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providing for the administration, enforcement and amendment thereof; all for the purpose of promoting public health, safety, morals, comfort and general welfare, all in accordance with a comprehensive community plan; through the regulation of the use of land and the location, size and use of buildings and other structures.

Ohio enabling legislation for Planning and Zoning is provided in Chapter 713 of the Ohio Revised Code.

BE IT ORDAINED BY THE COUNCIL OF VILLAGE OF CAREY, OHIO

ARTICLE I TITLE AND ENACTMENT CLAUSE

SECTION 101. This Ordinance shall be known and cited as Zoning Ordinance No. 89-11 of 1989, as subsequently amended, by recommendation of the Planning Commission and authority of the Village Council, by ordinance.

SECTION 102. That for the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the values of property, facilitating the provision of water, sewerage, schools and other public requirements, and lessening or avoiding congestion on public streets and highways, it is hereby provided as follows:

ARTICLE II DISTRICTS AND GENERAL PROVISIONS

SECTION 200. Districts

The municipality is hereby divided under four general categories which shall be known as: Open Area Districts, Restricted Districts, Business Districts and Industrial Districts.

SECTION 201. Open Area Districts

201.1 "S-1" Special: Areas which are large public or semi public holdings, areas suitable for noncommercial recreation, and areas subject to periodic flooding.

201.2 "A-1" Agriculture: Land which is level or gently rolling and is best reserved for agriculture and other rural purposes.

SECTION 202. Residential Districts

202.1 "R-1" Very Low Density: for low density residential development which may or may not have community water and sewerage services.

202.2 "R-2" Low Density Residents: For relatively low density residential development which has group water and sewerage facilities developed, or if currently being developed, shall require utilization of community electric, water and sewerage facilities.

202.3 "R-3" Medium Density Residence, fixed: For Medium residential development which has ready access to most community facilities. Community electric, water and sewerage facilities are required.

202.4 "R-4" Medium Density Residence, mobile: For Medium residential development of a mobile home park, which has ready access to most community facilities. Community electric, water and sewerage facilities are required. Connection to community services shall be acceptable only upon approval by the Public Works Director for existing sites, and approved Ohio EPA plans for newly developed sites.

NOTE: In all cases, where Village facilities are available, electric, water and sewerage, there shall be a requirement of development and acceptance for all projects, new or existing. All current residential users shall be required to use community electric, water and sewerage facilities where available, EXCEPT where newly annexed sites have been permitted to use existing water or sewage systems less than 5 years old, until they fail. At the time of such failure to operate properly, designated by the Wyandot County Health Department, connection shall be mandatory, per local ordinances and Ohio Administrative Code requirements or the Ohio EPA.

SECTION 203. Business Districts

203.1 "B-1" Central Business District: Areas of the existing central business district which are structurally sound and functional plus additional areas which are logical for expansion of a unified and compact commercial core.

203.2 "B-2" Highway and General business: Areas along major highways or thoroughfares which provide sale and services oriented to highway travelers; or general businesses including sales and service for automotive, farm machinery building trades, etc.

203.3 "B-3" Neighborhood Business: Areas for small local business with convenience-type goods such as are handled in small drug stores, plus personal services such as barber shops and beauty salons. Uses in these areas must be compatible with surrounding residential uses and not be large generators of traffic.

SECTION 204. Industrial Districts

204.1 "M-1" Restricted Industrial: Areas for light industries with restricted manufacturing operations, research facilities and offices of a restricted nature which will have little or not effect on neighboring land uses.

204.2 "M-2" General Industrial: Areas which, because of their access to transportation and community services, and relative isolation from other land uses, provide good sites for most types of general industry.

204.3 "M-3" Mineral Extraction, Storage & Processing: Areas because of their mineral deposits, lack of overburden, and relative isolation from other urban uses, provide good sites for most types of general industry.

SECTION 205. District Map

205.1 The boundaries of the districts are shown upon the map which is made a part of this ordinance, which map is designated as the "District Map". The district map and other information shown thereon are a part of this ordinance. The original district map is properly attested and is on file with the Clerk.

205.2 No amendment to this Ordinance which involves matter portrayed on the Official District Map shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made in the official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

205.3 The Official District Map, which shall be located in the office of the clerk shall be the final authority as to the current zoning status of land and water area, building and other structures.

SECTION 206. District Boundaries

206.1 The district boundary lines on said map are intended to follow either centerline of thoroughfares or rail roads or lot lines. In case of unsubdivided property, the district boundary lines shall be determined the use of the scale appearing on the Zoning District Map or by dimensions.

206.2 Where uncertainty exists as to the precise location of the boundaries of any of the aforesaid districts, as shown on the Zoning Map, the following rules shall apply:

- a. Where a boundary line appears within a street or alley, the boundary line shall be deemed to be the centerline of the street or alley. This rule shall be used for measuring zoning depths.
- b. Where a boundary line appears to follow a lot line, such lot line shall be deemed to be the boundary line.
- c. Where a boundary line appears to be adjoining a railroad, the boundary line shall be deemed to coincide with the boundary line of the rail road Right of Way.
- d. In the cases of parks and cemeteries, the boundary shall be deemed to coincide with the boundary line of the park or cemetery.
- e. Where a street, alley, watercourse or other right-of-way has been vacated, the abutting zoning classification on each side thereof shall be automatically extended to the centerline of the vacated street, alley, watercourse or right-of-way.
- f. A boundary line is to be considered parallel to the nearest lot line along which it runs in cases where an intent to the contrary cannot be found.

SECTION 207. Compliance with Regulations

The regulations set forth by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

207.1 No building or structure shall hereinafter be used or occupied and no building or structure or part thereof moved or structurally altered unless in conformity with all of the regulations hereto specified for district in which it is located.

207.2 No building or structure shall hereafter be erected or altered:

- a. to exceed the height;
- b. to accommodate or house a greater number of families;
- c. to occupy a greater percentage of lot area;
- d. to have narrower or smaller rear yards, front yards, side yards or other open spaces ; than herein required; or in any other manner contrary to the provisions of this Ordinance.

207.3 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 208. Zoning

208.1 Temporary Zoning - Whenever any area is annexed to this Village the same shall be considered as temporarily within a district determined as follows:

- a. All lots, tracts or land which, prior to annexation, were subject to zoning regulations shall be classified as being in whichever district of zoning that had existed, such classification to be recommended by the Planning Commission to Council and adopted by resolution of Council.
- b. All lots, tracts or land which, prior to annexation, were not subject to zoning regulations shall be classified as A Agricultural as to vacant land and, as to improved land, as whichever district of this Zoning Code most closely conforms to the existing use of the annexed area, such classification to be recommended by the Planning Commission to Council and adopted by resolution of Council. (Ord.66-9 Passed 8-11-66)

208.2 Permanent Zoning

Within reasonable time after annexation, the Planning Commission shall formulate and transmit to Council its recommendations as to permanent zoning for all annexed areas. Council shall then hold at least one public hearing, after first giving reasonable public notice thereof, upon the question of such zoning, which shall be adopted in accordance with provisions of chapter 1242. (Ord. 66-9 Passed 8-11-66).

208.3 Exclusion of Village Property.

Nothing in this Zoning Code shall be deemed to apply to, or in any manner restrict, any premises now owned or hereafter acquired by the Village as to any use thereof now or hereafter made. (Ord. 66-9 Passed 8-11-66)

SECTION 209. Interpretation, Purpose & Conflict

In interpreting and applying the provisions of the Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules regulations or permits previously adopted or issued, and not in conflict with any of this Ordinance; nor is it intended to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or imposed or requires larger open spaces or larger lot area than are imposed or required by such other ordinances or agreements, the provisions of this Ordinance shall control.

ARTICLE III - DEFINITIONS

SECTION 300. - For the purpose of this Ordinance certain terms and words are defined as follows. Words used in the present tense include the future, and the plural includes the singular, and the and the singular the plural. The word “shall” is intended to be mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”. Except where specifically defined, all words used in this Ordinance shall carry their customary meanings.

Accessory Use or Structure: A use or structure (such as a garage) incidental to the main use of the land or building. In buildings restricted to residence use, the office of professional man, and workshops not uses. In commercial, institutional and industrial areas, parking lots are accessory uses.

Agriculture: Agriculture shall include farming dairying, pasturage agriculture, horticulture, viticulture, animal and poultry husbandry and the processing and sales of agriculture products from land under some ownership.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive Sales: The sale or rental of new or used motor vehicles or trailers.

Board: The Board of Zoning Appeals of Carey, Ohio.

Building: Any structure other than a boundary wall of fence.

Building, Front line of: The line of that face of the building nearest the front of the lot. This face includes porches whether enclosed or unenclosed but does not include steps.

Building, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Permit: The document issued by the Village Zoning Inspector authorizing the use of the land or buildings.

Building, Principal: A building in which is conducted the main or principal use of the lot in which said building is situated.

