

ZONING MANUAL



Village of Cleves

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ZONING DESIGNATIONS			
R-1 Very Low Density Residence	R-2 Low Density Residence	B-1 Main Business	B-2 Highway and General Business
PERMITTED USES		PERMITTED USES	
Single-Family Dwelling Public Uses Semipublic Uses Public Service Facility Essential Services Accessory Uses Plant Cultivation	Single-Family Dwelling Two-Family Dwelling Public Uses Semipublic Uses Plant Cultivation Essential Services Accessory Uses	Retail Business Personal Services Business Services Office and Banks Restaurants Hotels and Motels Social Activities Professional Activities Commercial Entertainment Facilities Semipublic Uses Public Service Facility Essential Services Accessory Uses Public Uses	Retail Business Personal Services Business Services Professional Activities Office and Banks Gasoline Service Stations Automotive Sales and Repair Restaurants and Taverns Hotels Entertainment Facilities Essential Services Accessory Uses Mortuaries Commercial Entertainment Facilities Public and Semipublic Uses
CONDITIONAL USES REQUIRING BOARD APPROVAL		CONDITIONAL USES REQUIRING BOARD APPROVAL	
Noncommercial Recreational Facilities Cemetery Home Occupations Animal and Poultry Husbandry Agriculture	Public Service Facility Professional Activities Home Occupations Multiple-Family Dwelling Noncommercial Recreational Facilities	Gasoline Service Stations Drive-in Banks Automotive Sales and Repair Printing and Publishing	Outdoor Advertising Wholesale Business Printing and Publishing Animal Hospitals and Clinics Bakeries and Dairies Commercial Recreational Facilities
R-3 Medium Density Residence		M-1 Restricted Industrial	M-2 General Industrial
PERMITTED USES		PERMITTED USES	
Single-Family Dwelling Two-Family Dwelling Multiple-Family Dwelling Public Uses Semipublic Uses Residential Services Accessory Uses		Restricted Manufacturing Printing and Publishing Research and Testing Facilities Offices Public Services Facilities Essential Services Accessory Uses	General Manufacturing Manufacturing, Sale and Storage of Building Materials Transport and Trucking Terminals Wholesale Business Warehousing Food Processing Grain Elevators and Feed Mills Essential Services Accessory Uses
CONDITIONAL USES REQUIRING BOARD APPROVAL		CONDITIONAL USES REQUIRING BOARD APPROVAL	
Noncommercial Recreational Facilities Nursery School Child Care Clinic Professional Activities Home Occupations Motor Home Parks Nursing Homes Conversion of Dwellings to Apartments Mortuaries		Outdoor Advertising Food Processing Restaurants	Restaurants Outdoor Advertising Junk Storage and Sales Sand and Gravel Extraction Agriculture Oil and Gas Wells

ZONING ORDINANCE

An ORDINANCE, establishing comprehensive zoning regulations for the Village of Cleves, Ohio and 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 THE VILLAGE OF CLEVES, OHIO

ARTICLE I – TITLE AND ENACTMENT CLAUSE

SECTION 101. This Ordinance shall be known and cited as the Zoning Ordinance of 1968.

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 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 into districts under four general categories which shall be known as: Open Area Districts, Residential Districts, Business Districts and Industrial Districts.

SECTION 201 – Open Area Districts

- 201.1 “S-1” Special: Areas which are large public or semipublic holdings, areas suitable for noncommercial recreation, areas subject to periodic flooding, and areas too steep for urban development.
- 201.2 “F-1” Flood Plain: Areas which are subject to flooding and unsuitable for urban development except for certain open space uses.
- 201.3 “Cleves Historic Downtown District”: This District will encompass Miami Avenue from Mt. Nebo to West Laird.

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 Residence: For relatively low density residential development which has group water and sewerage services.
- 202.3 “R-3” Medium Density Residence: For medium density residential development which has ready access to most community facilities. Community water and sewerage facilities are required.

SECTION 203 – Business Districts

- 203.1 “B-1” Main Business District: Areas of the existing central business district which are structurally sound and functional including frontage on Route 50 which is 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 sales and services oriented to highway travelers; or general business including sale and services for automotive, farm machinery, building trades, etc.

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 no detrimental effects on neighboring land uses.
- 204.2 “M-2” General Industrial: Areas which, because of their access of transportation and community services and relative isolation from other land 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 part of this ordinance. The original district map is property 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, buildings and other structures.

