

ARTICLE 11

ZONING DISTRICTS & BOUNDARIES INTERPRETATION

11.0 Purpose.

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

11.1 Establishment of Districts.

The following zoning districts are hereby established for the Village of Berlin Heights, Ohio:

Conservation/Recreation.....	CR
Rural Residential	R-R
Single Family	R-1
Two Family	R-2
Multi-Family	R-
Local Commercial	C-1
General Commercial	C-
Light Industrial	I-1
Heavy Industrial	I-2
Mineral Aggregate	MG
Planned Unit Development	P.U.D.
Floodplain & Floodway Overlay District	F.F.

Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Ordinance to provide the flexibility in its administration to allow future expansion and emendation.

11.2 Zoning District Map.

The districts established in Section 11.1, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Ordinance and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

11.3 Zoning Map Legend

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district.

A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend.

11.4 Identification of Official Zoning Map

The Official Zoning Map shall be properly identified by the signature of the Mayor, as attested by the Village and bearing the official seal. The Map shall be maintained by the Zoning Inspector, and shall remain on file in the Office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description as found in the text of this Ordinance. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by ordinance.

11.5 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated;
6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;

7. Whenever any street, alley, or other public way is vacated by official Board of Township Trustees action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

ARTICLE 12

CONSERVATION/RECREATION DISTRICT

12.0 Statement of Purpose

The Conservation/Recreation District is designed to encourage the development of land for "open-space" recreational activities or preserve natural resources; a secondary purpose is that of protecting the public health, safety, comfort and welfare and reducing financial burdens imposed on the community and its individuals by restricting the use of those areas in the village which may be subject to periodic flooding or which constitute water retention or re-charge areas. This district is not intended to encourage retail commercial operations.

12.1 Permitted Uses

Land located in the CR District shall be used for the following purposes only:

- a. Agriculture, including incidental agricultural structures.
- b. Botanical gardens and arboretums.
- c. Forest preserves, wildlife reservations and ecological sanctuaries.
- d. Parks and playgrounds.
- e. Zoological gardens.
- f. Accessory uses and buildings, incidental to and on the same zoning lot as a principal use, as follows:
 1. Agricultural buildings and structures.
 2. Administration buildings or field houses.

12.2 Conditional Uses

The following conditional uses may be allowed, subject to Article 9:

- a. Cultural facilities, including: libraries, museums and similar cultural institutions.
- b. Educational facilities.
- c. Golf courses, tennis centers and similar open recreational activities.
- d. Municipal facilities.
- e. Nurseries, for the growing and sale of trees and shrubbery.
- f. Accessory uses and buildings, incidental to and on the same lot as a principal use.
- g. Recreational and social facilities.

12.3 Development Standards

No permitted or conditional use shall be allowed in this district which is not provided with at least two (2) acres of lot area and 200 feet of lot width.

12.4 Setback from Property Lines

No building or structure in the CR District shall be located closer than 50 feet from any property lines.

12.5 Height Limitations

No building or structure shall exceed thirty (30) feet in height.

12.6 Required Parking

As specified in Article 26.

12.7 Signs

As specified in Article 27.

12.8 Site and Landscape Plan Review

For all uses permitted in the CR District, a site plan shall be submitted in accordance with the provisions of Article 24, Section 24.19.

12.9 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 24, Section 24.18.

ARTICLE 13

RURAL RESIDENTIAL (R-R)

13.0 Purpose

The primary purpose of this district is to ensure harmony among new non-farm dwellings with the rural surroundings. As the number of non-farm residents in an area grows, the more difficult it is to engage in typical farm practices and it becomes more arduous to protect the rural character associated with these areas. Therefore, the following reasons are given to support the purpose for which this zoning district is intended to accomplish:

1. This district shall permit a degree of non-farm housing without unduly contributing to uncontrolled residential expansion into rural areas.
2. The R-R District will lessen the impacts of non-farm residences on the rural environment by reducing the possible mixture of farm and non-farm dwellings.
3. Because of the loss of prime agricultural land, non-farm development shall not advance upon such land.

13.1 Principal Permitted Uses

In the R-R District, no person shall hereafter use any land, building or structure and no person shall erect any building or structure except in accordance with the following provisions:

1. One family dwelling.
2. Publicly owned and operated libraries, parks and recreation facilities.
3. Type B and Family Day Care Home.
4. Agriculture.
5. Accessory uses customarily incidental to the above permitted uses.

13.2 Conditionally Permitted Uses

The following uses may be permitted by the Village Council pursuant to Article 9.

1. Cemeteries and other facilities incidental thereto.
2. Nursery schools and day care nurseries and child care centers, subject to Article 9.
3. Churches and other facilities normally incidental thereto, subject to Article 9.

4. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools.
5. Private recreational areas and institutional or community recreation centers subject to the provisions of Article 9.
6. Golf courses.
7. Type A Family Day Care Home: Subject to the provisions of Article 9.
8. Bed & Breakfast Homestay.

13.3 Development Standards

- a. Minimum area: 1 acre.
- b. Minimum frontage: 150 feet.
- c. Minimum front yard: 50 feet.
- d. Minimum side yard: 25 feet.
- e. Minimum Rear Yard: 50 feet.
- f. Minimum setback for corner lots: 1/2 the required front yard setback.
- g. Setback on cul-de-sacs: Refer to Section 29.20.
- h. Maximum Height: 35 feet.

13.4 Required Parking

As specified in Article 26.

13.5 Signs

As specified in Article 27.

13.6 Accessory Structures

1. Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to the main building.
2. Except as otherwise provided herein, no accessory building or structure, or use shall be erected or carried on in the required front yard.
3. A detached private garage, or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of three feet shall be maintained, unless the structure is

1,500 square feet or greater, then the minimum side yard and rear yard shall be twenty (20) feet.

- b. In no case shall an accessory structure be located closer than twenty (20) feet any street line or alley.
4. An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
5. No accessory structure shall be used for human habitation.
6. No accessory structure shall be used for commercial or industrial purposes.
7. Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
8. Accessory structures must be subordinate in area to the principal use.
9. The maximum height of any accessory structure shall be twenty (20) feet.
10. Private swimming pools, refer to Section 30.10.

13.7 Home Occupation as a Permitted Use

A home occupation shall be a permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure.
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

6. No additional parking demand shall be created.
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.