Business: (a) Central Business: Includes comparison and convenience shopping; professional, business, and financial services; public and semipublic use and other activities of a comparable clean and compact nature which contribute to the economic and design of the area as determined by the Board.

(b) Highway and General Business: Includes commercial uses requiring location on major thoroughfares and at their intersections. Highway uses include motels, gas stations and restaurants. General and service businesses include auto and farm implement sales and service, building trades and services, commercial recreation and other commercial uses which do not contribute to the design of a unified commercial center.

(c) Neighborhood business: Retail establishments that cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence. To prevent congestion, local retail uses include only those enterprises that only employ less than ten persons. Permitted uses include drug stores, beauty salons, barber shops, plus hardware stores and groceries of less than 10,000 sq. ft. of floor area. Other small businesses of an equally restricted and location nature may be permitted based on the discretion of the Board of Appeals.

Business Services: Any activity conducted for gain, which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.

Cellar/Basement: A story partly underground and having more than 50% of its clear height below the average level of the adjoining ground. A Cellar shall not be considered a story for purposes of height measurement, or in determining the permissible number of stories or in computing floor area or in calculating living area.

Clinic: An establishment where patients who are not lodged overnight and are admitted for examination and treatment by a group of physicians practicing medicine together.

Club: A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Commission: The Planning Commission of the municipality.

Commercial Entertaining facilities: Any activity conducted for gain which is generally related to the entertainment field; such as motion picture theaters, carnivals, night club and similar entertainment activities.

Conditional Use (Special Exceptions): A use which is subject to conditional approval by the Board of Appeals. A conditional use may be granted by the Board of Appeals only when there is a specified provision for such a special exception made in this Ordinance. A conditional use is not considered to be a nonconforming use.

Corner Sight Clearance: On every corner lot within the triangle formed by the street lines on such lot and a line drawn between two points, each of such points being twenty feet from the point of intersection of such street lines, there shall be no fence or wall higher than three feet, nor any obstruction to vision between a height of three feet and a height of ten feet above the established grade of either street. (Ord.66-9 Passed 8-11-66).

Council: The Village Council of Carey, Ohio.

Damage and Destruction: If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of seventy five percent of its value, such building or other structure may be reconstructed or restored and thereafter be occupied and used only for a conforming use, except that a residential structure can be rebuilt as a matter of right even if such rebuild is applied for within one year from the date of destruction and provided, further, that construction is completed in one year from the date of application for the permit to rebuild.

Discontinuance: If active and continuous operation of a nonconforming use is discontinued for a continuous period of two years or changed to or replaced by a conforming use, the building, other structure or lot previously devoted to such nonconforming use shall thereafter be occupied and used only for a conforming use in accordance with all use regulations of the district in which such building, other structure or lot is located. The intent to resume active operations shall not affect the foregoing. Districts, Zoning.

Districts: Administrative tracts designating the uses to which land can be utilized. Boundaries of the districts are shown on the "district map" which is part of this Ordinance.

Drive-in commercial uses: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters and similar uses.

Dwelling: Any building or portion thereof which is designated for or used for residential purposes.

Dwelling Single family: A building designed for or occupied by one family.

Dwelling, Two-family: A building designed for or occupied by two families.

Dwelling, Multiple: A building used or designed for three or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.

Essential services: The erection, construction alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Extensions: The Board may permit, after public hearing, the extension of a nonconforming building upon a lot occupied by such building or on an adjoining lot, provided that such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming, and that such extension is necessary and incidental to such existing nonconforming use, and provided, further, that the extension of such extension shall not exceed in all ten percent of the existing building devoted to a nonconforming use and that such extension feet of the existing building or premises. Only one such extension will be permitted.

The Board may also permit, after public hearing, the extension of a nonconforming use subject to the limitations above and further subject to the Board finding that such extended nonconforming use will not be more harmful or objectionable to the surrounding area or impair the orderly development of the Municipality.

Family: One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel, as herein defined.

Food Processing: The preparation or processing of food products. Examples of activities included are bakeries and dairies.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), measured at the setback building line—or if the street is dead-ended, then all of the property abutting on the side between an intersecting street and the dead-end of the street.

Garage, Private: A accessory building designed or used for the storage of motor-driven vehicles owned and used for the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle of more than two-ton capacity.

Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

Gas Station, Service Station: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.

Grandfather Clauses: Should any provision of this Ordinance have been preceded in act or decision by having been in effect at the time of passage (1965) then that act or decision shall remain valid and unaffected by this Ordinance until that act or decision is altered or changed.

Highway Major: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

Home Occupation: An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small sign (not over six square feet in size) and in connection therewith there is not involved the keeping of a stock in trade. The office of a physician, surgeon, dentist or other professional person, including an instructor in individual musical instruments limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be home occupants. Borderline cases shall be ruled on by the Board of Appeals.

Hotel: A building in which lodging or boarding and lodging are provided to the public for compensation and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house or a lodging house which herein separately defined.

Institution: Building or land occupied by a non-profit corporation or a non-profit establishment for public use.

Junk Storage and Sales (Salvage Operation): Any lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, and for the sale of parts thereof.

Land Use Plan: The long-range plan for the desirable use of land in area as adopted by the Village Planning Commission; the purpose of such plan being among other purposes, to serve as a guide in future development and zoning for the community.

Licensed Group Homes: A home or facility for the housing, care and treatment for individuals with mental health and/or physical disability problems.

Loading Spaces: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12' by 30' and vertical clearance of at least 14 feet.

Lot: A parcel of land occupied or intended for occupancy by use permitted in this Ordinance, including one main building together with its accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially provided place. A lot may or may not be the land shown on a duly recorded plat.

Lot Coverage: Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to be horizontally projected area of the lot, expressed as a percentage.

Lot of Record: Any lot which individually or a part of a subdivision has been recorded in the Office of the Recorder of Deeds of the County.

Lot, Minimum Area of : The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot Width: The width of a lot at the building set back line measured at right angles to its depth.

Manufacturing, General: Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor radiation, noise, vibration, cinders, gas fumes, dust, smoke refuse matter or water-carried waste. Any manufacturing or industrial process permitted in an "M-2" District shall comply with the performance requirements of Article VIII, Section 800.

Manufacturing, Restricted: Any manufacturing or industrial production which by the nature of the materials, equipment clean, quiet and free of any objectionable or hazardous element. Restricted industrial uses shall include the industrial uses which are determined by the Board to be of the same restricted character: drugs, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment; research and testing laboratories, printing and engraving plants, bakeries or dairies.

Mineral Extraction, Storage and processing: Any mining, quarrying or processing of limestone, and gravel or other mineral resources.

Mini-Storage Buildings: A facility designed and used only for the purpose of renting or leasing individual storage space wherein the renters have access to the storage space for removing personal property.

Mobile Home -Trailer: Any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

Modular Home: a prefabricated home constructed in sections and assembled upon a fixed foundation.

More Restrictive: In reference to a nonconforming use, the changing of the use to more nearly conform to the permitted use, thus increasing the requirements to the district to which it is located.

Motor Court or Motel: A building or group of buildings used for temporary residence of motorists or travelers.

Motor Homes: A self-propelled recreational vehicle constructed with permanently installed facilities.

Nonconforming Use: The use of land or a building, or portion thereof which does not conform with the use regulations of the district in which it is situated.

Off-Street Parking Space: Any parking space located wholly off any street, alley or sidewalk, either in a enclosed building or on an open lot and where each parking space has an area of not less than on hundred eighty (180) square feet, exclusive of access drivers or aisles.

Permanent Zoning: Within a reasonable time after annexation, the Planning Commission shall formulate and transmit to Council its recommendations as to permanent zoning for all annexed areas. Council shall then holds at least one public hearing, after first giving reasonable public notice thereof, upon question of such permanent zoning, which shall be adopted in accordance with the provisions of this regulation.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as she repair, watch repair, barber shop, beauty parlors, and similar activities.

Planning Commission: The planning commission of the Village.

Plant Cultivation: The cultivation of crops, fruit trees, nursery stock, truck garden products and similar materials outside of structures, such as greenhouses.

Professional Activities: the use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers architects and engineers.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other public service strictures by a public utility, by a railroad, whether publically or privately owned, or municipal or other government agency, including the furnishing of electrical, gas, rail transport . Communication, public water, and sewage disposal services.

Public Uses: Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

Recreational Facilities:

- a. Noncommercial Recreational Facilities: Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses and other private noncommercial recreation areas and other recreation centers including private community swimming pools.
- b. Commercial Recreational Facilities: Recreational Facilities: Recreational facilities open to the public , established and operated for profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals and similar commercial enterprises.

Residential Floor Area: The interior floor area of a dwelling including stairways, halls and closets but not including basements, porches, garages, breezeways or carports.

Semi Public Uses: Churches, Sunday schools, parochial schools, collages. Hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Sewage Disposal System-Group: An approved sewage disposal system which provides for the combined collection and disposal of sewage from a group of residential, commercial or industrial buildings.

