

VILLAGE OF VANLUÉ

ZONING REGULATIONS

VILLAGE OF VANLUE ZONING ORDINANCE

VILLAGE OF VANLUE

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TITLE

An Ordinance enacted under Section 713 of the Ohio Revised Code, governing the incorporated portions of the Village of Vanlue, Ohio, to regulate and restrict the location and use of buildings, structures and lands for trade, industry, agriculture, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Village into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Zoning Appeals; and imposing penalties for the violation of this Ordinance; all in accordance with a Comprehensive Plan now therefore:

ENACTING CLAUSE

The Village of Vanlue Ordains:

This Ordinance shall be known and may be cited as the Village of Vanlue, Ohio Zoning Ordinance

ARTICLE I SHORT TITLE

ARTICLE II CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 200. CONSTRUCTION OF LANGUAGE:

The following rules of construction apply to the text of this Ordinance:

1. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
3. A "building" or "structure" includes any part thereof.
4. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
5. Terms not herein defined shall have the meaning customarily assigned to them.

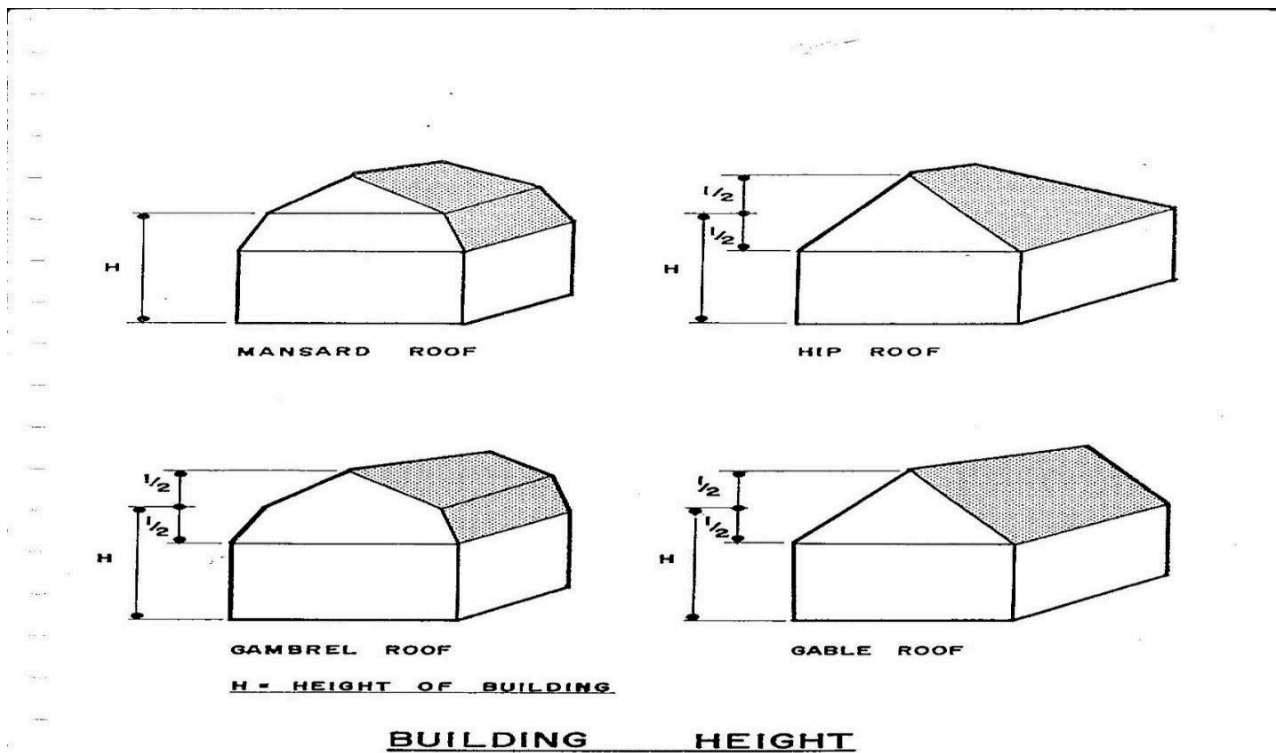
Section 201. DEFINITIONS:

Accessory Use, or Accessory: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. Accessory unit cannot exist without a primary structure.

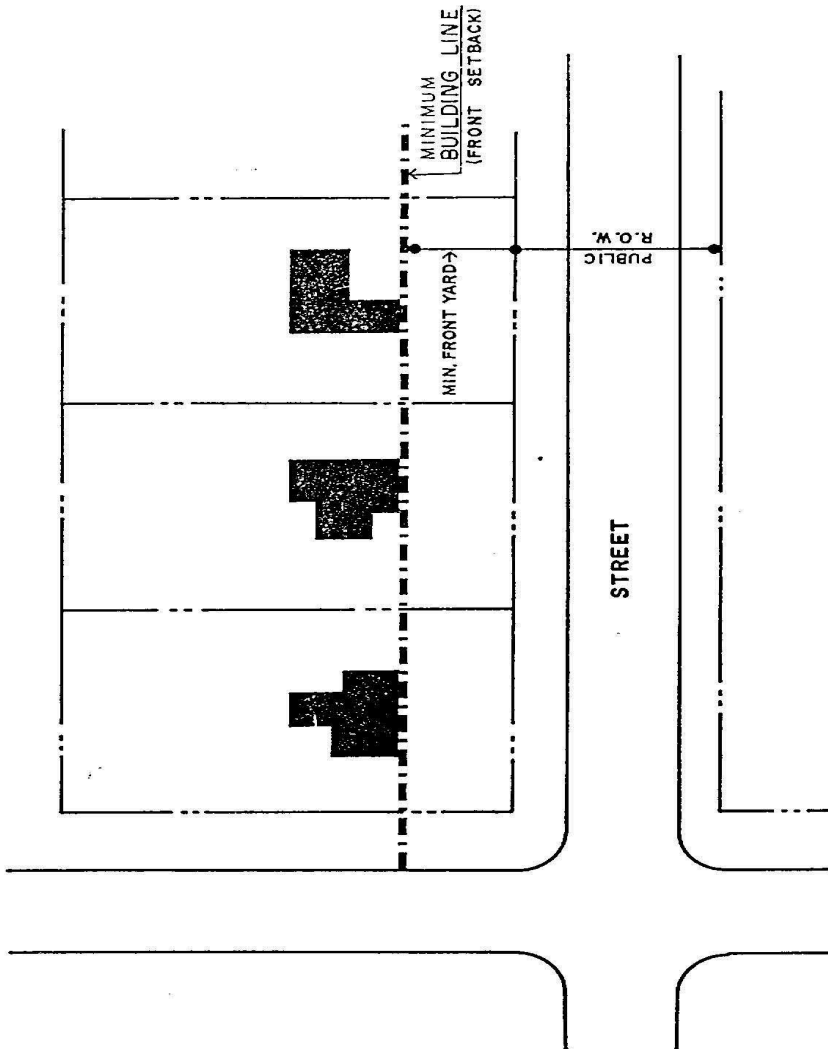
Alteration: Applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this Ordinance, a mobile home shall be considered a building.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs: to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs; and two thirds of the vertical distance between eaves and the ridge for A frame roofs.



