESTED:



Michael Boyd, Chief Fiscal Officer

Village of Mt. Orab
Zoning Department

Minimum Property Setbacks*



*Not drawn to scale

ZONING PERMIT FEES

Storage Shed - Under 200 sq feet	\$5.00
Over 200 sq feet	\$10.00
Garage	\$10.00
Swimming Pool	\$10.00
House	\$20.00