Sewage Disposal System On-Site: a septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid waste and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sign, Advertising: A sign which directs attention to a business, commodity or service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises, if at all.

Sign, Billboard: Any sign situated on private premises with a area greater than 100 sq. ft. on which the written or pictorial information id not directly related to the principal use of the land on which such sign is located.

Sign, business: A sign which directs attention to a business or profession conducted on the premises. A “For Sale” sign or a “For Rent” sign relating to the property on which it is displayed shall be deemed a business sign.

Social Activities: Any building and land used for private or semi private club activities, including lodges, fraternities and similar activities.

Solicitor: The law director of the Village.

Specialized Animal Raising and Care: The use of land used for the raising and care of fur-bearing animals such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, pigeon raising and raising of any other domestic animals or birds of a similar nature.

Story: That potion of a building other than a cellar included between the surface of any floor and the surface of the

floor next above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for a living quarters or if two-thirds of its volume is above the average level of the adjacent ground.

Street Line, Right-of-way Line: A dividing line between a lot, tract or parcel of land and contiguous street.

Structure: Anything constructed or erected other than a building, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including but not limiting the generality of the foregoing, advertising signs, billboards and backstops for tennis courts.

Structural Alterations: Any change which would tend to prolong the life of a supporting member of a structure such as bearing wall, columns, beams or girders.

Temporary Zoning: Whenever any area is annexed to the Village the same shall be considered as temporarily within a district determined as follows:

- a. All Lots, tracts or land which, prior to annexation were subject to zoning regulations shall be classified as being whichever district of this Zoning Code most closely conforms to the zoning that had existed, such classification to be recommended by the Planning Commission to Council and adopted by resolution of Council.
- b. All Lots, tracts or land which, prior to annexation were not subject to zoning regulations shall be classified as Agricultural as to vacant land and, as to improved land, as which ever district of this zoning code most closely conforms to the existing use of the annexed area, such classification to be recommended by the Planning Commission to the Council and adopted by resolution of Council.

Tourist Home: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than ten individuals and open to transient guests.

Trailers: Any vehicle without motive power designed for carrying property or persons and for being drawn by a motor vehicle.

Trailer Small Utility: Any trailer drawn by passenger automobile, used for the occasional transportation of personal effects.

Trailer, Mobile Home: Any house car, house trailer, or similar mobile unit which may be used for dwelling or sleeping quarters.

Variance: A variance is a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship

Yard: An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used..

Yard, Front: A yard extending across the front of a lot between the side lot line and beginning the minimum horizontal distance between the street right-of-way and the main building or any projection thereof, other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the upon which the lot has its least dimension.

Yard, Side: A yard between the building and side line of lot, extending from required front yard to required rear yard, being min. horizontal distance between side lot and building to include overhang.

Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projection of uncovered steps, or unenclosed steps, or unenclosed porches.

Zoning District Map: The Zoning District Map or Maps of the Village, together with all amendments subsequently adopted.

Zoning Inspector: The Zoning Inspector or his authorized representatives appointed by the Village Council.

SECTION 400. The permitted and conditional uses for each district are shown in the following tabulation which shall constitute Article IV of the Zoning Ordinance. The interpretation of uses given in categorical terms shall be as defined in Article II. The next higher district use of a lower district may be permitted subject to the Planning Commission's approval and any such restriction(s) and/or conditions as the commission may deem reasonable & necessary for the protection of the district's general character. Uses not specifically listed or interpreted to be included categorically under this Article and Article II shall not be permitted without approval of the Planning Commission with notification to property owners within 200 ft. which will establish the category and recommend such changes in the Ordinance.

SECTION 400.1 Procedure for change of Use. Application for any change of permitted and/or higher use under Section 400 herein above, shall be submitted to the Planning Commission, at its public office, upon such forms, and shall be accompanied by such data & information as may be prescribed for that purpose by the COMMISSION, so as to assure full, complete and practicable presentation of facts for the permanent record. Each filing shall be verified by at least one of the owners or lessees of the real property of which the use is to be changed; attesting to the truth and correctness of the facts presented with the application.

SECTION 400.2 Names and Addresses of Adjacent Property Owners: Any person or persons desiring a change in the use of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the premises of which use is proposed to be changed.

SECTION 400.3 Public Hearing by Commission : The Commission shall hold a public hearing thereon, notice of which shall by municipality at least thirty (30) days before the date of the application, including text and maps, may be examined.

SECTION 400.5 Action of Commission: The Commission may recommend that the application be granted as requested, or it may recommend that the application not be granted. The decision of the Planning Commission shall be final.

“S-1” Special

Permitted Uses:

Parks
Public Uses
Essential Services
Accessory Uses Cemetery
Noncommercial Rec. Facility
Plant Cultivation
Conservation & Highway
Interchange Areas

Conditional Uses:

Semipublic Uses
Public Services Facility
Commercial Rec. Facility
Cemetery
Airports
Church

“A-1” Agriculture

Single-family dwelling
Agricultural and Forestry
Public Uses
Public Service Facility

Essential Services
Accessory Uses
Home occupations Noncommercial Rec. Facilities
Semipublic Uses

Commercial Rec. Facility
Institutions
Cemetery
Specialized Animal
Raising and Care
Commercial Billboards

“R-1” Very Low Density Residence

Single-family Dwelling
Public Uses
Semipublic Uses
Public Service Facility
Essential Services
Accessory Uses Plant Cultivation

Noncommercial Rec.
Facilities
Cemetery
Home Occupations
Agriculture

“R-2” Low Density Residence

Single-family Dwelling
Two-family Dwelling
Public Uses

Public Service Facility
Professional Activities
Home Occupations

Semi-public Uses
Plant Cultivation
Essential Services
Modular Home

Multiple Family Dwelling
Noncommercial Rec. Facility

“R-3” Medium Density Dwelling

Single-family Dwelling
Two-family Dwelling
Multiple Family Residence
Public Uses
Semi public Uses
Accessory Uses

Noncommercial Rec. Facility
Nursery School
Child Care Clinic
Professional Activities
Home Occupations
Conversion of Dwelling to
 Apartments
Mortuaries
Licensed Group Homes

“B-1” Central Business

Permitted Uses:

Retail Business
Personal Services
Business Service
Offices & Banks
Restaurants & Taverns
Hotels and Motels
Social Activities
Professional Activities
Commercial Entertainment Facilities
Semi-public Uses
Public Service Facilities
Essential Services
Accessory Uses
Public Uses

Conditional Uses:

Gasoline Service Stations
Drive-in Banks
Automotive Sales & Repair
Printing & Publishing
Temp. Storage (90 days or less)

“B-2” Highway and General Business

Retail Business
Personal Services
Business Services
Professional Activities
Office and Banks
Gasoline Service Stations
Restaurants & Taverns
Motels
Entertainment Facilities
Essential Services
Accessory Uses
Automotive Sales & Repair
Mortuaries
Commercial Entertainment Facilities
Public and Semipublic Uses
Farm Implement Sales & Service

Outdoor Advertising
Wholesale Business
Printing & publishing
Animal Hospitals & Clinic
Bakeries and Dairies
Commercial Rec. Facilities
Temp. Storage (90 days or less)

“B-3” Neighborhood Business

Neighborhood Business (see definition)
Personal Services
Professional Services
Public Uses

Public Service Facility
Essential Services
Accessory Uses

“M-1” Restricted Industrial

Restricted Manufacturing
Printing & publishing
Research & Test Facilities
Offices
Public Service Facility
Essential Services
Accessory Uses

Outdoor Advertising
Food Processing
Restaurants
Retail Business
Rental Storage

“M-2” General Industrial

General Manufacturing
Manufacturing, Sale & Storage of Bldg. Materials
Transport & Truck terminals
Wholesale Business
Warehousing
Food Processing
Grain Elevators & Feed Mills
Essential Services
Accessory Uses
Rental Storage

Restaurants
Outdoor Advertising
Agriculture
Oil & Gas Wells

“M-3” Mineral Extraction, Storage & Processing

Mineral Extraction & Storage
Mineral Processing
Sand & Gravel Extraction
Agricultural Oil & Gas Wells
Essential Services
Accessory Uses
Topsoil Removal

Waste disposal
Outdoor Advertising
Recreational Facility

ARTICLE V- MINIMUM DIMENSIONAL REQUIREMENTS

SECTION 500. - Basic Yard, Area & height Requirements for Dwellings.

