

EDITOR'S NOTE: This chapter was renumbered as part of the 2002 revision of these Codified Ordinances. This was formerly Chapter 1230.

CHAPTER 1228
General Provisions

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CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06
 Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.
 Restrictions on percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09
 Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10
 Delivery of notices of public hearing re zoning ordinances and resolutions - see ADM. 232.02
 Monroe Comprehensive Plan - see P. & Z. Ch. 1204
 Definitions - see P. & Z. Ch. 1206
 Certificates of occupancy - see P. & Z. 1224.03, 1230.11, 1264.03
 Zoning permits - see P. & Z. 1230.10
 Board of Zoning Appeals - see P. & Z. Ch. 1232

1228.01 SHORT TITLE.

These regulations (codified as Title Six of this Part Twelve - the Planning and Zoning Code) shall be known and may be cited as The Monroe, Ohio, Zoning Ordinance, and shall be referred to herein as this Zoning Code.
 (Ord. 98-28. Passed 11-10-98.)

1228.02 PURPOSE.

The zoning regulations and zoning districts as herein set forth are made in accordance with, and predicated upon, the Monroe Comprehensive Plan. In order that adequate light, air convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general welfare may be promoted They are made with reasonable regard to existing conditions, character of buildings erected in each district, most desirable use for which the land in each zoning district may be adapted, and the conservation of property values on all land under the jurisdiction of this Zoning Code.
 (Ord. 98-28. Passed 11-10-98.)

1228.03 JURISDICTION.

The provisions of this Zoning Code shall apply to the entire incorporated land areas of the City of Monroe of Butler and Warren Counties, State of Ohio.
(Ord. 98-28. Passed 11-10-98.)

1228.04 COMPLIANCE.

After this Zoning Code is enacted:

- (a) No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
- (b) No building shall be erected or altered:
 - (1) To exceed the height;
 - (2) To accommodate or house a greater number of families;
 - (3) To occupy a greater percentage of lot area; or
 - (4) To have a narrow or smaller rear yard, front yard or side yard than is specified herein for the district in which such building is located.
- (c) No part of a yard or other open space, or off-street parking or loading area about any building required for the purpose of complying with the provisions or the standards in this Zoning Code, shall be included as part of a yard, open space or off-street parking or unloading space similarly required for another building.
- (d) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in this Zoning Code.
- (e) No parcel of land described by metes and bounds or any lot shall hereafter be created which does not conform and meet the requirements of this Zoning Code.
- (f) Any application for a conditional use or development taking place in all zoning districts must be accompanied by a site plan approved by the Planning Commission prior to receiving a zoning permit. The site plan shall conform to the requirements set forth in Sections 1230.13 and 1264.04.
(Ord. 98-28. Passed 11-10-98.)

1228.05 AMENDMENT AND ZONE CHANGE PROCEDURE.

(a) Whenever the public necessity, convenience, general welfare and good zoning practice require, Council may, after a public hearing and report thereon by the Planning Commission, and subject to the procedure provided in this section, amend, supplement or change this Zoning Code, zoning district boundaries or classification of property now or hereafter established by the Zoning Code.

- (b) Petition for amendment may be initiated by:
 - (1) The Planning Commission;
 - (2) Council;
 - (3) One or more of the owners or authorized representatives of the owners of property within the area proposed to be changed.

(c) Petitions for amendment shall be filed with the Zoning Enforcement Officer for transmission to the Planning Commission. Any petition shall contain sufficient information, including maps where necessary, to indicate the exact change or changes which are being sought.

(d) Once the application for amendment has been filed, a date for Council shall be set to hear the recommendation from the Planning Commission and to make their final decision.

(e) The Planning Commission, upon receipt of an application for amendment, shall consider the petition and prepare a recommendation for Council. As a general policy the Planning Commission shall not recommend favorably on any petition for amendment which would result in a total contiguous area of less than the acreage minimum specified for each zoning district in Section 1234.03. In addition, any petition for amendment shall not receive a favorable recommendation unless one or more of the following conditions exists:

- (1) There has been a substantial change in area conditions.
- (2) There is a legitimate requirement for additional land area for the particular zoning district.
- (3) There is indicated a manifest error in the original zoning designations.
- (4) There is accordance with or more appropriate conformance to the Monroe Comprehensive Plan.

(f) The Planning Commission may recommend that a petition for amendment be approved or denied for all or part of the property described in the petition. Council may enact by ordinance such a partial granting of a petition for change in zoning district classification.

(g) The Planning Commission may recommend and Council may enact by ordinance a zoning district classification other than that requested in the petition, provided that the recommendation or ordinances for a district classification are of the same use type as that requested by the petitioner.
(Ord. 98-28. Passed 11-10-98.)

1228.06 INTERPRETATION.

(a) Zoning Ordinance Text. In the construction of this Zoning Code, the rules of interpretation contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The following rules of construction apply to the text:

- (1) The particular shall control the general.
- (2) In case of any difference of meaning or implication between this text and any caption or illustration, the text shall control.
- (3) The word *shall* is mandatory and not discretionary. The word *may* is permissive.

- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - (5) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for."
 - (6) The word "building" shall include the word "structure."
- (b) Zoning Map. Where uncertainty exists with respect to the boundaries of any of the districts, as shown on the Zoning District Map, the following rules shall apply:
- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, these center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.
 - (2) Where district boundaries are so indicated that they approximately follow the lot lines, township lines, section lines, one-half section lines, one-quarter section lines and one-eighth section lines, such 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 of 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 Zoning District Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning District 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 the railroad line.
(Ord. 98-28. Passed 11-10-98.)

1228.07 PUBLIC HEARINGS.

The following procedure shall be used for public hearings held before the Planning Commission, the Board of Zoning Appeals, and City Council:

- (a) The City shall mail written notice of the hearing, by first-class mail, at least 15 days before the date of the public hearing to the owner(s) of property within and contiguous to and directly across the street from such parcel or parcels that are the subject of the public hearing. Said notices shall include the subject, time, date and place of the hearing and shall be mailed to the addresses of such owners appearing on the County Auditor's current tax list.
- (b) The City shall cause to be published a notice of public hearing in a newspaper of general circulation within the City at least 15 days before the date of the public hearing. Said notice of public hearing shall include the subject, time, date and place of the hearing.
- (c) Any clerical mistake resulting in an error in said certified mail notice and newspaper publication notice shall not invalidate any such ordinance, resolution, variance permit, conditional use permit, or any other action requiring a public hearing under this chapter.
(Ord. 2001-15. Passed 8-14-01; Ord. 2002-30. Passed 11-26-02; Ord. 2006-05. Passed 2-28-06.)

