

**Village
of
Berlin Heights**

**Zoning
Ordinance**

No. 2018-06

ORDINANCE NO. 2018- 06

AN ORDINANCE ADOPTING AN AMENDED ZONING ORDINANCE, AND ZONING DISTRICTS MAP FOR THE VILLAGE OF BERLIN HEIGHTS, OHIO AND REPEALING ANY AND ALL PREVIOUS ORDINANCES AND/OR RESOLUTIONS INCONSISTENT HEREWITH.

WHEREAS, the Council of the Village of Berlin Heights has previously adopted a comprehensive zoning ordinance and zoning districts map for the incorporated area of the village; and

WHEREAS, the Village of Berlin Heights Planning Commission has determined that the current zoning ordinance and zoning districts map are insufficient, and has further determined that it is necessary to adopt an amended zoning ordinance and zoning districts map for the incorporated area of the Village of Berlin Heights, Ohio; and

WHEREAS, the Village of Berlin Heights Planning Commission has developed an amended comprehensive zoning ordinance regulating land use within the village and an amended zoning districts map pursuant to its authority set forth in R.C. section 713.06; and

WHEREAS, the Council of the Village of Berlin Heights, Ohio has conducted a public hearing relative to the adoption of the amended zoning ordinance and zoning districts map as required by R.C. section 713.12; and

WHEREAS, the Council has determined that it is necessary to adopt an amended zoning ordinance and zoning districts map in order to protect the public health, safety and general welfare of the Village of Berlin Heights; and

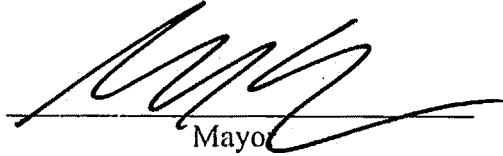
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BERLIN HEIGHTS, STATE OF OHIO:

Section 1. That from after the effective date of this Ordinance, an amended Zoning Ordinance and Zoning Districts Map of the Village of Berlin Heights, Ohio shall be in full force and effect. A copy of the amended zoning ordinance and zoning districts map as adopted herein are attached hereto and expressly incorporated by reference herein.

Section 2. That any and all other zoning ordinances and/or resolutions and/or parts of any and all other zoning ordinances and/or resolutions inconsistent herewith be, and the same are, hereby repealed and replaced by the amended zoning ordinance attached hereto and expressly incorporated by reference herein. Furthermore, any and all other zoning district maps previously adopted by this Council are hereby repealed and replaced by the amended zoning districts map as attached hereto and expressly incorporated by reference herein.

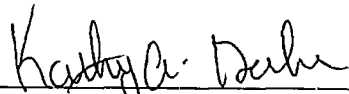
Section 3. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including §121.22 of the Ohio Revised Code.

Section 4. That the amended Zoning Ordinance of the Village of Berlin Heights, Ohio and the amended Zoning Districts Map of the Village of Berlin Heights, Ohio as attached hereto and expressly incorporated by reference herein shall be in full force and effect at the earliest date permitted by law.



Mayor

Attest:



Village Fiscal Officer

1st Reading: November 14, 2018

2nd Reading: December 12, 2018

3rd Reading: January 9, 2019

Adopted: January 9, 2019

Village of Berlin Heights Zoning Ordinance

Table of Contents

	Preamble	1
Article 1	General Provisions	2
1.0	Title	2
1.1	Interpretation	2
1.2	Separability	2
1.3	Repeal of Conflicting Resolutions	2
1.4	Effective Date	2
1.5	Incorporation of Maps	2
1.6	Identification and Alteration of the Official Zoning Map	2
1.7	Replacement of Official Zoning Map	3
Article 2	Purpose and Intent	
2.0	Purpose	4
2.1	Intent	4
Article 3	Construction of Language and Definitions	
3.0	Construction of Language	5
3.1	Definitions	5
Article 4	Administration	
4.0	General Provisions	23
4.1	Zoning Inspector	23
4.2	Responsibilities of Zoning Inspector	23
4.3	Planning Commission	24
4.4	Proceedings of Planning Commission	24
4.5	Duties of Planning Commission	24
4.6	Board of Zoning Appeals	24
4.7	Proceedings of the Board of Zoning Appeals	24
4.8	Duties of the Board of Zoning Appeals	25
4.9	Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal	25
4.10	Village Council	25
4.11	Schedule of Fees	25
Article 5	Enforcement	
5.0	Zoning Permits Required	27
5.1	Contents of Application for Zoning Permit	27
5.2	Approval of Zoning Permit	27
5.3	Submission to Director of Transportation	27
5.4	Expiration of Zoning Permit	28
5.5	Record of Zoning Permits	28
5.6	Failure to Obtain a Zoning Permit	28
5.7	Construction and Use to be as Provided in Applications, Plans and Permits	28
5.8	Complaints Regarding Violations	28
5.9	Entry and Inspection of Property	28
5.10	Stop Work Order	29
5.11	Zoning Permit Revocation	29
5.12	Notice of Violation	29
5.13	Ticketing Procedure	29
5.14	Penalties and Fines	30
5.15	Additional Remedies	30