SECTION 206 – District Boundaries

- 206.1 The district boundary lines on said map are intended to follow either centerlines of thoroughfares or railroads or lot lines. In the case of un-subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.
- 206.2 Whenever any street, alley, or other public way is vacated by official action of the Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation.

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, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- 207.2 No building or other 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 – Interpretation, Purpose, and 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 the provisions of this ordinance, of which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance, nor is it intended by this ordinance 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 requires larger open spaces or larger lot areas than are imposed or regulated by such other ordinances or agreements, the provisions of this ordinance shall control.

SECTION 209 – Accessory Use Standards

In all districts, except as specified in each district, accessory uses and structures shall be subject to the following requirements:

- (A) No accessory building or use shall be constructed or established prior to the start of construction of the principal building or use to which it is accessory.
- (B) Accessory structures shall be located on the same parcel for which the principal structure is found and shall be in compliance with the following requirements:
 - (1) In all residential districts, an accessory building shall not be located closer than three feet to a rear or side lot line.
 - (2) In all non-residential districts, an accessory building shall not be located closer than ten feet to a rear or side lot line when abutting any residential use or residential zoning district. When an accessory use abuts a non-residential use or zoning district, there shall be no side yard or rear yard setback requirements for an eligible accessory use.
 - (3) In the Cleves Historic Downtown District, any accessory structure design and materials must be approved by the Planning Commission.

- (4) In the Cleves Historic Downtown District, there shall not be any outside open storage.
- (C) An accessory building shall not be located within a front yard or side yard in any residential zoning district. An accessory building or structure shall not be located in the front yard of any non-residential zoning district.
- (D) No accessory building shall be located closer than six feet to the principal building.
- (E) In all residential districts, accessory buildings shall not occupy more than 25% of the rear yard area.
- (F) The height of accessory structures shall not exceed the following:
 - (1) In all residential districts, an accessory building or structure shall not exceed a height of 15 feet.
 - (2) In all non-residential districts and except for fences and signs, an accessory structure shall not exceed a height of 15 feet.
- (G) The measurement of the height of an accessory structure shall be measured from the lowest ground level to the highest point of the structure.

SECTION 210 – Special Accessory Use Building Standards

The following buildings and structures may be located within the required yards specified, subject to the special conditions indicated.

- (A) *Canopy, gas pump island.* Unenclosed canopies over gas pump islands may be located within the required front yard or side yard, provided at street intersections.
- (B) *Ornamental features.* Light fixtures, flag poles, arbors, trellises, fountains, sculptures, plant boxes, plants, trees, and other similar ornamental features may be located within any yard. In no case shall any ornamental feature more than two and one-half feet in height above the curb level be located so as to block the sight distance at street or drive intersections within the designated "No Accessory Structure Zone". In the case of a street intersection, the sight triangle shall consist of the area between points 35 feet from the right-of-way line along both intersecting street.
- (C) *Decks and stoops.* Porches, balconies, decks and stoops, which are uncovered, may extend into any yard; provided that such projections shall not extend into a front yard more than eight feet. Stoops may extend into a side yard not more than two feet.

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 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 a professional man, and workshops not conducted for compensation shall be deemed accessory 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 sale of agriculture products from land under same 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 Cleves, Ohio.

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

Building, Front Line of: The line of that face of the building nearest the front line 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, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Businesses:

- (a) Main Business includes comparison and convenience shopping; professional, business, and financial services; public and semipublic uses 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 locations on major thoroughfares and at their intersection. Highway uses include motels, gas stations and restaurants. General and service businesses include auto and farm implement sales and services, building trades and services, commercial recreation and other commercial uses which do not contribute to the design of a unified commercial center.

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 business.

Cellar: A story partly underground and having more than fifty (50) percent 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 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 Entertainment Facilities: Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, carnivals, night clubs 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 special exceptions made in this ordinance. A conditional use is not considered to be a nonconforming use.

Council: The Village Council of Cleves, Ohio.

Districts, Zoning Districts: Administrative tracts designating the uses to which land can legally 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 exclusively by one family.

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

Dwelling, Multiple: A building used or designed as a residence for three (3) or more families living independently or 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.

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 of 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 one side between an intersecting street and the dead-end of the street.

Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles owned and used by 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 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 fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.