The following schedule establishes minimum yard, area and height requirements for dwellings and structures accessory to dwelling by district:

District	Min. Lot Width (in ft.)	Min. Lot Area (ea. Fam.)	Min. Yard (in ft.) Ft./R	Min. Yard Width (in ft.) Eith./Sum	Max Height of Bldg Stories/Ft.
“A-1”	150	1 acre	60/60	25/60	2 ½ 35
“R-1”	Individual Water & Sewer:				
	100	20M sq ft.	40/40	15/40	2 ½ 35
	Group Water & Sewer:				
	90	15M sq ft.	30/40	12/30	2 ½ 35
“R-2”	Combined Sewage Disposal System & Water Facilities Required:				
Single-family	80	10M sq ft.	30/40	10/25	2 ½ 35
Two family	120	7500 sq ft.	30/40	10/25	2 ½ 35
Multi-family	160	5M sq ft.	30/40	20/50	2 ½ 35
“R-3”	Combined Sewage Disposal System & Water Facilities Required				

Single-family	60	7500 sq ft.	30/30	6/15	2 ½	35
Two-family	90	5500 sq ft.	30/30	10/25	2 ½	35
Multi-family	120	4M sq ft.	30/30	15/30		40

Mobile homes - See Section 701 for all requirements.

SECTION 501. FLOOR REQUIREMENTS FOR DWELLINGS.

The floor area per family in dwellings erected on any lot shall not be less than that established by the following table. In determining floor area only area used for living quarters shall be counted. Utility rooms, garages, carports, porches, laundry area, heater rooms and basements are to be excluded.

Minimum Floor Area per Each Family Unit (square feet)

District	Single/Two family dwell	Efficiencies	Apt. Dwellings 1BR/ 2or more Unit / Bedrooms	
"A-1"	900	—	—	—
"R-1"	1000	—	—	—
"R-2"	800	500	650	800
"R-3"	800	500	650	800

SECTION 502. Basic Yard, Area, Lot Coverage and height Requirements for All Buildings Other than Dwellings. The following table establishes the Yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings by district.

District	Min Lot Wi (in ft.)	Min. Lot Area	Min. Dep. (in ft.) Frt/Rear	Min.Width Ea. Side Yd (in ft.)	Max. % of Lot	Max.Height of Bldgs. Story / Ft.	
"A-1"	250	3 Ac.	60/60	50	15	3	45
"S-1"	250	3 Ac.	60/60	50	15	3	45
"R-1"	200	2 Ac.	60/60	50	15	2	35
"R-2"	150	1 Ac.	50/50	30	20	3	45
"R-3"	150	1 Ac.	50/50	30	20	3	45
"B-1"	None	None	No/20	None	85	3	45
"B-2"	150	30M sq ft.	60/40	30	25	2	35
"B-3"	70	7500 sq ft.	30/20	None	50	2	35
"M-1"	200	1 Ac.	50/40	30	30	3	45
"M-2"	200	1 Ac.	50/40	30	35	3	45
"M-3"	500	10 Ac.	50/50	50	35	4	60

SECTION 503. Side and Rear Yard Requirements for Nonresidential Uses abutting R Districts.

503.1 - Minimum Yard Requirements: Business and industrial buildings or uses shall not be located nor conducted closer to any lot line of an "R" Districts than the distance specified in the following schedule, except as provided in paragraph 503.2 of this section.

Minimum Side or Rear Yard

Abutting Any “R” District	Uses
25 ft.	Access drives for nonresidential uses.
50 ft.	Churches, schools and public or semi public buildings.
60 ft.	Recreation facilities, entertainment facilities motels, trailers and mobile home parks, all commercial uses and billboards.
100 ft.	Outside sale or storage of building material or construction equipment, all industrial uses, except those listed below.
500 ft	Auto and metal salvage operations; material extraction, storage or processing.

503.2 - Landscaping or Screening Provisions: For nonresidential uses abutting “R” Districts the minimum yards may be reduced to fifty (50) percent of the requirements stated in paragraph 503.1 if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four and six feet in height, maintained in good condition and free of all advertising or other signs. Landscaping, provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen feet in width planted with a evergreen hedge or dense planting evergreen shrubs not less that four feet in height.

SECTION 504. Height Regulations for Institutional, Office, Industrial and Apartment Buildings and Structures:

504.1 - Institutional, industrial and apartment buildings with a height in excess of the maximum height specified in section 500 and 502 for such building may be permitted provided the required front, side and rear yards are increased by two feet for each foot additional building height above the maximum specified in section 500 and 502, except that no building shall exceed a maximum height of sixty (60) feet without prior approval of the Board of Zoning Appeals.

504.2 - The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height if such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 505. Existing Lots of Record:

Any lot of record fifty (50) feet or wider existing at the effective date of this Ordinance in any “R” District may be use for the erection of a single-family dwelling even though its area and width are less that the minimum requirements set fourth herein. Each side yard shall be a minimum of five (5) feet. Where two adjacent lot of record with less than the required area and width are held by one owner, the Board may require that the lot be combined and used as one (1) main building. In either case, the prevailing setback shall be met. Where three or more contiguous unimproved lots of record with less than the required area and width are held by one owner, the Board may require replatting to fewer lots to permit compliance with minimum yard requirements.

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SECTION 506. Architectural Projections:

Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projections, shall be considered a part of the building to which attached and shall not project into the required minimum front, side or rear yard.

SECTION 507. Setback of Buildings on Principal Streets and Highways:

Along any state, federal or major highway, or major street, no building or accessory building shall be located within forty (40) feet or closer than the setback established by the existing adjacent structures from the existing right-of-way of such highway or any proposed right-of-way line on the municipality’s thoroughfare Plan. Where there is no officially established public right-of-way for a road open to the public, all buildings shall be set back a least sixty (60) feet from the centerline of the traveled roadway.

SECTION 508. Special Yard Requirements.

508.1 - Lots having frontage on more than one street shall provide the required front yard along the major traveled street and meet two-thirds of the setback requirement on the other street.

508.2 - No accessory building shall be located in any front or side yard except under unusual circumstance where such activity shall not conflict with the intent or purpose of this Ordinance; or, where enforcement shall result in extreme hardship. Either exception shall require approval of the Board. Accessory buildings such as garages may be located in the rear yard provided such buildings are set back at least three(3) feet from the side lot lines and six (6) feet from the rear lot lines.

508.3 - No accessory uses or structures, off-street parking facilities or material or equipment storage shall be located in any front yard without approval of the Board.

SECTION 509. Traffic Visibility Across Corner Lots.

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within thirty (30) feet of the corner at a height between two and one half (2½) and ten (10) feet above curb or street grade, or so as to interfere with traffic visibility across corner.

ARTICLE VI - OFF STREET PARKING AND LOADING REQUIREMENTS

SECTION 600. Off Street Parking Requirements

600.1 - General Requirements: In all district, where the use of on-street parking is either not feasible or may result in traffic congestion or disruption (public nuisance) in connection with every industrial, commercial institutional, recreational, residential, or other use, there shall be provided. AS MAY BE PRACTICAL, at any time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces for automobiles in keeping with the following requirements:

- a. Each off-street parking space shall have an area of not less than one hundred eighty (180) sq ft. exclusive of access drives or aisles, and shall be of usable shape and condition.
- b. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does abut on a public or private alley or easement of access, there shall be provided an access driven not less than eight (8) feet in width in the case of a dwelling, or not less than twenty (20) feet in width in all other cases, leading to the parking or storage or loading or unloading spaces required hereunder.

600.2 - Number of Spaces Required: The number of off-street parking spaces to be provided shall not be less than the following:

Use	Parking Spaces Required
Dwelling, including 1,2 and 3 families, multiple dwellings, summer cottages, and mobile homes.	1 for each dwelling unit, except that one additional space shall be provided for each additional motor vehicle owned and/or continuously stored on a residential property by the resident or owner.
Rooming or boarding house, tourist home.	1 for each sleeping room or suite.
Hotel or motel.	Five parking spaces plus one parking spaces for each sleeping room or suite. These spaces shall be in addition to the parking spaces that shall be provided for any portion of the hotel that is used for office, business, or commercial purposes including corridors giving access to sleeping rooms.
Private club or lodge	1 for each five (5) member
Church or temple	1 for each five (5) seats in main auditorium.
School (except high school or college)	1 for each eight (10) seats in auditorium or main assembly room, or one for each class room, whichever is greater.

College or high school	1 for each eight (8) seats in main auditorium. Or three for each class room which ever is greater.
Country club or golf course	1 for each five (5) member.
Community center, library, museum or art gallery.	10 plus one (1) additional for each three hundred (300) sq ft. of floor area in excess of two thousand (2000) sq ft.
Hospital, sanitarium, convalescent home, home for the aged or similar institution.	1 for each three (3) beds.
Offices, clinics, wholesale establishments, business services.	1 for every two hundred (200) sq ft. of floor space.
Retail store, personal service establishment.	1 for each on hundred (100) sq ft. of floor space and one for each two employees on the maximum working shift.
Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium.	1 for each five (5) seats or bench seating Spaces.
Bowling alley	Five (5) for each alley.
Mortuary or funeral home	1 for each fifty (50) sq ft. of floor space in slumber rooms, parlors, or individual funeral service rooms.
Restaurants, nightclubs, cafes or similar recreation or amusement establishments, Dance halls, assembly or exhibition halls without fixed seats.	1 for each one hundred (100) sq ft. of floor space.
Manufacturing, industrial or mining establishment, research or testing laboratory, cemetery, bottling plant, warehouse similar establishment.	1 for each two (2) employees on the maximum working shift plus spaces to Accommodate all trucks and other vehicles used or in connection therewith.