Building Line: The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall or proposed structure may be built. The building line is considered a vertical surface intersecting the ground on such line. Overhangs up to three (3) feet shall be permitted to encroach into a required yard setback.



BUILDING LINE

Comprehensive Plan: The Comprehensive Plan of the Village of Vanlue, Ohio, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Village, and including any unit or part of such plan, and any amendment to such plan or parts thereof.

District: A portion of the Village of Vanlue, Ohio, within which certain regulations and requirements or various combinations thereof apply under provisions of this Ordinance.

Dwelling, One Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two Family: A building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple Family: A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

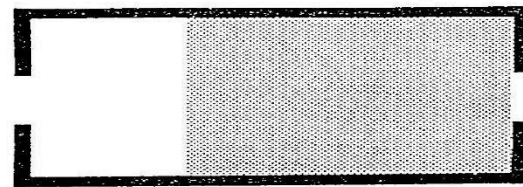
Exception: A use permitted only after review of an application by the Village Planning Commission, Board of Zoning Appeals or Village Council, or a modification in the standards of this Ordinance specifically permitted after review by the Board of Zoning Appeals, Planning Commission or Village Council; such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.

Family: One or two persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof) together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

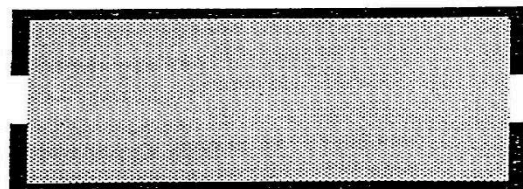
Farm: The carrying-on of any agricultural activity or the raising of livestock or small animals as a source of income.

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

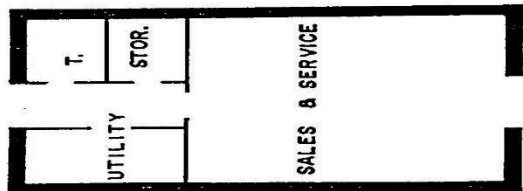
Floor Area, Usable (For the purposes of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.



USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)



TOTAL FLOOR AREA



FLOOR AREA

Grade: The ground elevation established for the purpose of regulating the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Home Occupation: Any occupational activity carried on exclusively by a member of an immediate family residing on the premises and conducted entirely on the premises. No commodity shall be sold on the premises nor mechanical equipment used, the external effects of which may adversely affect adjacent property. Home occupations shall be clearly incidental and secondary to the use of the premises for dwelling purposes, and shall not change the structural character thereof. Home occupations are permitted one, nonilluminated sign not to exceed four (4) square feet in area. Each one needing approval from Village Council.

Junk Yard: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

Lot: parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

Lot, Interior: Any lot other than a corner lot.

Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot, Zoning: A single tract of land, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Recorder, but may include one or more lots of record.

Lot Coverage: The part or percent of the lot occupied by buildings including accessory buildings.

Lot Lines: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, that line separating said lot from the street. In the case of a through lot, is that line separating said lot from either street.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot, or lots is an interior side lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

Mobile Home: A structure of vehicular, portable design, built on a chassis, and designed to be moved from one site to another, and to be used with or without a permanent foundation.

Mobile Home Park: Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

Planning Commission: The Village of Vanlue Planning Commission.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Setback: The distance required to obtain minimum front, side, or rear yard open space provisions of this Ordinance.

Sign: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

Sign, Accessory: A sign which is related to the principal use of the premises.

Sign, Non-accessory: A sign which is not related to the principal use of the premises; outdoor advertising such as billboards and the like.

Street: A public dedicated right-of-way, other than an alley which affords the principal means of access to abutting property.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Use: The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

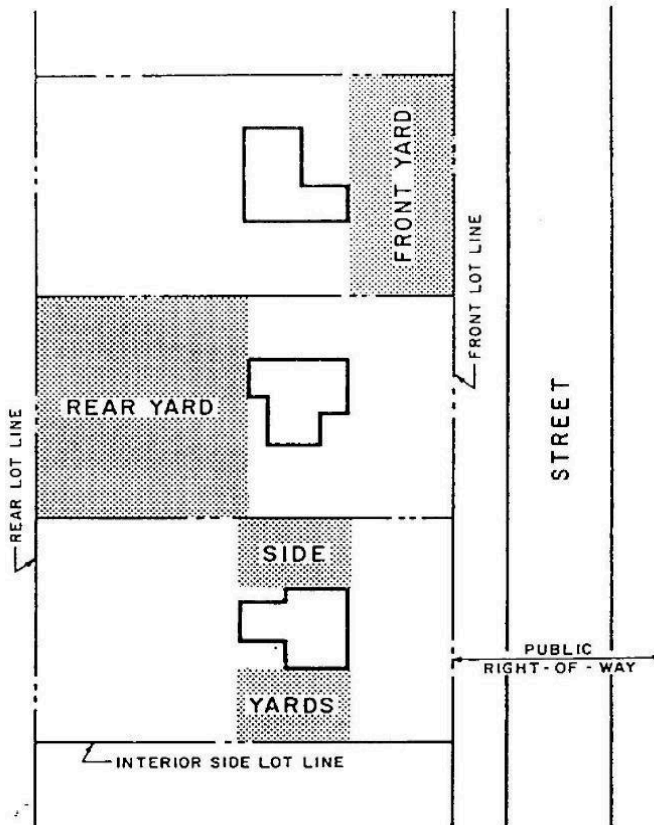
Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case. A variance is not an exception.

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot,

the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Such yard shall be free from outdoor storage or display of commodities for sale on the premises.