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 two 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 Occupations; and the occupations of beauty operator, with not more than one paid assistant shall be deemed to be Home Occupations: Tourist homes, real estate offices, convalescent homes, mortuary establishments, and stores, trades or business of any kind not herein excepted shall not be deemed to be Home Occupations. Borderline cases shall be ruled on by the Board of Appeals.

Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in 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 contradistinction to a boarding house or a lodging house which are herein separately defined.

Institution: Buildings or land occupied by a nonprofit corporation or a nonprofit 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 conditions, 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.

Loading Space: 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 feet and a vertical clearance of at least 14 feet.

Lot: A parcel of land occupied or intended for occupancy by a 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 approved 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 the horizontally projected area of the lot, expressed as a percentage.

Lot of Record: Any lot which individually or as 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 setback 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 by which the nature of the materials, equipment and process utilized are to a considerable measure clean, quiet and free of any objectionable or hazardous element. Restricted industrial uses shall comply with the performance requirements specified in Article VIII, Section 800, and shall include the industrial uses listed below and any other 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, sand, gravel or other mineral resources.

Mobile Home Parks: An area manifestly designed to accommodate mobile homes in a safe, sanitary and desirable manner as described in Article VII, Section 701.

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

More Restrictive: In reference to a nonconforming use, the changing of a use to more nearly conform to the permitted use, thus increasing the requirements such as side yards, etc., or generally increasing compatibility of a nonconforming use to the requirements of the district in which it is located.

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

Nonconforming Use: The use of land or a building, or portion thereof, which does not conform with the use of 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 an enclosed building or an open lot and where each parking space has an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles.

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

Planning Commission: The Planning Commission of the municipality.

Plant Cultivation: The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant 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 similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental 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 facilities or recreation centers including private community swimming pools.
- (b) Commercial Recreational Facilities: Recreational facilities open to the public, established and operated for a 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.

Semipublic Uses: Churches, Sunday schools, parochial schools, colleges, 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 wastes 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 an area greater than 100 square feet on which the written or pictorial information is 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 semiprivate club activities, including lodges, fraternities and similar activities.

Solicitor: The Village Solicitor of the municipality.

Specialized Animal Raising and Care: The use of land and buildings 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 portion of 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 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 without 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 walls, columns, beams or girders.

Trailer, Small Utility: Any trailer drawn by passenger automobile, used for the occasional transport 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 or 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 side 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 lines, and being 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 front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot and the side of the main building or any projections thereof.

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 projections of uncovered steps, or unenclosed porches.

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

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 representative appointed by the Village Council.

ARTICLE IV – USE REGULATIONS

SECTION 400

The permitted and conditional uses for each district are shown in the following tabulations which shall constitute Article IV of the Zoning Ordinance. The interpretation of uses given in categorical terms shall be as defined in Article II. Uses not specifically listed or interpreted to be included categorically under this Article and Article II shall not be permitted except by amendment to the ordinance.

“S-1” Special	“F-1” Flood Plain
<u>PERMITTED USES</u>	
Parks Public Uses Essential Services Accessory Uses Noncommercial Recreational Facility Plant Cultivation Conservation	Agriculture and Forestry Public Parks and Recreation Areas Essential Services Accessory Uses Noncommercial Recreational Facilities
<u>CONDITIONAL USES REQUIRING BOARD APPROVAL</u>	
Semipublic Uses Public Service Facility Commercial Recreational Facility Cemetery Airports Sand and Gravel Extraction	Commercial Recreational Facilities Noncommercial Recreational Facilities Specialized Animal Raising and Care Sand, Gravel, Topsoil Extraction
“R-1” Very Low Density Residence	“R-2” Low Density Residence
<u>PERMITTED USES</u>	
Single-family Dwelling Public Uses Semipublic Uses Public Service Facility Essential Services Accessory Uses Plant Cultivation	Single-family Dwelling Two-family Dwelling Public Uses Semipublic Uses Plant Cultivation Essential Services Accessory Uses
<u>CONDITIONAL USES REQUIRING BOARD APPROVAL</u>	
Noncommercial Recreational Facilities Cemetery Home Occupations Animal and Poultry Husbandry Agriculture	Public Service Facility Professional Activities Home Occupations Multiple-family Dwelling Noncommercial Recreational Facilities