Article 6	Nonconformities	
6.0	Purpose	31
6.1	Incompatibility of Nonconformities	31
6.2	Avoidance of Undue Hardship	31
6.3	Certificates for Nonconforming Uses	31
6.4	Substitution of Nonconforming Uses	32
6.5	Single Nonconforming Lots of Record	32
6.6	Nonconforming Lots of Record in Combination	32
6.7	Nonconforming Uses of Land	32
6.8	Nonconforming Structures	33
6.9	Termination of Use Through Discontinuance	33
6.10	Termination of Use by Damage or Destruction	33
6.11	Repairs and Maintenance	33
Article 7	Procedures and Requirements or Appeals and Variance	
7.0	Appeals	34
7.1	Stay of Proceedings	34
7.2	Variances	34
7.3	Application and Standards for Variances	34
7.4	Additional Conditions and Safeguards	35
7.5	Public Hearing by the Board of Zoning Appeals	35
7.6	Notice of Public Hearing in Newspaper	35
7.7	Notice of Parties in Interest	35
7.8	Action by Board of Zoning Appeals	35
7.9	Term of Variance	36
7.10	Authorized Variances	36
Article 8	Amendment	
8.1	General	37
8.2	Initiation of Zoning Amendments	37
8.3	Contents of Application for Zoning Map Amendment	37
8.4	Contents of Application for Zoning Text Amendment	37
8.5	Transmittal to Planning Commission	38
8.6	Submission to Director of Transmission	38
8.7	Recommendations by Planning Commission	38
8.8	Public Hearing by Village Council	38
8.9	Notice of Public Hearing in Newspaper	38
8.10	Notice to Property Owners by Village Council	38
8.11	Action by Village Council	39
8.12	Effective Date and Referendum	39
8.13	Annexation	39
Article 9	Procedures and Requirements for Conditional Use Permits	
9.0	Purposes	40
9.1	Contents of Conditional Use Permit Application	40
9.2	General Standards for All Conditional Uses	40
9.3	Public Hearing	41
9.4	Notice of Public Hearing	41
9.5	Notice to Parties of Interest	41
9.6	Action by the Board of Zoning Appeals	41
9.7	Supplementary Conditions and Safeguard	41
9.8	Expiration of Conditional Use Permit	42
9.9	Certificate for Conditional Use	42

Article 10	Zoning Districts and Boundaries Interpretation	
10.0	Purpose	43
10.1	Establishment of Districts	43
10.2	Zoning District Map	43
10.3	Zoning Map Legend	43
10.4	Identification of Official Zoning Map	43
10.5	Interpretation of District Boundaries	44
Article 11	Rural Residential District (R-R)	
11.0	Purpose	45
11.1	Principal Permitted Uses	45
11.2	Conditionally Permitted Uses	45
11.3	Development Standards	50
11.4	Required Parking	50
11.5	Signs	50
11.6	Accessory Structures	51
11.7	Home Occupation as a Permitted Use	51
Article 12	Single Family Residential District (R-1)	
12.0	Purpose	52
12.1	Principal Permitted Uses	52
12.2	Development Standards	52
12.3	Required Parking	52
12.4	Signs	52
12.5	Accessory Buildings	52
12.6	Home Occupation as a Conditionally Permitted Use	53
12.7	Public Service Facility as a Conditionally Permitted Use	53
12.8	Church as a Conditionally Permitted Use	53
12.9	Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service and Bookkeeping Service Offices, Educational Tutoring and Other Similar Establishments as a Conditionally Permitted Use	53
12.10	Child Day Care Center – Type A Family Day Care Home as a Conditionally Permitted Use	54
12.11	Funeral Home as a Conditionally Permitted Use	54
12.12	Boarding Home, Rooming House as a Conditionally Permitted Use	54
12.13	Bed and Breakfast Home Stay or Tourist Home as a Conditionally Permitted Use	54
12.14	Keeping of Livestock as a Conditionally Permitted Use	54
Article 13	Two Family Residential District (R-2)	
13.0	Purpose	56
13.1	Principal Permitted Uses	56
13.2	Development Standards	56
13.3	Required Parking	56
13.4	Signs	56
13.5	Accessory Buildings	56
13.6	Home Occupation as a Conditionally Permitted Use	57
13.7	Church as a Conditionally Permitted Use	57
13.8	Senior Housing as a Conditionally Permitted Use	57
13.9	Convalescent and/or Nursing Home	57
Article 14	Local Commercial District (C-1)	
14.0	Statement of Purpose	59
14.1	Principal Permitted Uses	59
14.2	Required Conditions	59
14.3	Conditionally Permitted Uses	59