2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



ARTICLE III - ZONING DISTRICTS AND MAP

Section 300. DISTRICTS ESTABLISHED

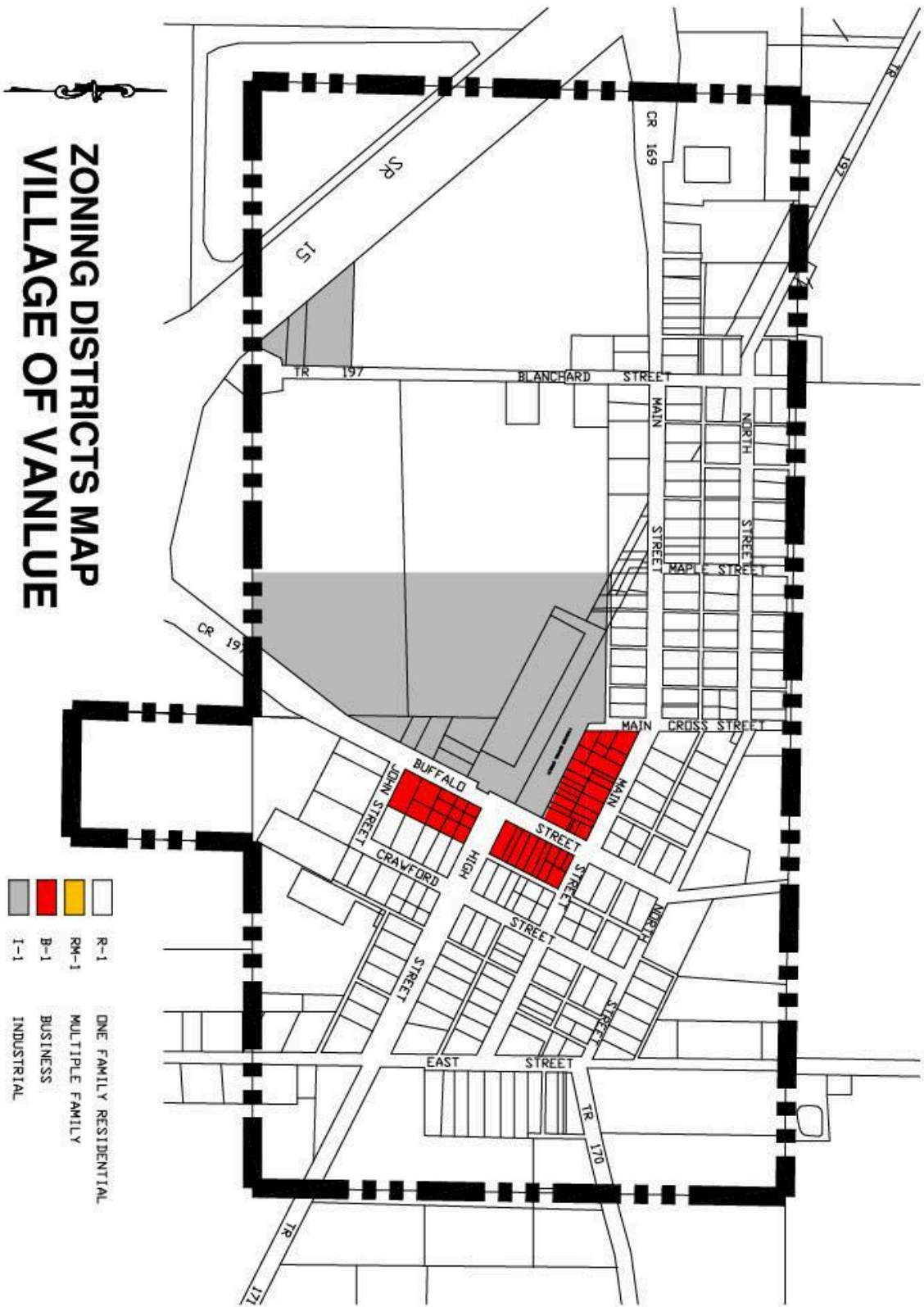
For the purpose of this Ordinance, the Village of Vanlue is hereby divided into the following districts:

R-1 One-Family Residential District
RM-1 Multiple-Family Residential
District B-1 Business District
I-1 Industrial District

Section 301. DISTRICT BOUNDARIES:

The boundaries of these Districts are hereby established as shown on the Zoning Districts Map which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

ZONING DISTRICTS MAP VILLAGE OF VANLUE



Section 302. DISTRICT BOUNDARIES INTERPRETED:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines or Village limits shall be construed as following such lot lines or Village limits.
3. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 and 2 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the scale of the map.
4. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Districts Map, or in other circumstances not covered by subsections 1 through 3 above, the Village Planning Commission shall interpret the District boundaries.
6. Insofar as some or all of the various districts may be indicated on the Zoning Districts Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such District boundaries do extend to the center of any public right-of-way.

Section 303. ZONING OF VACATED AREAS:

Whenever any street, alley, or other public way within the incorporated area of Vanlue shall be vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

Section 304. DISTRICT REQUIREMENTS:

All buildings and uses in any District shall be subject to the provisions of ARTICLE IX - GENERAL PROVISIONS and ARTICLE X – GENERAL EXCEPTIONS. ARTICLE IV – R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

ARTICLE IV – R-1 ONE FAMILY RESIDENTIAL DISTRICTS

Section 400. INTENT:

The R-1 One-Family Residential District is designed to be the most restrictive of the Residential Districts. The intent is to provide for an environment of predominately low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the District.

Section 401. PRINCIPAL USES PERMITTED:

In a One-Family Residential District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. One-family detached dwellings.
2. Farms and farming operations.
3. Public owned and operated libraries, parks, and recreational facilities.
4. Public, parochial and other private schools offering courses in general education and are not operated for profit.
5. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 402. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

1. Churches and other facilities normally incidental thereto, subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in ARTICLE VIII - SCHEDULE OF REGULATIONS may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
2. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the District in order to serve the immediate vicinity.

3. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any Residential District.
4. Private pools or ponds shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - a. Private pools or ponds shall not require Planning Commission review and approval.
 - b. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall.
 - c. No swimming pool or pond shall be located less than thirty-five (35) feet from any front lot line.
 - d. No swimming pool or pond shall be located in an easement.
 - e. For the protection of the general public, all swimming pools (**that require a pump and or filter**) or ponds shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool or pond is not in use for extended periods. If a deck is around the pool, an adequate pool top fence is fine. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Inspector upon inspection and approval.
All Hot Tubs must have a cover.
Portable pools not requiring a pump or filter are to be emptied or fully covered when not in use.
6. Home occupations shall be permitted, subject to conditions the Planning Commission deems necessary for the protection of the Single-family residential character of the surrounding area.
7. Mobile homes that were located on lots or parcels prior to the effective date of this Ordinance may be replaced subject to the following conditions:
 - a. The replacement mobile home must be placed on a permanent foundation comprised of not less than poured cement footers below the frost line (36-inch depth), four-inch-wide cement blocks laid with mortar, and extending at least three rows

of block above the finished grade.

- b. The mobile home's tongue, wheels and axle must be removed.
 - c. Title must be surrendered to the County Auditor's office so as to change the taxing structure from trailer tax to real estate tax.
 - d. All connections to Village water and sewer lines must be inspected.
 - e. The replacement must be completed within sixty (60) days of conditional use approval by the Planning Commission.
 - f. Any replacement mobile home shall have been constructed within the last ten (10) years.
8. Two-family dwellings.
9. Accessory buildings and uses customarily incident to any of the above permitted uses.
- IP

Section 403. AREA AND BULK REQUIREMENTS:

See ARTICLE VIII © SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE V - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Section 500. INTENT

The RM-1 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density Single-Family Districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.

Section 501. PRINCIPAL USES PERMITTED:

In a Multiple-Family Residential District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. All uses permitted and as regulated in the R-1 One-Family Residential District.
2. Two family and Multiple-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 502. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

1. Publicly owned buildings, telephone exchange buildings, and public utility office, including transformer stations, substations, or gas regulator stations, all without storage yards.
2. Accessory buildings and uses customarily incident to any of the above permitted use.

Section 503. AREA AND BULK REQUIREMENTS

See ARTICLE VIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted and providing minimum yard setback requirements.