“R-3” Medium Density Residence	“B-1” Main Business
<u>PERMITTED USES</u>	
Single-family Dwelling Two-family Dwelling Multi-family Dwelling Public Uses Semipublic Uses Essential Services Accessory Uses	Retail Business Personal Services Business Services Offices and Banks Restaurants Hotels and Motels Social Activities Professional Activities Commercial Entertainment Facilities Semipublic Uses Public Service Facility Essential Services Accessory Uses Public Uses
<u>CONDITIONAL USES REQUIRING BOARD APPROVAL</u>	
Noncommercial Recreational Facilities Nursery School Child Care Clinic Professional Activities Home Occupations Mobile Home Parks Nursing Homes Conversion of Dwellings to Apartments Mortuaries	Gasoline Service Stations Drive-in Banks Automotive Sales and Repair Printing and Publishing
“B-2” Highway and General Business	“M-1” Restricted Industrial
<u>PERMITTED USES</u>	
Retail Business Personal Services Business Services Professional Activities Offices and Banks Gasoline Service Stations Automotive Sales and Repair Restaurants and Taverns Motels Entertainment Facilities Essential Services Accessory Uses Mortuaries Commercial Entertainment Facilities Public and Semipublic Uses	Restricted Manufacturing Printing and Publishing Research and Testing Facilities Offices Public Service Facilities Essential Services Accessory Uses
<u>CONDITIONAL USES REQUIRING BOARD APPROVAL</u>	
Outdoor Advertising Wholesale Business Printing and Publishing Animal Hospitals and Clinics Bakeries and Dairies Commercial Recreational Facilities	Outdoor Advertising Food Processing Restaurants

"M-2" General Industrial	
<u>PERMITTED USES</u>	
General Manufacturing Manufacturing, Sale and Storage of Building Materials Transport and Trucking Terminals Wholesale Business Warehousing Food Processing Grain Elevators and Feed Mills Essential Services Accessory Uses	
<u>CONDITIONAL USES REQUIRING BOARD APPROVAL</u>	
Restaurants Outdoor Advertising Junk Storage and Sales Sand and Gravel Extraction Agriculture Oil and Gas Wells	

ARTICLE V – MINIMUM DIMENSIONAL REQUIREMENTS

SECTION 500 – Basic Yard, Area and Height Requirements for Dwellings

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

District	Minimum Lot Width (In feet)	Minimum (Sq. Feet) Lot Area (Per Family)	Minimum Yard (In feet) Setback		Minimum Yard Width (In feet)		Maximum Height Of Buildings	
			Front	Rear	Either Side	Sum of Side Yards	Stories	Feet
“R-1”	Individual Water and Sewer:							
	100	20,000	35	40	15	40	2-1/2	35
Coleman Woods					7	14		
	Group Water and Sewer:							
	90	15,000	35	40	12	30	2-1/2	35
“R-2”	Combined Sewage Disposal System and Water Facilities Required							
Single-family	80	10,000	30	40	10	25	2-1/2	35
Two-family	120	7,500	30	40	10	25	2-1/2	35
Multi-family	160	5,000	30	40	20	50	2-1/2	35
“R-3”	Combined Sewage Disposal System and Water Facilities Required							
Single-family	60	7,500	25	30	6	15	2-1/2	35
Two-family	90	5,500	25	30	10	25	2-1/2	35
Multi-family	120	4,000	25	30	15	30	3	40
Mobile Homes	----- See Section 701 for all requirements -----							

SECTION 501 – Floor Area 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)				
Apartment Dwellings				
District	Single and Two-Family Dwellings	Efficiencies	1-Bedroom Unit	2 or More Bedrooms
“R-1”	1,000	---	---	---
“R-2”	900	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 districts:

District	Minimum Lot Width (In feet)	Minimum Lot Area	Minimum Depth (In feet)		Minimum Width Each (In feet)	Maximum % Of Lot Coverage	Maximum Height Of Buildings	
			Front Yard	Rear Yard			Side Yard	Stori es
“S-1”	250	3 acres	60	60	50	15	3	45
“R-1”	200	2 acres	60	60	50	15	2	35
“R-2”	150	1 acre	50	50	30	20	3	45
“R-3”	150	1 acre	50	50	30	20	3	45
“B-1”	None	None	None	20	None	85	3	45
“B-2”	150	30,000 sq. ft.	60	40	30	25	2	35
“M-1”	200	1 acre	50	40	30	35	3	45
“M-2”	200	1 acre	50	40	30	35	3	45