600.3 - Interpretation: The following rules shall govern the determination of spaces required:

- a. "Floor area" shall mean the gross floor area of the specified use.
- b. Fractional numbers shall be increased to the next whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

SECTION 601. Special Parking Provisions.

Every parcel of land hereafter used as a public, commercial or private parking lot shall be developed and maintained in accordance with the following requirements:

601.1 - Screening fences and Landscaping: Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any "R" District, or institutional premises, by a fence of acceptable design. Such fence shall not be less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises in any "R" district shall be landscaped with grass, hardy shrubs, or evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height, may be substituted.

601.2 - Minimum Distance and Setbacks: No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling, school, hospital or other institution for human care located on an adjacent lot, unless separated by an acceptable designed screen. If on the same lot with a main building, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right-of-way. The wall or hedge required in

Section 601.1 hereof shall be set back from each street, the same as if it were a building wall, so as to observe the front yard requirements if this Ordinance.

601.3 - Joint Uses: Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that written agreement, approved by the Village Solicitor and accepted by the Board of Zoning Appeals shall be filed with the application for a building permit.

601.4 - Other Locations: Parking spaces may be located on a lot within 300 feet other than that containing the principal use with approval of the Board of Appeals, provided a written agreement, approved by the Village Solicitor and accepted by the Board of Appeals, shall be filed with the application for a building permit.

601.5 - Surfacing: Any off-street parking area for more than ten (10) vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

601.6 - Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from the adjoining premises in any "R" district.

601.7 - Disabled Vehicles: The parking of a disabled vehicle within any zoned district for a period of more than two weeks shall be prohibited: except that such vehicle may be stored in an enclosed garage or other accessory building. Auto sales & repair being the exception, will be permitted to have parked vehicles for a reasonable length of time.

SECTION 602. Off-Street Loading Requirements

602.1 - In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) sq ft. or less, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, market, hotel, hospital, mortuary, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space; plus one (1) additional such loading space for each thereof of gross floor area.

602.2 - Each loading space shall not be less than twelve (12) feet in width, forty five (45) feet in length, and fourteen (14) feet in height.

602.3 - Subject to the limitations in Section 503.1 of article V, such space may occupy all or any part of any required yard or court space.

602.4 - No such space shall be located closer than fifty (50) feet to any other lot in any "R" district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or fence not less than six (6) feet in height.

ARTICLE VII - SPECIAL PROVISIONS FOR RESIDENTIAL USES

SECTION 700. Community Development Projects

700.1 - An authorized agency of the Village, State or Federal government or the owner of any tract of land in an "R" District comprising an area of not less than three (3) acres may submit to the Council a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article XII for hearings or changes and amendments. If the Commission approves the plans these shall be submitted to the Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community development project meets with the following conditions:

- a. The property adjacent to the area included in the plan will not be adversely affected.
- b. The plan is consistent with the intent and purposed of this Ordinance to promote public health, safety, morals, and general welfare.

- c. The use of the land shall be similar to the uses permitted in the districts in which the plan is located.
- d. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the proposed district in which the development is located.

700.2 - If the Planning Commission and Council approve the plans, a building permit may be issued, even though the use of the land, the location and height of the buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which the project is located.

SECTION 701. Mobile Home Parks.

701.1 - No mobile home, trailer or similar portable residence structures shall be permitted to be located in the municipality except in a Mobile home Park in an "R-3" Residence District.

702.2 - The Mobile Home Park shall conform to the following requirements:

- a. Shall contain a minimum of four (4) acres.
- b. Shall provide an adequate supply of municipal water.
- c. Shall provide an adequate system of collective sanitary sewers, sewage treatment and disposal.
- d. Shall provide a clearly defined minimum lot width of 40 feet and 600 sq ft. of floor area for each mobile home or trailer.
- e. Shall provide a minimum of 20 ft. clearance between the individual mobile homes or trailers and a 50 foot set back from any property line bounding the mobile home park.
- f. All mobile home spaces shall abut upon a dustless surface driveway of not less than 20 feet in width, which shall have unobstructed access to a private or public street.
- g. A safe usable recreation area shall be conveniently located in each mobile home park and shall not be less than twenty (20) percent of the gross area of the tract.
- h. Shall conform to all Village and State Health Department requirements.
- i. Mobile home parks shall be effectively screened on all sides by means of walls, fences or plantings except where the area is sufficiently removed from other urban uses as determined by the Board. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.

SECTION 702. Parking of House Trailer & Mobile Homes

Parking of a house trailer or mobile home, except small utility and vacation trailer, outside a mobile home park in any residential district for seventy-two hours or longer period of time shall be prohibited except that trailers may be stored in an enclosed garage or other accessory building, provided that in all cases no living quarters shall be maintained or any business conducted in connection therewith while such trailer is stored or parked, and it insures compliance therewith, a building permit shall be required. The parking of a trailer (other than utility, boat or vacation) for less than seventy two hours out side of an enclosed garage or another accessory building shall be permissible only after the Zoning Inspector has been notified of such intention. Trailers shall be parked in rear yard.

SECTION 703. Swimming Pools

703.1 - Private Swimming Pools: A Private swimming pool not including farm ponds, shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) sq ft., shall

be allowed in any “B” or “R” District except as an accessory use and unless it complies with the following conditions and requirements:

- a. The pool is intended and is to be solely used for the enjoyment of the occupant of the principal use of the property on which it is located.
- b. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which located.
- c. The swimming pool, or the entire property on which it is located, shall be walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than five feet in height and maintained in good condition, with a gate and lock.

703.2 - Community or Club Swimming Pools: A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- a. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- b. The pool and accessory structure thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which it is located.
- c. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

SECTION 704. Fences and Planting Screens.

704.1 - Fences, plant material and similar screening devices up to three (3) feet in height are permitted in yards fronting on the public street. These same screening devices up to six (6) feet in height are permitted in the remaining yards.

704.2 - A building permit is required for all fencing. The fence must be set a minimum of eighteen (18) inches from property line and maintained on both sides. A Corner-drive fence is excluded in this provision.

SECTION 705. Conversion of Dwelling.

In an “R-2” or “R-3” district a residence may be converted to accommodate an increasing number of dwelling units provided, with approval of the Board of Zoning Appeals.

- a. If the building is to be altered on the outside, the yards shall not be reduced to less than the yard dimensions required by the zoning regulations for new structures in that district.
- b. The lot area per family is equal to the lot area requirements for new multifamily structures in that district SEE SECTION 500
- c. The number of square feet of living area per family unit is not less than that which is required for new construction in that district. SEE SECTION 501.

Section 706 Outdoor Heating Units

(a) Definitions.

- 1. Outdoor Heating Unit (Boiler) — wood, corn or coal burning hot water furnace that is a freestanding unit situated outside the envelope of the structure to be heated.

b. Permit To Install

No person(s) shall install, or cause to be installed any **outdoor heating unit** without first obtaining the required building permit.

The applicant shall provide a site plan depicting the location of the proposed installation on the property, including distances from existing adjacent structures. The site plan must also show distances from the closest structures, residential or otherwise, adjacent to the proposed installation site. The height of the proposed chimneystack will be noted on the drawing, as well as on the proposed screening plan, which also must accompany the application for said permit.

Outdoor heating units shall only be located in a rear yard.

(c) No outdoor heating unit may be located less than fifty (50) feet from any adjoining property structure. Units located fifty (50) feet from other such structures must have a stack height of at least two (2) feet higher than the eave height of the nearest residential structure.

(d) If located more than fifty (50) feet, but less than one hundred (100) feet from the nearest structure, the stack height shall not be less than seventy-five percent (75%) of the eave height of the nearest residential structure, plus two (2) feet.

(e) If located more than one hundred (100) feet, but less than one hundred fifty (150) feet from the nearest structure, the stack height shall be not less than fifty percent (50%) of the eave height of the nearest residential structure, plus two (2) feet.

(f) If located more than one hundred fifty (150) feet, but less than two hundred (200) feet from the nearest structure, the stack shall be not less than twenty-five percent (25%) of the eave height of the nearest residential structure, plus two (2) feet.

(g) No part of any outdoor heating unit, structure, required visual screen or stored fuel supply shall be permitted to be located closer than ten (10) feet from the property line of the primary site served by the unit.

(h) Every outdoor heating unit must have a spark arrestor securely attached to the chimneystack to prevent the passage of sparks and ashes to the outside atmosphere.

(i) Every outdoor heating unit installation shall be inspected by the Fire Chief or his designated agent, prior to being placed in service.

(j) Fuel / Wood / Corn

a. No person shall burn fuel in any outdoor heating units other than the fuel recommended by the manufacturer.