ARTICLE VI – B-1 BUSINESS DISTRICTS

Section 600. INTENT:

The B-1 Business Districts are designed to cater to the needs of a nearby consumer population and are generally characterized by businesses that serve adjacent residential areas.

Section 601. PRINCIPAL USES PERMITTED:

In a Business District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. Office or service establishments such as but not limited to the following:

- a. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
 - b. Personal service establishments including barber shops, beauty shops, tattoo parlors and health salons. Must include state certification certificate.
2. All retail businesses that serve the convenience needs of a surrounding neighborhood, such as food stores, drug stores.
 - 3.
 4. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct. Also allows contractors office / facility or I-1
 5. Other uses similar to the above uses.
 6. Accessory structures and uses customarily incident to the above permitted uses.
 7. No outdoor storage materials or items for sale.

Section 602. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

1. Auto wash when completely enclosed in a building.
2. Restaurants and other establishments serving food and/or beverages, except those having the character of a drive-in.
3. Automobile service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service.
 - a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent Residential Districts.
 - b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Automobile service stations which are intended solely for the sale of

gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required. The minimum width of any service station site shall be one hundred (100) feet.

4. Indoor or outdoor sales space for exclusive sale of new or secondhand automobiles, mobile homes, camper trailers, or rental of trailers and/or automobiles, or similar property, all subject to the following:
 - a. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - c. No major repair or major refinishing shall be done on the lot.
 - d. All lighting shall be shielded from adjacent Residential Districts.

5. Business in the character of a drive-in or open-front store, subject to the following conditions:
 - a. A setback of at least (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets. Must have stacking for 8 cars from a drive up window.
 - c. All lighting shall be shielded from adjacent Residential Districts.
 - d. A six (6) foot high completely obscuring wall, fence, or greenbelt screen shall be provided when abutting or adjacent districts are zoned for R Districts. The height shall be measured from the surface of the ground.

6. Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:
 - a. The storage or display of any materials or products shall meet all setback requirements of a structure.

- b. loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
7. Publicly owned buildings, telephone exchange buildings, and public utility office, including transformer stations, substations, or gas regulator stations, all without storage yards.
 8. Residential units when located in stories above the ground floor level,(required when a business on main floor) and when provided with off-street parking as required in Section 1204.
 9. Accessory structures and uses customarily incident to the above permitted uses.

Section 603. AREA AND BULK REQUIREMENTS

See ARTICLE VIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE VII - I-1 INDUSTRIAL DISTRICTS

Section 700. INTENT:

The I-1 Industrial Districts are designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding districts. The I@1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use District include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Village's expected future economy for all types of manufacturing and related uses.

2. To protect abutting Residential Districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor, and other objectionable influences.
4. To protect the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Village's tax revenue.

Section 701. PRINCIPAL USES PERMITTED:

In an Industrial District, no building or land shall be used, and no building shall be erected except for one or more of the following specific uses unless otherwise provided in this Ordinance:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
2. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a wall or greenbelt screen on those sides abutting R©1, RM-1, and B-1 Districts, and on any front yard abutting a public thoroughfare. In I-1 Districts, the extent of such a screen may be determined by the Planning Commission on the basis of usage. Such a screen shall not be less than four feet six inches (4' 6") in height any may, depending upon land usage, be required to be eight (8) feet in height.
 - a. Warehousing and wholesale establishments, and trucking facilities.
 - b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware, cutlery, tool, die, gauge, and machine shops.
 - c. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and

kilns fired only by electricity or gas.

- d. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
 - e. All public utilities, including buildings, necessary structures, storage yards, storage lockers and other related uses.
3. Warehouse, storage yards, storage lockers, storage transfer, electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants, water and gas tank holders.
 4. Municipal uses such as water treatment plants, reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
 5. Greenhouses
 6. Trade or industrial schools.
 7. Freestanding non-accessory signs.
 8. Other uses of a similar and no more objectionable character than the above uses.
 9. Accessory buildings and uses customarily incident to any of the above permitted uses.

ARTICLE VIII- SCHEDULE OF REGULATIONS

SECTION 800- SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT

Zoning District	Minimum Zoning Lot Size Per Dwelling Unit		Maximum Height of Structures	Minimum Yard Setback (Per lot in Feet)			Minimum Floor Area Per Unit (Sq. Feet)	Maximum % of lot area Covered by All Buildings
	Area in Sq. Feet or Acres	Width in Feet		Front	Each Side	Rear		
R1 One Family Residential	8,450 (A)	65	25	30 (B)	5 (B/C)	35 (B)	1,000	40%
RM-1 Multiple Family Residential	(D)	(D)	28	30	30(E)	30(E)	1 BR- 500 2 BR- 700 3 BR- 900 4 BR - 1000	25%
B-1 Business	_____	_____	30 (J)	(F)	(G/I)	(G/H)	_____	_____
I-1 Industrial	_____	_____	40 (J)	40 (K)	40 (L)	40 (L)	_____	_____

Section 702. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

1. Auto engine and body repair, and undercoating shops when completely enclosed.
2. Metal plating, buffing, and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
3. Commercial kennels
4. Other uses of a similar character to the above uses.
5. Grain elevators
6. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare. In any I©1 District, the extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such fence or wall shall not be less than six (6) feet in height, and may, depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.
7. Other uses subject to Council approval.

Section 703. AREA AND BULK REQUIREMENTS:

See **ARTICLE VIII - SCHEDULE OF REGULATIONS** limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Section 800. NOTES TO SCHEDULE OF REGULATIONS:

- (a) In those instances where public sanitary sewer and water systems are not provided, all lots per dwelling shall equal a minimum of one (1) acre and a width of not less than one hundred and fifty (150) feet.
- (b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building, or the setback required in Section 402 or 1100, whichever is greater.
- (c) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.
- (d) In an RM-1 Multiple-Family District, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining, and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by fifteen hundred (1,500). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be an efficiency apartment type.

In the RM-1 Districts, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency = 1 room	Plan presented showing 1, 2,
One Bedroom = 2 rooms	3- or 4-bedroom units and
Two Bedroom = 3 rooms	including a "den", "library"
Three Bedroom = 5 rooms	or other extra room shall
Four Bedroom = 7 rooms	count such extra room as a
	bedroom for the purpose of
	computing density.

In an RM-1 District, the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

- (e) In no instance shall the distance between buildings be less than thirty (30) feet.
- (f) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the

nearest right-of-way line as indicated on the Comprehensive Plan.

- (g) Where a lot borders on a Residential District or a street, there shall be provided a setback of not less than twenty (20) feet on the side bordering the Residential District or street.
- (h) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- (i) Off-street parking shall be permitted in a required side yard setback.
- (j) Planned developments involving acreage under one (1) ownership shall be subject to the approval of the Planning Commission regarding modifications with respect to the height regulations. In approving an increase in structure height, the Planning Commission shall require that all yards at least be equal in their depth to the height of the structure.
- (k) Off-street parking for visitors, over and above the number of spaces required under SECTION 904., may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- (l) Along interior side or rear lot lines of the district, side yards shall be equal to at least the height of the average of the various heights of the industrial masses (excluding towers, chimneys, stacks, and the like) immediately abutting upon and adjacent to such side yard.
- (J) CONSTRUCTION DUMPSTERS Parked on Street- Permit fee of \$10 required.
The initial permit is valid for 30 days.
If permit not renewed after 30 days, the fine is \$10 per day until dumpster is removed (limitation of 60 days).

