



City of Napoleon, Ohio

Zoning Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Mark B. Spiess, Senior Engineering Technician / Zoning Administrator

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

October 27, 2017

Bracha Feibusch
Madison Title Agency, LLC
1125 Ocean Ave., Lakewood NJ 08701

Re: 240 Northcrest Dr.

Dear Ms. Feibusch

This letter is to inform you the property located at 240 Northcrest Dr. is in a C-4 Planned Commercial Zone. To the best of my knowledge, it meets all zoning requirements and currently has no zoning violations.

Yours truly,

Mark B. Spiess
Sr. Eng. Tech / Zoning Admin.
City of Napoleon, Ohio



CITY OF NAPOLEON
Building & Zoning Division
255 W. Riverview Avenue, PO Box 151, Napoleon, OH 43545
Phone: 419-592-4010 - Fax: 419-599-8393

**BUILDING &
ZONING
DIVISION**

Tom Zimmerman
Zoning Administrator
Building Commissioner

4/15/2014

Marianne Raimondi Cohen / Attorney
Taft Stettinius & Hollister LLP
200 Public Square, Suite 3500
Cleveland, OH, 44114-2302

RE: 240 Northcrest Drive, Napoleon OH 43545

In response to your inquiry regarding the above property, please be advised that:

1. The zoning classification of the property is C-4, Planned Commercial. This zoning classification permits the use of the property as a Nursing / Rest Home. There are currently no special variances or uses for this property.
2. The City's parking requirements for nursing care institutions are 3 spaces for every five beds.
3. A review of our records indicated that there are no outstanding Zoning or Property Maintenance code violations issued by this office with respect to this property.
4. The City of Napoleon Contracts with Wood Co. Ohio Building Department (419-354-9190) for Commercial Building Inspection's. They are responsible for all building related issues inside the structure.

Thank you,

Tom Zimmerman
Building Official
City of Napoleon OH
419-592-4010

SCANNED



City of Napoleon, Ohio

Building Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Tom Zimmerman, Building Official & Zoning Official

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.cc

August 17, 2011

Chicago Title Insurance Company
One S. Main Street, Suite 330
Dayton, OH 45402

RE: 240 Northcrest Dr.

To Whom it May Concern:

In response to your request concerning the Property's compliance with applicable codes, regulations and ordinances, please be advised as follows:

- 1) The City of Napoleon is the proper zoning authority having jurisdiction over the Property;
- 2) The current zoning classification of the Property is C-4, planned commercial, as stated in the Zoning Code of the City of Napoleon and is **not** proper for its current use as a nursing home. A copy of the applicable non-conforming use, zoning ordinances and resolution relating to the property are attached hereto;
- 3) There are no pending rezoning applications, hearings, cases, appeals or other proceedings which would affect the zoning classification of the Property;
- 4) There is no existing violation of any law, ordinance, code, rule or regulation to zoning, subdivision, development, occupancy, use, setbacks, building codes and other related matters with respect to the Property;
- 5) We do not have a certificate of occupancy. Wood County Building Department handles our commercial properties. Wood County's phone number is 419-354-9190.
- 6) Current parking is in compliance with zoning requirements.

If you have any questions, or if we can be of any further assistance, please feel free to contact us at 419-592-4010.

Sincerely,

Enclosures

1129.07 ABANDONMENT AND DISCONTINUANCE OF NONCONFORMING USES.

(a) Nonconforming land use, structure, or portion thereof, shall not be reinstated if it is discontinued for a period of six consecutive months. Thereafter any use of the premises shall conform to the use regulations of the district in which the property is located. The intent to continue a nonconforming use shall not be assumed to be evidence of its continuance.

(b) Nonconforming land use, structure, or portion thereof, that has been made conforming shall not be made nonconforming.

(c) When a structure or operation is made nonconforming by the enactment of this Planning and Zoning Code or any amendment thereto, and the structure thereafter becomes vacant or the operation is discontinued, the six consecutive month period for purposes of this section shall begin at time the vacancy occurs or the operation is discontinued.

(Ord. 074-10. Passed 12-20-10.)

1133.06 DENSITY AND DIMENSIONAL REGULATIONS FOR C-4 PLANNED COMMERCIAL DISTRICT.

The following applies to a C-4 Planned Commercial District:

(a) Permissible Uses. The permissible uses shall be in accordance with Chapter [1145](#).