SECTION 503 – Side and Rear Yard Requirements for Nonresidential Uses Abutting “R” Districts

The following table establishes the yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings, by districts:

503.1 Minimum Yard Requirements: Business and industrial buildings or uses shall be not located nor conducted closer to any lot line of an “R” District 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	Use
25 feet	Access drives for nonresidential uses.
50 feet	Churches, schools and public or semipublic buildings.
60 feet	Recreation facilities, entertainment facilities, motels, trailers and mobile home parks, all commercial uses and billboards.
100 feet	Outside sale or storage of building material or construction equipment, all industrial uses, except those listed below.
500 feet	Auto and metal salvage operations; mineral 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 no less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height.

SECTION 504 – Height Regulations for Institutional, Office, Industrial and Apartment Buildings and Structure

- 504.1 Institutional, industrial and apartment buildings with a height in excess of the minimum height specified in Sections 500 and 502 for such buildings may be permitted provided the required front, side and rear yards are increased by one (1) foot for each foot of additional building height above the maximum specified in Sections 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 spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and takeoff 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 used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of five (5) feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the Board may require that the lots be combined and used for one (1) main building. In either case, the prevailing setback shall be met. Where three (3) or more contiguous unimproved lots of record with less than the required area and width are held by one owner, the Board may require re-platting to few lots to permit compliance with minimum yard requirements.

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 sixty (60) 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 at 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 buildings shall be located in any front or side yard except under unusual circumstances where such activity shall not conflict with the intent and 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.
- 503.3 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 (2-1/2) and ten (10) feet above curb or street grade, or so as to interfere with traffic visibility across the corner.

ARTICLE VI – OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 600 – Off-Street Parking Requirements

600.1 General Requirements: In all districts, in connection with every industrial business, institutional, recreational, residential, or other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

- (a) Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet 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 drive not less than eight (8) feet in width in the case of a dwelling, and 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
Dwellings, including 1, 2 & 3 families, multiple dwellings, summer cottages, and mobile homes	One (1) for each dwelling unit, except that one (1) additional space of proper size & combination 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	One (1) for each sleeping room or suite.
Hotel or motel	Five (5) parking spaces plus one (1) parking space 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 the lobby, but not including corridors giving access to sleeping rooms.
Private club or lodge	One (1) for each five (5) members.
Church or temple	One (1) for each five (5) seats to main auditorium.
School (except high school or college)	One (1) for each ten (1) seats in auditorium or main assembly room, or one (1) for each classroom, whichever is greater.
Country club or golf club	One (1) for each five (5) members.
Community center, library, museum or art gallery	Ten (1) plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
Hospital sanitarium, convalescent home, home for the aged or similar institution	One (1) for each three (3) beds.
Offices, clinics or wholesale establishments, business services.	One (1) for every two hundred (200) square feet of floor space.

Use	Parking Spaces Required
Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium.	One (1) for each five (5) seats or bench seating spaces.
Bowling alley.	Five (5) for each alley.
Mortuary or funeral home.	One (1) for each fifth (50) square feet 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.	One (1) for each one hundred (100) square feet of floor space.
Manufacturing, industrial or mining establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment	One (1) for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used 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 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 ground cover and maintained in good condition. 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.
- 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 adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a main building, the parking area shall not be located within the front yard 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 of this ordinance.
- 601.3 Joint Use: Two (2) or more nonresidential uses may jointly provide and use parking space when their hours of operation do not normally overlap, provided that a written agreement, approved by the Village Solicitor and accepted by the Board of Zoning Appeals, shall be filed with the application for a zoning certificate.

- 601.4 Other Locations: Parking spaces may be located on a lot within 300 feet other than that containing the principal use with the 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 zoning certificate.
- 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 adjoining premises in any "R" district.
- 601.7 Disabled Vehicles: The parking of a disabled vehicle within a residential district for a period more than two (2) weeks shall be prohibited; except that such vehicle may be stored in an enclosed garage or other accessory building provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