ARTICLE IX - GENERAL PROVISIONS

Section 900. CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

Section 901. SCOPE:

No building or structure, or part thereof, shall hereafter be erected, constructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 902. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES:

INTENT

1. It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

A nonconforming structure, use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance, except that extension or expansion of nonconformities shall be permitted by the Board of Zoning Appeals, subject to the following conditions:

- a. The extension or expansion shall not exceed (50) percent of the floor area or lot coverage existing at the effective date of this Ordinance. See Section 6
- b. The extension or expansion cannot reasonably be expected to adversely affect adjacent conforming uses by reducing the market value of such adjacent property, by interfering with ingress and egress thereto, or obstructing its existing light and air.
- c. Setbacks appropriate to the nature of the nonconforming use are maintained.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other use of a nature which would not be permitted generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

3. Nonconforming Uses of Land

Where at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except when done in accordance with Subsection 1. above.
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If such nonconforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

4. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. Except as provided in Section 902, 1. no such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
- b. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, or when done in accordance with Subsection 1. above.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the item of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. Where nonconforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land.

6. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed (see Section 1A) value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7. Uses Under Exception Provisions Not Nonconforming Uses

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

8. Change of Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures or of structures and land in combination.

Section 903. ACCESSORY BUILDINGS:

Accessory buildings, except as otherwise permitted in this Ordinance shall be subject to the following regulations:

1. Where the accessory building is structurally 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. Accessory buildings shall not be erected in any required front yard.
3. Residential District, the accessory building shall not exceed the ground floor area of the main building subject to 40% of total lot.
4. No semi-trailers, conex boxes or storage containers allowed in residential area; only in industrial areas.
 - A. Moving storage pods allowed in Residential areas on owners property (not on village property or tree lawn) for a limited time of (30) days. The property owner must register the delivery date with the Zoning Inspector. (No fee is assessed for this)
5. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line.

In those instances where the rear or side lot line is coterminous with an alley or street right-of-way, the accessory building shall not be closer than five (5) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated right-of-way.

6. No detached accessory building in R-1 or RM-1 Districts shall

exceed fourteen (14) feet in height, nor exceed the height of the main building on the premises.

Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Planning Commission review and approval if the building exceeds one (1) story or fourteen (14) feet in height.

7. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
8. **Recreational Vehicle:** Means a vehicle or a vehicular portable structure designed and constructed to be primarily used for recreational or camping purposes or for the purpose of a temporary dwelling used for travel, recreation, or vacation. Recreational vehicles shall include, but are not limited to travel trailers, pickup campers, motorized homes, folding tent trailers, boat and boat trailers, wave runners and trailers, jet skis and trailers, and other personal vehicles.

(A) With a permit issued by the zoning inspector, individuals shall be permitted to stay within said recreational vehicle for a period not to exceed 14 days in duration in any 180-day period. One additional period not to exceed 14 days in duration may be permitted by the zoning inspector within the same 180-day period. Each permit shall carry a \$15.00 fee. Emergency provisions will be considered on a case-by-case basis.

(B) If recreational and camping vehicles are parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot. The setback requirement on the side or rear yard shall be a minimum of five (5) feet. Recreational and camping vehicles must always be stored in a neat, clean and orderly fashion and the grass and weeds removed. Recreational and camping vehicles parked and stored shall not have fixed connections to electricity, water, or sanitary sewer facilities.

Temporary Tent Camping- You must obtain a permit through the VCO.

Residential long-term camping only allowed with the required permit from the VCO. Long term constitutes longer than 3 consecutive nights. No more than a total of 14 days camping permitted at the park.

Signs will be posted at the park, No overnight parking without permit

Section 904. OFF-STREET PARKING REQUIREMENTS:

There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building

uses shall be provided prior to the issuance of a Certificate of Occupancy

as hereinafter prescribed:

1. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of minimum side yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of SECTION 903. ACCESSORY BUILDINGS of this Ordinance.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale or rent, trucks or the repair of vehicles is prohibited in areas designated as off-street parking.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

11. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA in ARTICLE II - DEFINITIONS, SECTION 201 shall govern.

12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:
 - a. **RESIDENTIAL**
 - (1) **Residential, One-Family and Two-Family:** Two (2) for each dwelling unit
 - (2) **Residential, Multiple-Family:** Two (2) for each dwelling unit

 - b. **INSTITUTIONAL**
 - (1) **Churches** One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
 - (2) **Nursery School, Day Nurseries or Child Care Centers:** One (1) for each three hundred and fifty (350) square feet of usable floor space

 - c. **BUSINESS AND COMMERCIAL**
 - (1) **Auto Wash (self-service or coin):** Two (2) for each washing stall in addition to the stall itself
 - (2) **Beauty Parlor or Barber Shop:** Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair
 - (3) **Establishment for Sale and Consumption on the Premises, of Beverages, Food or Refreshments:** One (1) for each seventy-five (75) square feet of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local or State fire, building or health codes.
 - (4) **Gasoline Service Station:** Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump
 - (5) **Motor Vehicular Sales and Service Establishments:** One (1) for each two hundred (200) square feet of usable

floor space of sales room and one (1) for each one (1) auto service stall in the service room.

- (6) **Retail Stores Except as Otherwise Specified**
Herein: One (1) for each one hundred and fifty (150) square feet of usable floor space.

d. **OFFICES**

- (1) **Business Offices or Professional Offices Except as Indicated in the Following Item (3):** One (1) for each two hundred (200) square feet of usable floor space.

e. **INDUSTRIAL**

- (1) **Industrial or Research establishments, and Related Accessory Offices:** Five (5) plus one (1) for every one and one-half (1@1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
- (2) **Warehouses and Wholesale Establishments and Related Accessory offices:** Five (5) plus one (1) for every one (1) employee in the largest working shift.