(b) General Provisions.

(1) The conduct of permitted uses herein shall be within completely enclosed buildings.

(2) Property used for permitted commercial uses abutting property in any residential district shall be provided with a green belt or planting area at least 15 feet in width along the property lines which abut the residentially zoned property. A planting screen consisting of suitable shrubbery shall be provided and maintained within such planting area to provide a tight screen effective at all times of the year. The planting shall be of such size and density in side and rear yards so that it will reach a height of not less than five feet, and provide the required tight-screening effect not later than one year after planting. The maximum planting height at the front street frontage shall be three feet.

(3) Commercial uses comprising of more than one building on a premises, or more than three permitted uses within one building, will not be permitted, except by conditional use as provided in City Code Section [1141.01](#) to [1141.03](#).

(4) Entrances and exits serving permitted uses shall be so located to minimize any adverse effect on adjacent property or the public street. Not more than two driveways with an aggregate maximum width of 30 feet at the property line shall be permitted unless the area served has been approved through the conditional use processes.

(5) Outside storage, including continued storage of automobiles, trucks, or trailers, is not permitted, except by conditional use.

(6) Property used for permitted commercial uses shall be provided with a green belt or planting area at least ten feet in width on side and rear property lines. A similar area not less than 15 feet wide shall be provided at front property lines. Shrubs or decorative planting at the front property line shall not exceed three feet in height.

(7) Off-street parking spaces and accessory uses such as filling station pumps and islands, signs and light standards, and access drives may be located in the required front yard, but not within 20 feet of the front lot line. Said strip of land shall be maintained as a lawn area with occasional tree and shrub plantings.

(c) Minimum Lot Size. The minimum lot size shall be in accordance with Chapter [1147](#).

(d) Minimum Setback Lines. The minimum setback lines shall be in accordance with Chapter [1147](#) and this section. Nonconforming rebuild(s) shall have setbacks as determined by the Planning Commission.

(e) Maximum Height of Buildings. The maximum permissible height of buildings shall be in accordance with Chapter [1147](#).

(f) Maximum Lot Coverage. The maximum lot coverage shall be in accordance with Chapter [1147](#).

(g) Off-Street Parking Space (see Chapter 1139). In addition to the requirements of Chapter [1139](#) inclusive in a C-4 Planned Business District, off-street parking facilities screened by dense planting or by a decorative fence may be constructed within the front yard but not closer than 20 feet to the front lot line.

(h) Signs (see Chapter 1335).

(Ord. 074-10. Passed 12-20-10.)

1145.01 TABLE OF PERMISSIBLE USES.

The Table of Permissible Uses should be read in close conjunction with the definitions of terms set forth in Definitions of Basic Terms and the other interpretive provisions set forth in this Planning and Zoning Code.

(a) Use of the Designation "P" and "C" in Table of Permissible Uses. When used in connection with a particular use in the Table of Permissible Uses, the letter "P" means that the use is permissible in the indicated zone with a zoning permit issued by the Zoning Administrator. When the letter "P" is nonexistent in the Table, then it shall be deemed a nonpermissible use unless a special use or conditional use permit is approved in accordance with this Zoning Code.

In the zone district. When used in connection with a particular use in the Table of Permissible Uses, the letter "C" means that the use may be permissible with a conditional use permit in the indicated zone as may be issued by the Zoning Administrator upon approval by the Council after Planning Commission review.

(b) Jurisdiction Over Uses Otherwise Permissible with a Zoning Permit. Notwithstanding any other provisions of this Planning and Zoning Code, whenever the Table of Permissible Uses (interpreted in light of subsection (a) hereof and the other provisions of this Planning and Zoning Code) provides that a use is permissible with a zoning permit, and/or a conditional use permit, as applicable, shall nevertheless be required if the Zoning Administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the Zoning Administrator shall consider, among other factors, whether the use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

(c) Permissible Uses and Specific Exclusions.

(1) The presumption established by this Planning and Zoning Code is that all legitimate uses of land, except those uses which, if allowed, would not serve to promote public health, safety, convenience, comfort, prosperity or general welfare, are permissible within at least one zoning district in the City's planning jurisdiction. Therefore, because the list of permissible uses set forth in (Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses, subject to the issuance of a conditional use permit.