SECTION 602 – Off-Street Loading Requirements

- 602.1 In any district, in connection with every building or part thereof thereafter erected and having a gross floor area of ten thousand (10,000) square feet 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 additional ten thousand (10,000) square feet or major fraction thereof of gross floor area.
- 602.2 Each loading space shall be not 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 or owners of any tract of land in an “R” District comprising an area of not less than ten (10 acres may submit to Council a plan for the use and development of all the tract of land for residential and allied purpose. 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 purpose 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 district in which the plan is located.
 - (d) That the average lot 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 zoning certificate may be issued, even though the use of the land, the location and height of 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 locate in the municipality except in a Mobile Home Park in an “R-3” Residence District.
- 701.2 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 area of 3,000 square feet with a minimum lot width of forty (40) feet and 300 square feet of floor area for each mobile home or trailer.
 - (e) Shall provide a minimum of 20-foot clearance between the individual mobile homes or trailers and a 50-foot setback 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 Ordinances for Pavement and Parcels

- 702.1 **Definitions:** For purposes of this Section the vehicles regulated are those that exceed 14 feet in length or 6 feet in height, or 5 feet in width, as well as motorcycles, cars, SUVs (sport utility vehicles), vans, pickup trucks, buses, trucks, house trailers, semi trailers, fifth wheel trailers, park trailers, commercial tractors, motor homes, mobile home trailers, utility trailers, pop up campers, travel trailers, truck campers, vehicles over 8,000 pounds, vehicles with more than one axle, and similar vehicles, as defined in Ohio Revised Code Section 4501.01, and major recreational equipment, including boats, personal watercraft, and trailers to transport boats or personal watercraft.
- 702.2 **Parking and Storage Prohibited:** Except as herein otherwise provided, parking of vehicles as defined in this section on public streets or on any premises zoned for residential use, or on any other vacant parcel in an area zoned for residential use, is hereby declared to be a public nuisance and offensive to the public health, welfare and safety of the citizens of this Village, except as hereinafter provided. In addition, there shall be no parking of any type of passenger motor vehicle, pickup truck or any other type of motor vehicle in any location on residential premises except on a “driveway” as prescribed in the Cleves Zoning Code and the Ohio Building Code. No commercial vehicles over 4,000 pounds or with no more than one axle shall be permitted to park in any area zoned residential unless loading/unloading is in progress.
- 702.3 **Exceptions:** Restrictions as to parking/storage of such vehicles shall not apply in the following situations:
- (a) In the case of non-commercial standard production models of motorcycles, cars, SUVs, light duty vans, and light duty pickup trucks, parking on public streets and private driveways.
 - (b) In areas zoned other than residential, except where the specific property is being utilized as a residence.
 - (c) In the case of personal watercraft, pop-up campers, utility trailers, and the like, all and any of which are less than 18 feet in length, parked in a residential zoned area in the side yard and/or the rear yard within the set backs requirements of the Cleves Zoning Code for an accessory structure.
 - (d) In the case of personal watercraft, campers, utility trailers, mobile homes, fifth wheel campers and the like on the driveway or paved surface in a residential zoned area for a period not to exceed 72 hours in a seven (7) day time period. A permit may be applied for through the Code Compliance Officer for time periods exceeding 72 hours in a seven day time period. A copy of the permit is to be displayed on the vehicle.
 - (e) In a fully enclosed building.
- 702.4 **Penalty:** Whoever violates the provisions of this section shall be deemed guilty of a minor misdemeanor and upon conviction thereof shall be fined as provided under the Ohio Revised Code. Any person who violates the provisions of this section a second or more time within 12 months of the previous violation shall be deemed guilty of a misdemeanor of the fourth degree. Each day a violation exists shall be deemed a separate offense and may be cited as such.

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 (1-1/2) 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) square feet, 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 used solely for the enjoyment of the occupants 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 so 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 four (4) 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 structures 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 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 & Planting Screens

704.1 Fences, plant material and similar screening devices up to four (4) 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.

SECTION 705 – Conversion of Dwellings

In an “R-2” or “R-3” District a residence may be converted to accommodate an increased number of dwelling units provided:

- (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.
- (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.

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 or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as 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.
- (b) 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.
- (c) Noise: Noise, which is objectionable as, determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- (d) Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- (e) Smoke: Smoke shall not be emitted with a density greater than No. 1 on the Ringelmann Chart as issued by the U.S. Bureau of Mines. Smoke of a density of No. 2 on the Ringelmann Chart shall be permitted for a period of up to eight minutes in each hour.
- (f) Odors: No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- (g) Air Pollution: No pollution of air by fly ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- (h) Glare: No direct or reflective glare shall be permitted which is visible from any property outside an "M" District or from any public street, road or highway.
- (i) Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- (j) 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 zoning certificate 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 tolerances.
- (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 established by the American Standards Association, Inc., New York, NY, the Manufacturing Chemists' Association, Inc., Washington, DC and the United States Bureau of Mines.