Section 905. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

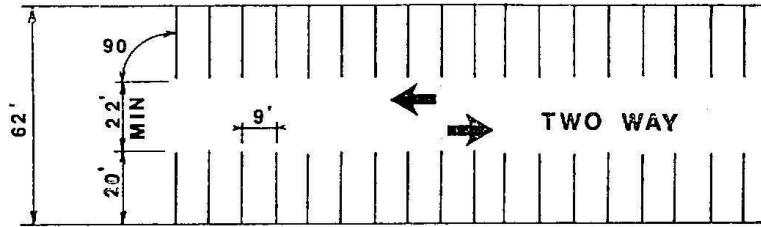
Whenever the off-street parking requirements in SECTION 904 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

- 1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Inspector. Applications for a permit shall be submitted to the Planning Commission in such form as may be determined by the Zoning Inspector and shall be accompanied with two (2) sets of Site Plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- 2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

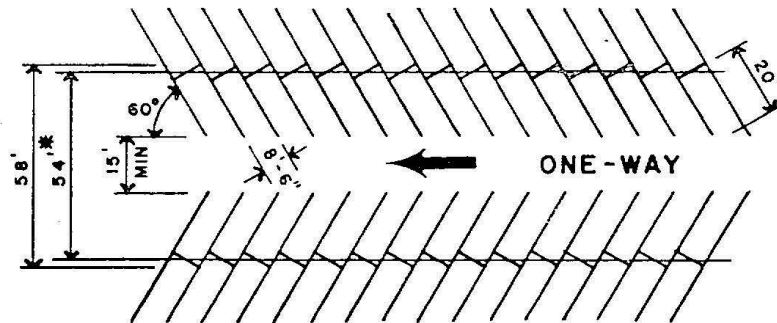
<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width Of One Tier Of Spaces Plus Maneuvering Lane</u>	<u>Total Width Of Two Tiers Of Spaces Plus Maneuvering Lane</u>
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	9 ft.	20 ft.	20 ft.	42 ft.	62 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street or alley shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
5. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family Residential District.
6. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with a permanent and durable surfacing in accordance with specifications approved by the Zoning Inspector. The parking area shall be surfaced within one (1) year of the date the Occupancy Permit is issued.
Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
7. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

90 DEGREE

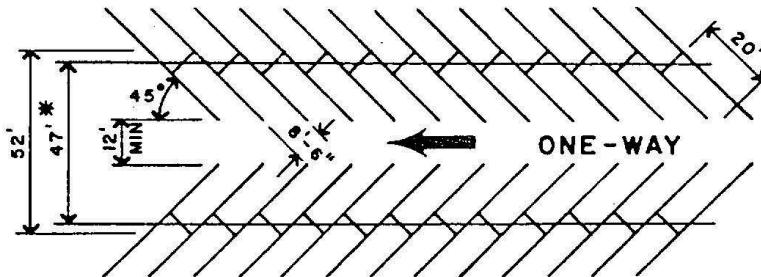


60 DEGREE



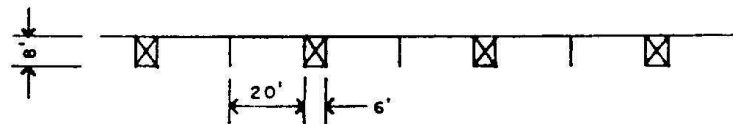
* OVERLAPPING DIMENSION

45 DEGREE



* OVERLAPPING DIMENSION (INCLUDING HERRINGBONE PATTERN)

PARALLEL



PARKING LAYOUTS

Section 906. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All spaces shall be provided as required in ARTICLE VIII - SCHEDULE OF REGULATIONS, under Minimum Rear Yards (footnote (h)), except as hereinafter provided for I-Districts.
2. Within an I-District, all spaces shall be laid out in the dimension of at least ten by fifty (10 X 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent, durable, and dustless surface.
3. All loading and unloading in an I-District shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a required front yard. In those instances where exterior side yards have a common relationship with an Industrial District across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least forty (40) feet.

Section 907. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Village Council under the conditions specified, and after public hearing, and after a recommendation has been received from the Planning Commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential Districts, unless otherwise specified.

These uses require special consideration since they service an area larger than the Village or require sizable land areas, creating problems of control with reference to abutting use Districts. Reference to those uses falling specifically within the intent of this Section is as follows:

1. Commercial Television and Radio Towers and Public Utility Microwaves and Public Utility T.V. Transmitting Towers, Cell

Phone Towers: Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities shall be permitted in I-1 Districts provided said

use shall be located centrally on a continuous parcel of not less than one and one-half (1-1/2) times the height of the tower measured from the base of said tower to all points on each property line.

1A Solar or wind farms are not permitted in residential unless roof mounted for residential use only.

1B Wind Turbines permitted in residential or business if less than 25' in height

2. **Mobile Home Parks:**

Because mobile home parks possess site design and density characteristics similar to multiple-family development, they are permitted herein as transitional uses between multiple-family and business or industrial areas. Mobile home parks shall be permitted in the RM@1 Multiple-Family Residential Districts, in the B@1 Business Districts, and in the I-1 Industrial Districts, subject to the following locational requirements:

a. **RM-1 Multiple-Family Residential Districts**

Mobile home parks located in RM-1 Districts shall abut RM-1 Districts on not more than three (3) sides and shall abut a B-1 Business District or an I-1 Industrial District on at least one (1) side. Mobile home parks shall not abut R-1 Districts and shall have direct access to a Major or Secondary Thorofare, either existing or proposed.

b. **B-1 Business or I@1 Industrial District**

Mobile home parks located in B-1 or I-1 Districts shall abut B-1 or I-1 Districts on not more than three (3) sides and shall abut an RM-1 Multiple-Family Residential District on at least one (1) side. Mobile home parks shall have direct access onto a Major or Secondary Thorofare, either existing or proposed.

(1) **Required Conditions**

(a) **Lot Area:** Each mobile home space shall consist of not less than five thousand (5,000) square feet, and such space shall be clearly defined and marked. There shall be no more than one (1) mobile home stationed on any (1) space.

(b) **Lot Width:** Each mobile home site shall have a

minimum width of forty-five (45) feet measured at right angles to a longitudinal median line of the lot at a depth of fifteen (15) feet from the front lot line.

(c) **Lot Depth:** Each mobile home site shall have a minimum lot depth of eighty-five (85) feet measured along the longitudinal median.

(d) **Lot Coverage:** Not more than forty (40%) percent of the area of any mobile home space shall be occupied by mobile homes or attendant accessory structures.

(e) **Distance Between Mobile Homes:** Mobile homes shall be so harbored on each space so that there shall be at least a twenty-five (25) foot clearance between mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than twenty (20) feet.

(f) **Setback Requirements:** No mobile home shall be located closer than forty (40) feet from any building within the mobile home community or from any property line bounding the mobile home community. Mobile homes shall be situated at least fifteen (15) feet from the front lot line of any mobile home space.

(2) **Building Height Regulations**

The maximum height of any structures in a mobile home park shall be fourteen (14) feet.

(3) **Recreational Area**

A common park and recreational area shall be provided, and shall consist of at least one hundred and fifty (150) square feet per mobile home space. The length of such area shall not exceed two (2) times its width.

(4) **Parking and Access**

Parking shall be provided and maintained at a minimum ratio of two (2) spaces for each mobile home space and such parking spaces shall be situated off any public and private roadways. All private roadways shall have unobstructed access to a Major or Secondary Thoroughfare, either existing or proposed.

(5) **Screening**

An intense greenbelt screen not less than twenty (20) feet in width shall be located along all property

lines except street frontage lines.

3. **Junk or Salvage Yards**

Junk or salvage yards shall be permitted in I-1 Districts provided such uses have direct access to a Major or Secondary Thorofare, either existing or proposed, and provided further that such uses are conducted within a building or within an eight (8) foot obscuring wall.