Exception: Irregardless of any manufacturer recommendation, the burning of trash, plastics, gasoline, naphtha, household garbage, material treated with petroleum products, particle board, railroad ties, telephone poles, pressure treated wood, leaves, paper products and cardboard, or any other material that may cause offensive or noxious odors, smoke, airborne ash or debris is hereby prohibited.

b. Fuel will be stored in such a manner as to eliminate rodent or vector problems on the site, especially when using corn as a primary fuel.

(k) Maintenance of Unit / Screening of Unit and Fuel

1. The exterior of any outdoor heating unit shall be maintained and kept in good working condition in accordance with the manufacturer's maintenance recommendations.
2. The outdoor heating unit and fuel storage shall be screened from view by means of approved fencing, landscaping, earth berm or other suitable enclosure. The average height of the enclosure shall be equal to the height of the outdoor heating unit or stored fuel, but shall not be required to exceed eight (8) feet in height.

ARTICLE VIII - SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES.

SECTION 800. - Performance Requirements.

800.1 Requirements: No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises, provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- a. Fire Hazards: Any activity involving the use of or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-suppression equipment and by such safety devices that are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- c. Radioactivity or Electrical Disturbance: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- d. Noise: Noise which is objectionable as determined by the Board because of intermittence, beat, frequency, or shrillness shall be muffled or otherwise controlled. Noises may equal but shall not exceed average street traffic noise during such periods that traffic noise exceeds the following decibel readings as measured at the boundary or boundaries of the district or at any point in any adjacent "R" District:

"M-1"	"M-2"	"M-3"
-----	-----	-----
75 decibels	80 decibels	85 decibels

- e. Vibration: No continuous vibration shall be permitted which will have the effect of destroying adjoining property and is found to be detrimental to the legal use of any adjoining lot or property.
- f. Smoke: Smoke shall not be emitted with a density greater than No. 3 on the Ringlemann chart as issued by the U.S. Bureau of Mines. Smoke of a density of No. 4 on the Ringlemann chart shall be permitted for a period of up to eight minutes in each hour, provided the following conditions exist:
 - a. Breakdown of equipment
 - b. Starting new fires
 - c. Cleanup time
- g. Odors: No malodorous gas or matter shall be permitted which produces a public nuisance or hazard on any adjoining lot or property.
- h. Air Pollution: No pollution of air by fly ash, dust, vapor, or other substances shall be permitted which can cause damage to health, animals, vegetation, or other property, or which can cause damage to soil.
- i. Glare: No direct or reflected glare shall be permitted which is visible from any property outside an "M" District or from any public street, road, or highway. Any illuminated sign or lighting device shall employ only light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premise so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- j. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- k. Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.

800.2 Enforcement Provisions:

- a. The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a building permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements

involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerance.

- b. Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association Inc., New York, New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; and the United States Bureau of Mines.

SECTION 801. - Signs and Outdoor Advertising Structures.

801.1 Signs: No sign shall be permitted in any district except as hereinafter provided.

801.2 General Provisions:

- a. Signs not exceeding twelve (12) square feet in area and advertising the sale, rental, or lease of the premises on which the sign is located shall be permitted on any property.
- b. Announcement or professional signs for home occupations and professional activities, where permitted, shall not exceed six (6) square feet in area.
- c. Bulletin boards and signs for a church, school, community, or other public or semipublic institutional buildings shall be permitted, provided the area of such bulletin board or sign shall not exceed fifteen (15) square feet in area.
- d. Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twenty (20) square feet. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of building width or part of a building occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.
- e. All awnings with signs must meet the same requirements as mentioned in paragraph (d) above.
- f. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
- g. Temporary signs not exceeding in the aggregate fifty (50) square feet announcing special events or the erection of a building, the architect, the builders, contractors, etc. may be erected for the period of sixty (60) days, plus the construction period. In area, announcing special public or institutional events, the erection of a building, the architect, the builders or contractors may be erected for a period of sixty (60) days plus the construction period.
- h. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. For the purpose of this Ordinance, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental regulation.
- i. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premise so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- j. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posed on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day.

801.3 Business or Industrial District Signs:

- a. In a business or industrial district, each business shall be permitted one flat or wall sign. Projections of wall signs shall not exceed two (2) feet measured from the face of the main wall of the building.
- b. The area of all permanent advertising signs for any single business enterprise shall be limited according to the width of the building or part of the building occupied by such enterprise. For the purpose of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.
- c. Free-standing signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet and located not closer than ten (10) feet to any street right-of-way line and not closer than one hundred (100) feet to any adjoining lot line, may be erected to serve a group of business establishments. There shall be only one (1) free-standing sign for each building regardless of the number of businesses conducted in said building.

Pole signs of symbolical design shall be permitted for business establishments provided:

- (1) No part of such sign shall project into the right-of-way of any street or highway.
 - (2) The maximum area of any face of such sign shall not exceed thirty (30) square feet.
 - (3) The pole support of the sign shall not be less than fifty (50) feet from any lot in any "R" District.
- d. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half (1 ½) square feet of sign area for each lineal foot of width of a building, or part of a building occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet. In computing the area of free-standing or protruding signs, all faces on which advertising is displayed are considered sign area.

801.4 Setback Requirements: Except as provided above, signs and outdoor advertising structures, where permitted, shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modifications:

- a. For every square foot by which such sign or outdoor advertising structure exceeds eighty (80) square feet, such setback shall be increased by one-half foot but need not exceed one hundred (100) feet.
- b. At the intersection of any state or federal highway with a major or secondary street, the setback of any sign or outdoor advertising structure shall not be less than one hundred (100) feet from the established right-of-way of each highway or street.
- c. Real estate signs and bulletin boards for a church, school, or any other public or semipublic, religious, or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway, provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

801.5 Special Yard Provisions: The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures:

- a. No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any "R" District within one hundred (100) feet of such lot line, or which faces any public parkway, public square or entrances to any public park, public or parochial school, library, church, or similar institution within three hundred (300) feet thereof.
- b. Signs and advertising structures, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except no sign or advertising structure shall be erected or placed closer than fifty (50) feet to a side or rear lot line in any "R" District.

801.6 Illumination: The following provisions shall be observed in the illumination of signs and advertising structures:

- a. All signs and advertising structures, except as hereinafter modified, may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged as to reflect away from the

adjoining premises and provided that such illumination shall not be so placed as to cause confusion, a hazard to traffic, or conflict with traffic control signs or lights.

- b. No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted which may cause confusion, a hazard to traffic, or conflict with traffic control signs or lights.

801.7 Permits:

- a. A separate permit shall be required for the erection of signs regulated in this Ordinance, except that no permit shall be required for temporary real estate signs with an area of twelve (12) square feet for the sale or lease of property and for small announcement signs with an area of less than six (6) square feet. Announcement signs, except those for professional and home occupations, shall be removed by the person or persons responsible for posting same within ten (10) days after the completion of such scheduled event.
- b. Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination; the exact location of the sign in relation to the building and property; and the details and specifications for construction. A fee of five dollars (\$5.00) shall accompany each application for a sign permit.

801.8 Exemptions: Public notices, traffic control signs, and other official signs and notices are exempt from the provisions of this section.

SECTION 802. - Mineral Extraction, Storage, and Processing

The extraction, storage, and processing of minerals shall be conducted in accordance with the requirements of this section.

802.1 Extraction, storage, and processing of minerals of all types shall be permitted in districts as specified in the Use Regulations of Article IV of this Ordinance.

802.2 All additions to existing mineral processing plants and new mineral processing plants shall employ recognized equipment of the industry in question to minimize objectionable elements or conditions adversely affecting the surrounding properties. Operations of the equipment shall comply with the standards promulgated by the industry.

802.3 Other mineral extraction and processing in an "M-3" District shall not be constructed closer than five hundred (500) feet from any existing residence or any "R" District so zoned prior to the establishment of the adjacent "M-3" District, nor closer than two hundred (200) feet from any structure used for human occupancy in any district.

802.4 A stone or earthen barrier, wall, or fence shall be erected to encompass extraction operations and serve as a screen and mode of protection for the public. Earthen barriers should be planted with grass, ground cover, or other plantings.

802.5 Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed.

802.6 At the time of a request for rezoning for mineral extraction purposes, the operator shall file with the Zoning Inspector a detailed map of at least two hundred (200) feet to the inch scale, which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features. The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table.

SECTION 803. - Junk Storage and Sales (Salvage Operations)

803.1 Junk storage and sales shall be permitted only in an "M-2" District after permission has been granted by the Board of Zoning Appeals.

803.2 Junk storage and sales shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip

of land not less than fifteen (15) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening.

SECTION 804. - Temporary Buildings

Temporary buildings and construction trailers used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

ARTICLE IX - NONCONFORMING USES

SECTION 900. - Nonconforming Uses.