SECTION 801 – Signs and Outdoor Advertising Structures

801.1 No sign shall be permitted in any district 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 two (2) square feet in area. In an “R” District and not more than four (4) square feet in other districts.
- (c) Bulletin boards and signs for a church, school, community or other public or semipublic institutional building 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.
- (e) No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
- (f) 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.
- (g) No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs.

801.3 Business or Industrial 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 widths of the building or part of 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 only be one 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 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 exceed eighty (80) square feet, such setback shall be increased by one-half (1/2) 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 board 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 that no sign or advertising structure shall be erected or placed closer than within fifty (50) feet to a sign 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 or a hazard to traffic or conflict with traffic controlled signs or lights.
 - (b) No illumination involving movement or causing the illusion of movement by reason of lighting arrangement or other devices shall be permitted.
- 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 two (2) square feet. Announcement signs, except those for professional and home occupations, shall be removed by the person or persons responsible for posting same within thirty (30) days after erection.
 - (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, the details and specifications for construction. A fee of twenty dollars (\$20.00), (Ordinance 19, 2007), 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, Clay, Sand and Gravel Extraction, Storage and Processing

The extraction, storage and processing of minerals, clay, sand and gravel 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 The performance requirements of Article VIII shall be met.
- 802.3 Mineral extraction, storage or processing shall not be conducted closer than five hundred (500) feet from any "R" District; nor closer than one hundred (100) feet from any structure used for human occupancy in any District.
- 802.4 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.
- 802.5 Excavated areas shall be regarded to remove abrupt and precipitous slopes and barren areas shall be planted with suitable materials to adequately control erosion. Where such grading is impracticable because of rock formations, the excavated area shall be enclosed by a fence six (6) feet in height which shall be maintained in good condition.

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 to 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. 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.

SECTION 805 – Open Storage and Display of Material and Equipment

- 805.1 The open storage and display of material and equipment incident to permitted or conditional uses in "B" or "M" districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any "R" District by means of walls, fences or plantings. 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 at the time of planting may be substituted.
- 805.2 The temporary open storage of contractor's equipment and material shall be permitted on site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of such equipment and material beyond the date of completion of the project shall be subject to a special permit authorized by the Board of Zoning Appeals.

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 by the Board 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 A nonconforming use which is discontinued for a period of two (2) years 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, not 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 is “traded-in” for another unit. In this instance, the replacement shall be on site within one 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.
- 900.7. Any building arranged, intended or designed for a nonconforming use, the construction of which has been started at the time of the passage of this ordinance but not completed, may be completed and put into such nonconforming use, provided it is done within one (1) year after this ordinance takes effect.

SECTION 901 – Zoning Certificates for Nonconforming Uses

A zoning certificate 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

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 seeming violations.

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

SECTION 1001 – Zoning Certificates

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 zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he/she is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this ordinance. No permitted 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.

Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate 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 change shall be made for issuing a zoning certificate in accordance with this paragraph.

SECTION 1002 – Conditions Under Which Certificates Are Required

A zoning certificate shall be required for any of the following, except as herein provided:

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

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

Occupancy and use of vacant land.

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

Any change in the use of a nonconforming use.

A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this ordinance or any amendments.

SECTION 1003 – Application and Issuance of Zoning Certificates

Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate 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.

Written application for a zoning certificate for the use of vacant land or for a change in the use of land or of a building, or for a change in 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 certificate therefore shall be issued within fifteen (15) days after the application for same has been made.

Every application for a zoning certificate 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 alternations 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 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; and
 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; and
 2. which abutting land was formerly that of the owner of the land involved in the application, and, if any, 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.

The Zoning Inspector shall not issue a zoning certificate 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 Zoning Certificates

A fee, in accordance with the following schedule of amounts, shall accompany each application for a zoning certificate:

Use	Fee
Single-family Dwelling	\$150.00
Accessory Building, Signs or Fences	\$150.00
Two-Family Dwelling	\$150.00
Multiple Dwelling	\$150.00
Each additional family unit in excess of three (3)	\$150.00
Maximum fee for a multiple dwelling shall not exceed	\$600.00
Commercial, Industrial or Institutional and Mobile Home Park	\$300.00

The fee for this application for a certificate for the use of land, not involving structures, including changes in the use of land shall be \$30.00.

