

AN ORDINANCE TO ENACT A ZONING CODE FOR THE VILLAGE OF RUSHVILLE, OHIO AND TO DECLARE AN EMERGENCY

BE IT ORDAINED by the Council of the Village of Rushville, State of Ohio

SECTION 1. That all lots and lands in the Village of Rushville, Ohio, shall be and the same are hereby zoned as a single residence district; excepting, however, the following lots and lands as described on Schedule A, hereto attached and made a part of this ordinance as if fully rewritten herein, which lots and lands exist as nonconforming uses for the uses specified in said Schedule A.

SECTION 2. PERMITTED USES IN SINGLE RESIDENCE DISTRICT.

In a Single Residence District, no building or premises shall be used and no building therein shall be erected or altered, unless otherwise provided in this Zoning Code except for the following permitted uses:

- (a) Single-family dwellings.
- (b) Churches or other places of worship, including parsonages or convents.
- (c) Truck gardening and other horticultural uses where no building is involved and the products thereof are not sold on the premises
- (d) Municipal utilities and buildings.
- (e) Public libraries and museums.
- (f) Public parks, public playgrounds, public recreation buildings, community centers and country clubs not conducted as a business or for profit.
- (g) Public water supply reservoirs, towers or filter beds.
- (h) Schools.
- (i) Temporary buildings and uses for construction purposes, for a period not to exceed four months.
- (j) Telephone exchanges.
- (k) Accessory buildings; including one private garage or private stable when located not less than thirty feet from the front lot line and not less than five feet from any side street line or a private garage constructed as a part of the residence building.
- (l) The office of a physician, dentist or other professional person may be located in the dwelling occupied by such person.
- (m) Uses customarily incidental to any of the above purposes, but not including the conduct of any retail or wholesale business or manufacture, including:
 - (1) One name plate of the occupant of the premises, which shall not exceed one square foot in area.
 - (2) One temporary sign, not exceeding twelve square feet in area, appertaining to the lease, hire or sale of a building or premises.
 - (3) One name plate, name sign or bulletin board at the entrance to an institution, which shall not exceed twelve square feet in area.

SECTION 3. REAR YARD REQUIREMENT FOR SINGLE RESIDENCE DISTRICT.

There shall be a rear yard having a depth of not less than fifteen percent of the depth of the lot. However, such rear yard shall not be less

than ten feet and need not exceed twenty-five feet in depth.

DISTRICT. SECTION 4. SIDE YARD REQUIREMENT FOR SINGLE RESIDENCE

There shall be a side yard on each side of a building of not less than five feet in width. However, on a lot having a width of less than forty feet, as shown by the last conveyance of record at the time of passage of this Zoning Ordinance, there shall be a side yard on each side of a building of not less than ten percent of the width of the lot or in no case less than three feet in width.

DISTRICT. SECTION 5. SETBACK REQUIREMENT FOR SINGLE RESIDENCE

There shall be a setback of not less than sixty feet from the centerline of the street to the front line of the building; however, such setback may be less in order to conform to the existing pattern of setbacks for buildings presently constructed in the same block.

SECTION 6. It is expressly provided that there shall be no mobile homes located in the Village of Rushville, Ohio, except in the mobile home park which is designated as a nonconforming use on Schedule A, hereto attached. "Mobile Home" means any vehicle manufactured as a single family dwelling, comprised of one or more units, excluding recreational vehicles, which has been designed and manufactured for transportation on the public streets and highways, on its own wheels, arriving at the site ready for occupancy as a dwelling except for normal unpacking, assembly operations and connections to utilities. This definition does not include a modular home, or an industrialized unit as defined by Section 3781.10 of the Ohio Revised Code.

SECTION 7. VARIANCES.

The Village Council shall have authority to vary or adapt the strict application of any of the requirements of the Zoning Code, where such application as to specific tract or lot, or as to a specific landowner or lessee would produce injustice or inequity not shared by a class of owners. The Village Council shall, before authorizing a variance, make a finding of fact that:

- (a) There are special circumstances or conditions applying to the land, buildings or use referred to in the application, which are peculiar to such land or buildings and do not apply generally to other land or buildings in the neighborhood.
- (b) The variance proposed or that granted, if different from that proposed, will be in harmony with the existing development of the district in which the site is located and will not unduly change or discourage the future development of the area.
- (c) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- (d) The granting of the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use or to the property or improvements in such neighborhood.

SECTION 8. NOTICE AND HEARING FOR VARIANCES.

No action upon any case shall be taken by the Village Council until after proper notice has been given and a public hearing has been held.

Proper notice shall include personal notice to the parties or their attorney of record or notice to them by certified mail with a return receipt, posting of a notice of the hearing in six conspicuous places in the Village for two consecutive weeks, a written notice to the record owners of property who may be affected by the action of the Village Council, which owners shall be identified as provided in the rules of the Village Council. The notice shall describe the action applied for, the names and addresses of the applicants and shall state that the application or petition and all attached papers and maps or diagrams will be on file for public inspection in the office of the Clerk of Council for a period beginning at least ten days before the date fixed for the hearing. The Village Council shall provide by rule for the manner of conduct of the hearing.

SECTION 9. NONCONFORMING USES.

The following provisions shall apply to nonconforming uses:

WHEN NONCONFORMING USE MAY BE CONTINUED:

- (a) A lawful nonconforming use existing on the date of passage of this Zoning Ordinance may be continued until such time as there is an abandonment of such use by removal of equipment, alteration of fittings or change in the essential purpose of such use. The mere cessation of such use without such removal, alteration or change for a period of twelve consecutive months shall constitute an abandonment of use.
- (b) ALTERATIONS TO NONCONFORMING BUILDINGS: A building arranged, designed or devoted to a nonconforming use on the date of passage of this Zoning Ordinance may not be reconstructed or structurally altered to any extent exceeding, in aggregate cost, during any ten-year period, fifty percent of the assessed value of the building, unless the use of such building is changed to a conforming use.
- (c) DESTROYED NONCONFORMING BUILDINGS: If any building housing a nonconforming use is destroyed after the effective date of this Zoning Ordinance to an extent of fifty percent or more of its assessed value, such use shall be discontinued.
- (d) CHANGE OF NONCONFORMING USE PROHIBITED: A nonconforming use may not be changed to any other nonconforming use. A nonconforming use, once changed to a conforming use, may not be changed back to a nonconforming use.
- (e) SUBSTITUTION OF NONCONFORMING USES. Notwithstanding the provisions of paragraphs (a), (b), (c) and (d) above, the Village Council shall have authority, upon proper application, notice and hearing, to permit the substitution for a nonconforming use existing at the time of the enactment of the Zoning Code, or any amendment thereto, of another nonconforming use if no structural alterations, except those required by law, are made. Before such permit may be issued the Village Council shall make a finding that such substitution of use: (1) will not cause material injury to persons or property in a neighborhood; (2) will not unduly change or discourage the future development of the area, and (3) is necessary for the preservation and enjoyment of substantial property rights.

SECTION 10. PENALTY FOR ZONING CODE VIOLATIONS.

Whoever violates any provision of this Zoning Code shall be deemed guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each day during which such violation shall continue shall constitute a separate offense.

The application of the penalty provided by this section shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 11. That because of the immediate need for zoning in the Village and in order to promote the public welfare, health and living conditions, an emergency is hereby declared to exist and this ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Passed the 13th day of December, 19 83.

Attest:

Charlotte Beyer
Clerk

Donald E. Havery
President of Council