Section 908. SIGNS:

1. The following conditions shall apply to all signs erected or located in any use district.

- a. All signs shall conform to all applicable codes and regulations of the Village and, where required, shall be approved by the Zoning Inspector, and a permit issued.
- b. No sign except those established and maintained by the Village, State or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
- c. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving five (5) acres or more under one ownership, the Board of Zoning Appeals may modify the height limitation. The Board shall, however, respect all yards and setbacks in modifying height requirements.
- d. Accessory signs shall be permitted in any use district.
- e. **Garage Sale Signs, Political signs are required to be removed within 24 hours of end of event. Displayed on property and not in tree lawn area.**
- f. Non-accessory signs shall be permitted only in I-1 Industrial Districts; except that non-accessory signs pertaining to real estate development located within the Village and designed to promote the sale of lots or homes within a subdivision located within the Village may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all applicable codes and resolutions of the Village, approved by the Zoning Inspector and a temporary permit issued.
- g. Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted when located on

the land or building intended to be rented, leased, and/or sold.

- h. Freestanding accessory signs may be located in the required front yard except as otherwise provided herein.

- 2. In addition to "1" above, the following requirements shall apply to signs in the various use Districts as follows:

USE DISTRICTS

REQUIREMENTS

R - Districts
(R-1 and RM-1)

For each dwelling unit, one (1) nameplate not exceeding two (2) square feet in area, indicating name of occupant.

For structures other than dwelling units, one (1) identification sign not exceeding eighteen (18) square feet in area.

RM-1

For rental and/or management offices, one (1) identification sign not exceeding six (6) square feet in area.

In RM-1 Districts, signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent Single-family District.

B-1 Districts

No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.

B-1 and I-1
Districts

Freestanding signs shall not exceed three hundred (300) square feet in area and shall not exceed eight (8) feet in height if within 1500 feet of a 4 lane highway

Freestanding accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent Residential District.

I-1 Districts

Freestanding accessory signs or advertising pylons shall not be placed closer than one

hundred (100) feet to any adjacent Residential District.

Non-accessory signs / billboards shall be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on either side of the right-of-way.

Freestanding, non-accessory signs shall comply with all requirements of ARTICLE VIII - SCHEDULE OF REGULATIONS of this Ordinance.

Section 909. EXTERIOR LIGHTING:

1. All outdoor lighting in all use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent Residential Districts or adjacent residents.
2. All outdoor lighting in all use Districts shall be directed toward and be confined to the ground areas of lawns or parking lots.
3. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
4. All illumination of signs and any other outdoor features shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
5. B-1 and I-1 shall provide a photometric plan. Shall not exceed .01 candles at the property.

Section 910. RESIDENTIAL ENTRANCEWAY:

In all Residential Districts, so called entranceway structures including but not limited to walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in SECTION 911. CORNER CLEARANCE, provided that such entranceway structures shall comply with all codes of the Village and shall be approved by the Zoning Inspector and a permit issued.

Section 911. CORNER CLEARANCE: No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established property grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Section 912. FENCES (RESIDENTIAL):

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all Residential Districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater. **If abuts a street or alley, must be 3' from right away.**
2. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all Residential Districts, are excluded from the regulations.
3. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
4. Fences which enclose public or institutional parks, playgrounds, **commercial** property or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.

Section 913. SITE PLAN REVIEW (ALL DISTRICTS):

1. **A Site Plan shall be submitted to the Planning Commission for approval of any development. All new building construction or lot splits require survey.**
2. Every Site Plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance and shall be in such form as the Planning Commission shall prescribe in its rules.

Site Plans shall be submitted to the Planning Commission at least thirty (30) days in advance of the next regularly scheduled Commission meeting. Unless the Applicant agrees to an extension of time in writing, the Planning Commission shall take one of the following courses of action at such meeting:

- a. Approval, in which case the Zoning Inspector may issue a Zoning Permit.
- b. Conditional Approval, setting forth, in writing, the conditions upon which approval is granted. In the case of a Conditional Approval, the Applicant shall submit to the

Zoning Inspector a revised Site Plan showing any and all requirements of the Commission.

- c. Disapproval, in which case no Zoning Permit may be issued, and a new Site Plan must be prepared for consideration by the Commission.
3. The following information shall be included on the Site Plan:
- a. A scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more.
 - b. Date, north point and scale.
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - d. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
 - e. The location of all existing and proposed drives and parking areas, including the proposed parking layout.
 - f. The location and right-of-way widths of all abutting streets and alleys.
 - g. The names, addresses and phone number of the architect, planner, designer, engineer, or person responsible for the preparation of the Site Plan.
 - h. All New Construction Projects must include existing and proposed utilities, landscaping plans, photometric plan, drainage plan and building elevations (each side).
4. In the process of reviewing the Site Plan, the Planning Commission shall consider:
- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to the streets giving access to the site, and in relation to pedestrian traffic.
 - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in

relation to access streets.

- (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

- c. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

Section 914. FRONTAGE ON A PUBLIC STREET:

No lot shall be used for any purpose permitted by this Ordinance unless said lot abuts a public right-of-way, unless otherwise provided for in this Ordinance.

ARTICLE X - GENERAL EXCEPTIONS

Section 1000. AREA, HEIGHT, AND USE EXCEPTION:

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

Section 1001. ESSENTIAL SERVICES:

Essential services serving the Village shall be permitted as authorized and regulated by law and other Ordinances of the Village. Overhead or underground lines and necessary towers and poles to be erected to service primarily those areas beyond the Village shall receive the review and approval, after Public Hearing of the Board of Zoning Appeals. Such review by the Board of Zoning Appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles, and towers, and, further, shall consider injurious effects on adjacent property as well as the orderly appearance of the Village.

Section 1002. VOTING PLACE:

The provisions of this Ordinance shall not be so construed as to

interfere with the temporary use of any property as a voting place in connection with a public election.

Section 1003. HEIGHT LIMIT:

The height limitations of this ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or wireless transmission towers; provided, however, that the Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a Conditional Use.

Section 1004. ACCESS THROUGH YARDS:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing a like function and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

ARTICLE XI - ADMINISTRATION AND ENFORCEMENT

Section 1100. ENFORCEMENT:

The provisions of this Ordinance shall be administered and enforced by the Zoning Inspector or by such deputies of his Department as the Zoning Inspector may delegate to enforce the provisions of this Ordinance.

Section 1101. DUTIES OF ZONING INSPECTOR

The Zoning Inspector shall have the power to grant Zoning Permits and Occupancy Certificates, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Inspector to approve any plans or issue any permits or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance. The Zoning Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of SECTION 902.

Under no circumstances is the Zoning Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Inspector. The Zoning Inspector shall not refuse to issue a

permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contract, such as covenants or private agreements which may occur upon the granting of said permit.

Section 1102. PLOT PLAN:

The Zoning Inspector shall require that all applications for Zoning Permits be accompanied by plans and specifications including a Plot Plan, in triplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- 5.