14.4	Site and Landscape Plan Review	59
14.5	Screening/Buffering	60
14.6	Development Standards	60
14.7	Required Parking	60
14.8	Signs	60
Article 15	General Commercial District (C-2)	
15.0	Statement of Purpose	61
15.1	Principal Permitted Uses	61
15.2	Conditionally Permitted Uses	61
15.3	Development Standards	65
15.4	Site and Landscape Plan Review	65
15.5	Screening/Buffering	66
15.6	Required Parking	66
15.7	Signs	66
Article 16	Industrial (I)	
16.0	Statement of Purpose	67
16.1	Principal Permitted Uses	67
16.2	Conditionally Permitted Uses	67
16.3	Site and Landscape Plan Review	70
16.4	Screening/Buffering	70
16.5	Development Standards	70
16.6	Required Parking	70
16.7	Signs	70
16.8	Accessory Buildings	71
16.9	Industrial Performance Standards	71
16.10	Open Storage	71
Article 17	Planned Unit Development (PUD) Regulations	
17.0	Statement of Purpose	72
17.1	Definition	72
17.2	Interpretation	72
17.3	PUD District Designation	72
17.4	Uses Permitted in a PUD District	72
17.5	Disposition of Open Space	72
17.6	Utility Requirements	73
17.7	Special Planned Unit Development Lot Requirements	73
17.8	Arrangement of Commercial-Manufacturing Uses	73
17.9	Pre-Application Hearing	73
17.10	Preliminary Development Plan Application Requirements	73
17.11	Village Planning Commission Public Hearing	74
17.12	Notice of Public Hearing	74
17.13	Approval in Principal of Preliminary Development Plan	74
17.14	Submission of Final Development Plan	75
17.15	Final Development Plan Application Contents	75
17.16	Public Hearing by Commission	76
17.17	Recommendation by Commission	76
17.18	Criteria for Commission Recommendation	76
17.19	Public Hearing by Village Council	76
17.20	Notice of Public Hearing by Village Council	76
17.21	Action by Village Council	76
17.22	Supplementary Conditions and Safeguards	77
17.23	Expiration and Extension of Approval Period	77
17.24	Changes in the Planned Unit Development	77

17.25	General Standards for Making Determinations	78
17.26	Development Policies	78
17.27	Site Design	79
17.28	Placement of Structures	79
Article 18	Supplementary District Regulations	
18.0	Conversions of Dwellings to More Than One Unit	80
18.1	Principal Building Per Lot	80
18.2	Reduction of Area or Space	80
18.3	Parking and Storage of Vehicles and Trailers	80
18.4	Required Refuse Collection Areas	80
18.5	Junk	81
18.6	Setback Requirements for Buildings on Corner Lots	81
18.7	Fence and Wall Restrictions in Front Yards	81
18.8	Exceptions to Height Regulations	81
18.9	Architectural Projections	81
18.10	Visibility at Intersections	81
18.11	Temporary Uses	81
18.12	Screening/Buffering	82
18.13	Site Plan Review	83
18.14	Setback on Cul-de-sacs	86
18.15	Access	86
Article 19	Special Regulations	
19.0	General	87
19.1	Regulation of Accessory Uses	87
19.2	Definition	87
19.3	Features Noted as Accessory Uses and Structures	87
19.4	Accessory Use and Structures as Permitted Uses	87
19.5	Drug Paraphernalia Establishments as Prohibited Uses	87
19.6	Internet Gaming Cafes, Game Parlors, Sweepstakes Cafes and Electronic Gaming Locations	87
19.7	Private Swimming Pools	88
19.8	Community or Club Swimming Pools	88
19.9	Conditional Use Permit Required for Long Term Parking	88
19.10	Group Residential Facility as a Conditional Use Permit Required	89
19.11	Zoning of Group Residential Facilities	90
19.12	Factory Built Housing	90
19.13	Communication Towers	91
Article 20	Off Street Parking and Loading Facilities	
20.1	Applicability	92
20.2	Purpose	92
20.3	Off Street Parking Design Standards	92
20.4	Handicapped Parking	94
20.5	Joint Parking Lots	94
20.6	Modification of Requirements	94
20.7	Prohibited Uses; Temporary Uses	94
20.8	Parking of Disabled Vehicles	95
20.9	Schedule of Required Parking Spaces	95
20.10	Off Street Storage Areas for Drive in Services	99
20.11	Off Street Loading Space Requirements	99
20.12	Off Street Loading Design Standards	100