900.1 Any lawful uses of buildings or land existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions hereof. The nonconforming use of a building may be extended throughout those existing parts of the building which were arranged or designed for such use. No nonconforming building or structure shall be moved, extended, enlarged, or altered, and no nonconforming use of land shall be expanded, except when authorized in accordance with the provisions of Article XI, Section 1102.

900.2 Whenever the use of a building or land becomes nonconforming through a change in the amended Zoning Ordinance or in the district boundaries, such use may be continued.

900.3 After the effective date of this Ordinance, a nonconforming use which is discontinued for a period of one (1) year shall not again be used except in conformity with the regulations of the district in which it is located.

900.4 A nonconforming use which has been damaged by fire, explosion, act of God, or the public enemy to the extent of sixty (60) percent or more of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its reproduction value, a nonconforming use may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction are started within one (1) year of the date of such damage.

900.5 Nonconforming trailer or mobile homes located on a lot in any district, other than in an established mobile home park in an "R-3" District, once removed shall not be relocated on such lot unless the unit was "traded-in" for another unit. In this instance, the replacement shall be on site within one (1) week of the removal of the previous unit.

900.6 It is not the intention herein to classify as nonconforming a use or building allowed in a district as a conditional use under the regulations of this Ordinance.

SECTION 901. - Building Permits for Nonconforming Uses

A building permit shall be required for all lawful nonconforming uses of land and building created by adoption of this Ordinance in accordance with the provisions of Section 1005 of Article X.

ARTICLE X - ENFORCEMENT

SECTION 1000. - Zoning Inspector.

1000.1 It shall be the duty of the Village Zoning Inspector, who shall be appointed by the Council, to enforce this Ordinance. It shall also be the duty of all officials and employees of the municipality to assist the Zoning Inspector by reporting to him upon new construction, reconstruction, or land uses, or upon seeing violations.

1000.2 Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals as provided in Article XI.

SECTION 1001. - Building Permit.

1001.1 It shall be unlawful for an owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly, until a building permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a permit, provided he

is satisfied that the structure, building, or premises, and the proposed use thereof, conform with all the requirements of this Ordinance. No permit for excavation, construction, or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform to the provisions of this Ordinance.

1001.2 Upon written request from the owner or tenant, the Zoning Inspector shall issue a building permit for any building or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Ordinance. No charge shall be made for issuing a building permit in accordance with this paragraph.

SECTION 1002. - Conditions Under Which Permits Are Required.

A building permit shall be required for any of the following, except as herein provided:

1002.1 Construction or structural alteration of any building, including accessory buildings.

- a. Porches If size of porch is not changed, no building permit is needed. To enclose a porch or patio, a permit is required.
- b. Doors A permit is required for a newly located door.
- c. Windows A permit is needed for bay windows to make sure the extension of said window meets the requirements.
- d. Courts All pads for basketball courts not attached to the driveway need a permit.
- e. Sheds All sheds, with or without pads, need a permit.
- f. Patios All patios, whether cement pad or block style, need a permit.

1002.2 Change in use of an existing building or accessory building to a use of a different classification.

1002.3 Occupancy and use of vacant land.

1002.4 Change in the use of land to a use of a different classification.

1002.5 Any change in the use of a nonconforming use.

1002.6 A building permit shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance or any amendment.

SECTION 1003. - Application and Issuance of Building Permits.

1003.1 Written application shall be made for a building permit for the construction of a new building or the alterations of an existing building. Said permits shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Ordinance.

All building permits are good for a one (1) year period, and the project must be completed on the outside including siding at the end of that period.

1003.2 Written application for a building permit for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the permit therefor shall be issued within fifteen (15) days after the application for same has been made.

1003.3 Every application for a building permit shall be accompanied by a plot plan in duplicate and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on the filed plans shall be based on an actual survey.

- a. Each plan shall show:
 - (1) The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - (2) The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - (3) The actual dimensions of the lot, the yard, and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - (4) The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
 - (5) Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.
- b. Each plan shall bear statements declaring:
 - (1) That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
 - (2) Which abutting land was formerly that of the owner of the land involved in the application and the approximate date of title transfer.
- c. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
- d. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
- e. A file of such applications and plans shall be kept in the office of the Zoning Inspector.

1003.4 The Zoning Inspector shall not issue a building permit for any application requiring site plan review by the Planning Commission, namely:

- a. Community Development Projects (Article VII, Section 700).
- b. Mobile Home Parks (Article VII, Section 701) of this Ordinance, unless the proposed site plan has been approved by the Planning Commission and any necessary zone changes are passed by Council.

SECTION 1004. - Fee for Building Permit.

1004.1 A fee, in accordance with the following schedule of amounts, shall accompany each application for building permit.

USE	FEE
Single Family Dwelling	\$ 10.00
Accessory Building, Signs, or Fences	5.00
Two-Family Dwelling	20.00
Multiple Dwelling	50.00
Each additional family unit in excess of three (3)	10.00
Commercial, Industrial, or Institutional and Mobile Home Park	50.00

The fee for the application for a permit for the use of land not involving structures, including changes in the use of land, shall be \$10.00.

1004.2 The Zoning Inspector shall forthwith deposit all fees with the Village Treasurer, who shall credit such fees

to the credit of the General Revenue Fund of the municipality.

1004.3 Every building permit shall state that the building or the proposed use of the building or land complies with all provisions of law. A record of all building permits shall be kept on file in the Office of the Zoning Inspector or his agent, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

SECTION 1005. - Building Permit for Nonconforming Uses.

A building permit shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance. Application for such permit for a nonconforming use shall be filed with the Zoning Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this Ordinance. It shall be the duty of the Zoning Inspector to issue a permit for a lawful nonconforming use, but failure to apply for such permit for a nonconforming use or refusal of the Zoning Inspector to issue a permit for such nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this Ordinance. No charge shall be made for issuing a building permit in accordance with this section.

SECTION 1006. - Violation and Penalties.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Council. Any person, firm, or corporation violating any regulation thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

SECTION 1007. - Violations - Remedies.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Zoning Inspector, the Village Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or other appropriate action, actions, proceeding, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

ARTICLE XI - BOARD OF ZONING APPEALS.

1100.1 Appointment: There is hereby established a Board of Zoning Appeals which shall consist of five (5) electors appointed by the Mayor and approved by Council. Council, by a majority vote of its members, shall choose a successor to fill any vacancy. The five (5) electors first appointed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively; thereafter appointments shall be for five (5) year terms, beginning January 1. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Council and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Council provides.

1100.2 Hearings, Rules, etc.: The hearings of the Board of Zoning Appeals shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The Board shall organize annually and elect a President, Vice President, and Secretary. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance.

The Board shall hear any owner of property adjacent to the lot for which the granting of any building permit is pending and shall also hear any other parties having substantial interest as determined by the Board.

1100.3 Minutes and Records: The Board 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 keep records of its examinations and other officials' actions, all of which shall be immediately filed in the office of the Clerk and shall be a public

record.

1100.4 Witnesses, Oaths, etc.: The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt. The Board may require the production of documents under such regulations as it may establish.

1100.5 Department Assistance: The Board may call upon the various departments of the municipality for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

SECTION 1101. - Applications and Appeals.

1101.1 Applications: An application, in cases in which the Board has original jurisdiction under the provisions of this Ordinance, may be taken by a person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit same to the Board. A fee of thirty dollars (\$30.00) shall be paid to the Zoning Inspector at the time notice of appeal is filed, which the officer shall forthwith pay over to the Village Treasurer to the credit of the General Revenue Fund.

1101.2 Appeals:

- a. An appeal to the Board may be taken by any person aggrieved or by an officer of the municipality affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- b. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the permit, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be granted by the Board or by a court of equity after notice to the officer from whom the appeal is taken and on due cause shown.
- c. The Board may in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and, to that end, shall have all power of the Zoning Inspector from whom the appeal is taken.

SECTION 1102. - Hearings.

1102.1 The Board shall fix a reasonable time for the hearing of an appeal, give at least thirty (30) days' public notice thereof in a newspaper of general circulation in the municipality and at least twenty (20) days' notice to parties having proprietary interest in land within two hundred (200) feet and decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by the fee hereinafter specified. At this hearing, any party may appear in person or by attorney.

1102.2 The hearing of the Board shall be public. However, the Board may go into executive session for discussion but not vote on any case before it.

1102.3 Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified at the time of resumption of said hearing unless the Board so decides.

SECTION 1103. - Decisions of the Board.

1103.1 The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.

1103.2 A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the

same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

1103.3 A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

1103.4 The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the court of Common Pleas of the County on the ground that the decision was unreasonable or unlawful.

SECTION 1104. - Powers and Duties.