(2) The "Table of Permissible Uses" shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

(3) Without limiting the generality of the foregoing provisions, the following uses (a) through (d) are specifically prohibited in all districts:

A. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City's Fire Prevention Code.

B. Stockyards, slaughterhouses, and rendering plants.

C. Use of a travel trailer as a temporary or permanent dwelling.

D. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.

(d) Accessory Uses.

(1) The Table of Permissible Uses classifies different principal uses according to their different impacts.

(2) Accessory use, or accessory: an "accessory use" is a use that is clearly incidental to, customarily found in connection with, and (except in case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as "accessory use". An "accessory use" includes, but is not limited to, the following:

A. Swimming pools for use of occupants of a residence or their guests.

B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.

C. Home occupations when carried on by the owner-resident of the dwelling when no physical or visual affects are observed beyond the walls of the dwelling.

D. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

E. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

- F. Accessory off-street parking regulations for the district in which the zoning lot is located.
- G. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- H. Satellite antenna or microwave receiving antenna, following all regulations set forth in Section 1127.20.

(4) The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.

A. Storage outside of a substantially enclosed structure of any motor vehicle that is unlicensed and not operational.

B. Parking outside a substantially enclosed structure of more than four motor vehicles between the front building line of the principal building and the street on any lot used for purposes that fall within the permitted use in a residential district.

(e) Permissible Uses Not Requiring Zoning Permits. Notwithstanding any other provisions of this Planning and Zoning Code, no zoning, or conditional-use permit is necessary for the following uses:

(1) Streets.

(2) Electric power, telephone, telegraph, fiber optic cable, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way, except that a use of right-of-way permit may be required by the City.

(3) Neighborhood utility facilities located within a public right-of-way with the permission of the owner or controller (state or city) of the right-of-way.

(f) Change in Use.

(1) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

A. The change involves a change from one principal use category to another; or

B. If the original use is a Combination Use or Planned Development, the relative proportion of space devoted to the individual principal use that comprises the Combination Use or Planned Development Use changes to such an extent that the parking requirements for the overall use are altered; or

C. If the original use is a Combination Use or Planned Development Use, the mixture of types of individual principal uses that comprise the Combination Use or Planned Development Use changes; or

D. If the original use is a Planned Residential Development, the relative proportions of different types of dwelling units change; or

E. If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a Combination Use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or Combination Use category as the previous type of business). For illustration purposes only, if there is only one building on a lot and a florist shop that is the sole tenant of the building moves out and is replaced by a clothing store, which constitutes a change in use even though both tenants fall within a permitted principal Use. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center, Combination Use) has not changed.

(2) A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 181 consecutive days or has been abandoned.

(g) Combination Uses.

(1) When a Combination Use comprises two or more principal uses that require different types of permits, then the permit authorizing the Combination Use shall be a conditional use permit along with a zoning permit.

(2) When a Combination Use consists of a single-family detached residential subdivision that is not architecturally integrated and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

(3) When a Combination Use consists of a single-family detached, architecturally integrated subdivision two-family or multi-family uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit specified therein.

(h) More Specific Use Controls. Whenever a development could fall within more than one use classification in the Table of Permissible Uses, the use classification that most closely and most specifically describes the development controls.

	RESIDENTIAL				COMMERCIAL					INDUSTRIAL	
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	C-5	I-1	I-2
AGRICULTURAL:											
FARM MARKETS & STANDS					C				P		
KENNELS								P		P	
PLANT CULTIVATION										P	
SPECIALIZED ANIMAL RAISING										P	

	RESIDENTIAL				COMMERCIAL					INDUSTRIAL	
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	C-5	I-1	I-2
RESIDENTIAL:											
ONE FAMILY DWELLING	P	P	P	P							
TWO FAMILY DWELLING	P	P	P	P							
MULTIPLE FAMILY DWELLING				P							
DAY CARE CENTERS				C			C	P			
APARTMENTS ABOVE 1ST FLOOR			P	P	P			P			
BED & BREAKFAST			P	P	P						
FUNCTIONAL EQUIVALENT FAMILY	C	C	C	C							
HOME OCCUPATION	P			C	C						
REASONABLE ACCOMMODATION USE	C	C	C	C							
ASSISTED LIVING UNITS				P							
MANUFACTURED HOMES										P	