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.

Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates 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 – Zoning Certificate for Nonconforming Uses

A zoning certificate shall be required for all lawful nonconforming uses of land or building erected by adoption of this ordinance. Application for such certificate 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 certificate for a lawful nonconforming use, but failure to apply for such certificate for a nonconforming use or refusal of the Zoning Inspector to issue a certificate 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 change shall be made for issuing a zoning certificate 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 six hundred dollars (\$600.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or uses 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 any 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

SECTION 1100 – Organization and Procedures

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 five (5) year terms, beginning January 1st. Each member 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.

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 zoning permit is pending, and shall also hear any other parties having substantial interest as determined by the Board.

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.

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

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

Application: An application, in cases in which the Board has original jurisdiction under the provisions of this ordinance, may be taken by any person aggrieved, including a tenant or 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 twenty dollars (\$20.00) 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.

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 with 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 certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may 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 powers of the Zoning Inspector from whom the appeal is taken.

SECTION 1102 – Hearings

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.

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

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 of the time of resumption of said hearing unless the Board so decides.

SECTION 1103 – Decisions of the Board

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

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.

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.

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 it shall be its duty:

To hear and decide appeals where it is alleged there is 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.

In hearing and deciding appeals, the Board shall have the power to 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, 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 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 contracted 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 with 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 at the time of enactment of this ordinance, of another nonconforming use, if no structural alterations except those required by law or ordinance, are made; provided, however, that in an "R" 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 use in any "B" District.
- (h) Temporary Structure and Uses: 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 zoning certificate 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

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 physical circumstances or conditions, including irregularity, narrowness, 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 appellant.
- (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.

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 areas of such extension shall not exceed in all one hundred percent (100%) 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 Uses

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.

The following basic standards shall apply to conditional uses in any “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 size 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 may 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.

The following basic standards shall apply to conditional uses in any “B” or “M” 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 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 site 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 the characteristic groups of uses in a commercial or industrial district.

SECTION 1107 – Performance Requirements

The Board shall have the power to authorize issuance of a zoning certificate for uses that are subject to performance requirements as set forth in this ordinance.

The application for a zoning certificate 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.

The Board may refer the application 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 services 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 – DISTRICT CHANGES AND ORDINANCE AMENDMENTS

SECTION 1200 – General

1200.1 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 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 Districts

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.

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.

Public Hearing 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.

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.

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 be not granted. These recommendations shall then be certified to the Council within thirty (30) days after the hearing.

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 weeks. 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 and other notices as required by State statutes or Planning Commission.

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.

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 for an application for change of zoning districts is filed with the Commission, as provided herein, there shall be deposited with the Village Treasurer a non-refundable sum of \$400.00 as a fee to cover investigation, legal notices, and other expenses incidental to the determination of such matter. This fee shall be non-refundable and is not dependent upon the outcome of the application. Further, this fee is a flat fee for each application

ARTICLE XIII – VALIDITY AND SEPARABILITY

1300 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.

ARTICLE XIV – EFFECTIVE DATE

1400 This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

PASSED _____
(Date)

President of Council

Mayor

ATTEST: _____
Clerk

SUMMARY OF PROCEDURE FOR OBTAINING ZONING CERTIFICATE

Ordinary Conditions		Conditional Uses and Exceptional Conditions	Proposed Zoning Changes
Step I	Step II		
Landowner	Zoning Inspector		Board of Zoning
Submits request for zoning certificate to zoning inspector.	Reviews proposed use of land or buildings to determine whether it conforms with zoning ordinance.		<p style="text-align: center;">Planning Commission</p> A. Reviews all proposed zoning map and ordinance changes and recommends action to Council. B. Council reviews recommendations and holds public hearing. C. Council grants or denies change.
	A. If it complies with ordinance, issues zoning certificate and landowner proceeds.	B. If it does not comply, states reason and denies zoning certificate. Landowner may then: <ol style="list-style-type: none"> (1) Change proposal to conform to regulations and reapply. (2) Appeal the specific case to Board of Appeals. (3) Request a zone change be considered by Planning Commission. 	