The Board of Zoning Appeals shall have the following powers and duties:

1104.1 The Board shall hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Ordinance or any amendments thereto.

1104.2 In hearing and deciding appeals, the Board shall grant an exception in the following instances:

- a. Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this Ordinance.
- b. Interpret provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts and accompanying and made a part of this Ordinance, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- c. Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy to the extent of more than sixty (60) percent of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
- d. Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship on the use of the lot, as contrasted with merely granting an advantage or a convenience.
- e. Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.
- f. Determine whether an industry should be permitted within the "M-1" or "M-2" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
- g. The substitution for a nonconforming use existing at the time of enactment of this Ordinance, another nonconforming use if no structural alterations except those required by law or ordinance are made; provided, however, that in a "3" District no change shall be authorized by the Board to any use which is not a permitted or conditional use in any "R" District and in a "B" District no change shall be authorized to any use which is not a permitted or conditional sue in any "B" District.
- h. The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Ordinance for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A building permit for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

SECTION 1105. - Variances.

1105.1 The Board shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Ordinance. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of the zoning ordinance only if all of the following findings are made.

- a. That there are unique circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
- b. That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c. That such unnecessary hardship has not been created by the applicant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1105.2 The Board shall have the authority to grant an extension or permit completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor area of such extension shall not exceed in all one hundred (100) percent of the floor area of the existing building or buildings devoted to a nonconforming use and provided further that such extension or extensions shall be undertaken within five (5) years of the date when the use of such building became nonconforming.

SECTION 1106. - Conditional Use.

1106.1 Under the authorization granted in Chapter 713 of the Ohio Revised Code to hear and decide special exceptions to the terms of this Ordinance, the Board shall have the power to decide applications for conditional uses in those cases specified in Article IV of this Ordinance. In considering such application, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and may impose such requirements and conditions as the Board may deem necessary for the protection of adjacent properties and the public interest, including specific limitations as to future expansion.

1106.2 The following basic standards shall apply to conditional uses in the “S” or “R” District:

- a. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous, inconvenient, or conflict with the normal traffic on residential streets, both at the time and as the same way be expected to increase with any prospective increase in the population of the area, taking into account convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections, and the general character and intensity of development of the area.
- b. The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1106.3 The following basic standards shall apply to conditional uses in “B” or “M” districts:

- a. The location and size of the use, the nature and intensity of the operation involved in connection with it, its site layout, and its relation to streets giving access to it shall be such that vehicular traffic to and from the use

will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase with increasing development of the municipality, taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.

- b. The nature, location, size, and size layout of the use shall be such that it will be a harmonious part of the business or industrial district in which it is situated, taking into account prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationships of one type of use to another, and characteristic grouping of uses in a commercial or industrial district.

SECTION 1107. - Performance Requirements.

1107.1 The Board shall have the power to authorize issuance of a building permit for uses that are subject to performance requirements as set forth in this Ordinance.

1107.2 The application for a building permit for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes, and products; and specifications for the mechanisms and techniques to be used in meeting the performance requirements.

1107.3 The Board may refer the applicants to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such service shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.

SECTION 1108. - Interpretation of District Map.

1108.1 Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the zoning map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the zoning district map may be made to the Board and a determination shall be made by said Board.

ARTICLE XII - PLANNING COMMISSION.

SECTION 1200

Appointment of the Village Planning Commission will be stated under Chapter 147 of the Village Codified Ordinances. The Commission will consist of the Mayor, one (1) member of the legislative authority to be a member for the remainder of his/her term as such member of Council; and three (3) residents of the Village to be appointed by the Mayor for terms of six (6) years each, except that the term of one of the members of the first commission shall be for four (4) years and one (1) for two (2) years. All members shall serve without compensation.

1200.1 General: Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Council may, by ordinance, after receipt of recommendation thereon from the Planning Commission and subject to the procedures provided by law, amend, supplement, or change the procedures provided by law, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Council.

SECTION 1201. - Procedure for Change in Zoning District.

1201.1 Applications: Applications for any change of district boundaries or classifications of property as shown on the zoning map shall be submitted to the Commission, at its public office, upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

1201.2 Names and Addresses of Adjacent Property Owners: Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and

addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed.

1201.3 Public Hearings by Commission: Before submitting its recommendation on a proposed amendment to the Council, the Commission shall hold a public hearing thereon, notice of which shall be given by publication in a newspaper of general circulation in the municipality at least thirty (30) days before the date of the hearing. The notice shall state the place or places and times at which the proposed amendment to the Ordinance, including text and maps, may be examined.

1201.4 Notice to Property Owners: In addition to the published notice as hereinbefore specified, the Commission shall give notice of the time, place, and purpose of public hearings to be held by it on proposed amendments or supplements by mailing a postal card or letter notice not less than twenty (20) days prior to the date of the hearing to the owners of all properties lying within two hundred (200) feet of any part of the property proposed to be changed. The failure to notify as provided in this section shall not invalidate any recommendations adopted hereunder, it being the intention of this section to provide so far as may be possible due notice to the persons substantially interested in the proposed change that an application is pending before the Commission, proposing to make a change in the zoning district map or the regulations set forth in this Ordinance.

1201.5 Action of Commission: The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the Council within thirty (30) days after the hearing.

1201.6 Public Hearing by Council: After receiving from the Commission the certification of said recommendations on the proposed amendment and before adoption of such amendment, the Council shall hold a public hearing thereon at least thirty (30) days' notice of the time and place of which shall be given by publication in a newspaper of general circulation in the municipality once a week for two (2) weeks. The notice shall state the place or places, and times at which the proposed amendment to the Ordinances, including text and maps, may be examined and other notices as required by state statutes or Planning Commission.

1201.7 Notice to Property Owners: In addition to the published notice as hereinbefore specified, the Clerk shall give notice of the time, place, and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a first-class mail notice not less than twenty (20) days prior to the date of hearing to the owners of all properties lying within two hundred (200) feet of any part of the property proposed to be changed. The failure to notify as provided in this section shall not invalidate any recommendation adopted hereunder, it being the intention of this section to provide notice to the persons substantially interested in the proposed change that an application is pending before the Commission, proposing to make a change in the zoning map or the regulations set forth in this Ordinance.

1201.8 Action of Council: After receiving from the Planning Commission certification of the recommendations on the proposed amendment and after holding the above public hearing, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance or the zoning map. No such ordinance, measure, or regulation which differs from or departs from the plan or report submitted by the Commission, Board, or officer shall take effect unless passed or approved by not less than three-fourths of the membership of the legislative authority.

SECTION 1202. - Application Fees.

1202.1 At the time that an application for a change of zoning districts is filed with the Commission, as provided herein, there shall be deposited with the Village Treasurer the sum of thirty dollars (\$30.00) as a fee to cover investigation, legal notices, and other expenses incidental to the determination of such matter, such fee to be for one lot or part of one lot. An additional fee of five dollars (\$5.00) shall be deposited for each additional lot or part of an additional lot which may be included in the request, such additional lot or part of a lot to be adjacent to each other. Such sums so deposited shall be credited by the Village Treasurer to the General Fund.

1202.2 In the event that the Planning Commission disapproves the application and the petitioner elects not to have the same certified to the Council, then a refund of twenty-five dollars (\$25.00) plus an additional refund of three dollars (\$3.00) for each additional lot or part of an additional lot which was included in the application should be made to the petitioner by the Village Treasurer, provided that the Village Treasurer is notified of such decision by the petitioner within thirty (30) days from the time of the action taken by the Planning Commission.

- a. Lot Splits and Sale of Unplatted Land: All lot splits and sale of unplatted land will not be recorded until the approval of the Village Planning Commission has been obtained and so noted in writing.
- b. Public Hearings by Commission: Before giving its approval for any lot splits, the Planning Commission shall hold a public hearing thereon, notice of which shall be given by publication in a newspaper of general circulation in the municipality at least thirty (30) days before the date of the hearing. The notice shall state the place and time at which proposed lot splits will be discussed.
- c. Notice to Property Owners: In addition to the published notice as hereinbefore specified, the Commission shall give notice of the time, place, and purpose of public hearings to be held by it on proposed lot splits, by mailing a postal card or letter notice not less than twenty (20) days prior to the date of the hearing to the owners of properties lying within two hundred (200) feet of any part of the property proposed to be changed. The failure to notify as provided in this section shall not invalidate any recommendation adopted hereunder, it being the intention of this section to provide, so far as may be possible, due notice to the persons substantially interested in the proposed change that is pending before the Commission, requesting the lot splits.
- d. Action of the Commission: The Planning Commission may recommend that the lot split be granted as requested or it may recommend a modification of lot split, or it may recommend the request not be granted. The decision of the Planning Commission is final.

ARTICLE XIII - VALIDITY AND SEPARABILITY.

SECTION 1300.

1300.1 If any article, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

1300.2 Nothing contained in Section 1005 of the Ordinance shall invalidate the provision(s) of Article 900 herein as the same pertain to the zoning enabling acts applicable to municipalities which both secure existing uses and authorize the imposition of limitations upon nonconforming uses.

ARTICLE XIV - EFFECTIVE DATE.

SECTION 1400.

1400.1 This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

PASSED:

ATTEST:

Clerk

President of Council

AS TO FORM:

Law Director

Mayor