Section 1103. PERMITS:

The following shall apply in the issuance of any permit:

1. **Permits Not to be Issued**
No Zoning Permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.
2. **Permits for New Use of Land**
No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
3. **Permits for New Use of Buildings**
No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
4. **Permits Required**
No building or structure, or part thereof, shall be hereafter

erected, altered, moved, or repaired unless a Zoning Permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, type, class or kind of occupancy, or other changes affecting or regulated by this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

5. **Permit Expiration**

Zoning Permits shall expire at the end of one (1) year from the date of issuance unless the construction or use has commenced within that period of time. Where construction is being diligently carried on, the Zoning Inspector may issue one (1) twelve (12) month extension of the expiration date.

Section 1104. FOOTER INSPECTION:

So that property owners may be protected from potential errors in the location of buildings, the Zoning Inspector or his representative shall inspect the excavation for structural footers before any concrete is installed. It shall be the responsibility of the property owner to notify the Zoning Inspector at least twenty-four (24) hours prior to pouring concrete, and to provide appropriate evidence of the location of lot lines. If an inspection has not been made within twenty-four (24) hours of the Zoning Inspector's notice from the property owner, the inspection shall be considered approved, and pouring of concrete may commence.

Section 1105. FINAL INSPECTION:

The holder of every Zoning Permit for the construction, erection, alteration, repair or moving of any building, structure, land, or part thereof, shall notify the Zoning Inspector immediately upon the completion of the work authorized by such Permit for final inspection.

Section 1106. CERTIFICATES:

No land, building, or part thereof, shall be occupied by or for any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any Certificate:

1. **Certificates Not to be Issued**

No Certificate of Occupancy shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

2. **Certificates Required**

No building or structure (except farm buildings) or parts

thereof, which is hereafter erected, or altered, shall be occupied, or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.

3. **Certificates Including Zoning**

Certificates of Occupancy as required by the State of Ohio Building Codes for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.

4. **Certificates for Existing Buildings**

Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

5. **Record of Certificates**

A record of all Certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

6. **Certificates for Dwelling Accessory Buildings**

Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the Plot Plan and when completed at the same time as such dwellings.

7. **Application for Certificates**

Application for Certificates of Occupancy shall be made in writing to the Zoning Inspector on forms furnished by that Department, and such Certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

Section 1107. FEES:Fees for inspection and the issuance of Permits or Certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Inspector in advance of issuance. The amount of such fees shall be established by the Village Council and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

ARTICLE XII - BOARD OF ZONING APPEALS

Section 1200. CREATION AND MEMBERSHIP

There is hereby established a Board of Zoning Appeals which shall consist of the members of the Village Council.

The Board shall organize annually to elect a Chairman and a Vice-Chairman.

It shall further adopt rules for its own government not inconsistent with law or with any other ordinances of the Village to carry into effect the provisions of this Ordinance.

Section 1201. MEETINGS:

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public.

The Zoning Inspector, or his representative, 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 also keep records of its hearings and other official action. Four (4) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.

Section 1202. APPEAL:

An appeal may be taken to the Board of Zoning Appeals by any person, firm, or corporation, or by an officer, Department, Board or Bureau affected by a decision of the Zoning Inspector. Such appeals shall be taken within twenty (20) days, by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal, specifying either grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board of Zoning Appeals after notice of appeal has been filed with him that by reason of facts stated in the Certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give at least ten (10) days' notice thereof to the parties in interest and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 1203. JURISDICTION:

The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this Section and in SECTION 201. DEFINITIONS. Said powers include:

1. **Administrative Review**

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing and provisions of this Ordinance.

2. **Variance**

To authorize, upon appeal, a variance from the strict application of the provisions of this Ordinance whereby reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties too, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

Duncan factors are a set of seven criteria used by a **Board of Zoning Appeals (BZA)** to determine if a property owner faces "practical difficulties" that justify granting an area variance.

- **1. Beneficial Use:** Can the property be used without the variance?

- **2. Substantiality:** Is the requested variance significant?
- **3. Neighborhood Character:** Will the neighborhood be negatively impacted?
- **4. Governmental Services:** Will city services be adversely affected?
- **5. Owner's Knowledge:** Did the owner know of the restriction when purchasing?
- **6. Alternative Solutions:** Can the issue be solved without a variance?
- **7. Spirit and Intent:** Will the zoning intent be upheld?

These criteria are applied to determine if a property owner faces "practical difficulties" rather than "unnecessary hardship"

3. **Exceptions and Special Approvals**

To hear and decide in accordance with the provisions of this Ordinance requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Ordinance specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Ordinance, including the following:

- a. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Plan, as shown upon the Zoning Map fixing the use districts, accompanying, and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the Map aforesaid.
- b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
- c. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- d. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Village and for periods not to exceed six (6) months in developed sections.

- e. Permit, upon property application, the following character of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible: uses which do not require the erection of any capital improvement of structural nature.

The Board of Zoning Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (1) The granting of the temporary uses shall in no way constitute a change in the basic uses permitted in the district nor the property wherein the temporary use is permitted.
 - (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - (3) All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of Vanlue, shall be made at the discretion of the Board of Zoning Appeals.
 - (4) In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - (5) The use shall be in harmony with the general character of the district.
 - (6) No temporary use permit shall be granted without first giving notice to property owners of adjacent property of the time and place a Public Hearing is to be held as further provided for in this Ordinance. Further, the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
4. In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the

proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of Vanlue. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

Section 1204. ORDERS:

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Inspector from whom the appeals is taken.

Section 1205. MISCELLANEOUS:

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year unless a Zoning Permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 1206. FEES:

The Village Council may from time to time prescribe and amend by resolution a reasonable Schedule of Fees to be charged to applicants for appeals to the Board of Zoning Appeals.

ARTICLE XIII - CHANGES AND AMENDMENTS

Section 1300. GENERAL:

Wherever the public necessity, convenience, general welfare, or good zoning practice require, the Village Council may, by ordinance and subject to the procedure provided by law, amend, supplement, or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereto.

Section 1301. FEES:

At the time an application for a change in the Zoning Ordinance or Map is filed with the Planning Commission, such application shall be accompanied by a fee. The amount of such fee shall be established by the Village Council and shall be sufficient to defray the administrative costs involved in processing the amendment request.

ARTICLE XIV - INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above-described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

ARTICLE XV - VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible

activities therein; and they are hereby declared to be necessary to the preservation or protection of public health, safety, and welfare.

ARTICLE XVI - ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Section 1600. VIOLATIONS:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00).

Section 1601. PUBLIC NUISANCE PER SE:

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

Section 1602. FINES:

The owner of any building, structure, premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

Section 1603. EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 1604. RIGHTS AND REMEDIES ARE CUMULATIVE:

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XVII - SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and

should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XVIII - EFFECTIVE DATE

Public Hearing having been held hereon; the provisions of this Ordinance are hereby given effect.

Made and passed by the Village Council of Vanlue, Ohio

1. Date of Adoption:
2. Date Ordinance shall take effect:

ATTEST:

Mayor

Fiscal Officer

Council President