Article 21	Signs	
21.0	General	101
21.1	Governmental Signs Excluded	101
21.2	General Requirements for All Signs and District	101
21.3	Permit Required	102
21.4	Signs Permitted in All Districts Not Requiring a Permit	102
21.5	Additional Regulations in Commercial and Manufacturing District	102
21.6	Temporary Signs	103
21.7	Free Standing Signs	103
21.8	Wall Signs Pertaining to Nonconforming Uses	103
21.9	Political Signs	103
21.10	Portable Sign Requirements and Guidelines	103
21.11	Sign Setback Requirements	104
21.12	Increased Setback	104
21.13	Setbacks for Off Premises Signs	104
21.14	Setbacks for Public and Quasipublic Signs	104
21.15	Sight Triangle	104
21.16	Special Yard Provisions	104
21.17	Limitation	104
21.18	Nonconforming Signs and Structures	105
21.19	Loss of Nonconforming Status	105
21.20	Violations	105
21.21	Aesthetic Criteria	105
Appendix A	Solar Power Structures	106
Appendix B	Windmills	109

Preamble

An Ordinance of the Village of Berlin Heights, Erie County, Ohio, enacted in accordance with a Comprehensive Plan and the provisions of Chapter 713, Ohio Revised Code, dividing the Village of Berlin Heights into zones and districts, encouraging, regulating and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Ordinance, defining the powers and duties of the administrative officers as provided hereafter and prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof.

Therefore, be it resolved by the Council of the Village of Berlin Heights, Erie County, State of Ohio.

This Ordinance applies to all land and to every structure or use of any land or structure lying within the boundaries of the Village of Berlin Heights, Erie County, Ohio, (the "Village") as those boundaries now exist or may hereafter be changed, except land owned by the Village. Land owned by the United States of America, the State of Ohio, Erie County and any and all other political subdivisions, agencies, departments, boards or commissioners thereof shall be subject to this Ordinance except and only to the extent expressly exempted by law.

ARTICLE 1 GENERAL PROVISIONS

1.0 Title

This Ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Berlin Heights," except as referred to herein, where it shall be known as "this Ordinance."

1.1 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

1.2 Separability

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

1.3 Repeal of Conflicting Resolutions

All ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

1.4 Effective Date

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

1.5 Incorporation of Maps

The boundaries of districts established by this Ordinance are shown on the Official Zoning Map, which is hereby incorporated into the provisions of this Ordinance. The Official Zoning Map, in its entirety, including all amendments, shall be as much a part of this Ordinance as if fully set forth and described herein.

1.6 Identification and Alteration of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor and bearing the seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 10 of Ordinance No. 2018-06 of the Village of Berlin Heights," together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Village Council. No amendment to this Ordinance which involves a matter portrayed on the Official Zoning 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 matters shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 5.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time made or published, the Official Zoning Map which shall be located in the office of the Zoning Inspector, shall be the final authority as to the current status of the land and water areas, buildings and other structures in the planning region.

1.7 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Village Council, may by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Mayor and bearing the seal of the Village under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the prior Official Zoning Map adopted by the Village."

All prior Official Zoning Maps or any significant parts thereof shall be preserved together with all available records pertaining to their adoption or amendments.

**ARTICLE 2
PURPOSE AND INTENT**

2.0 Purpose

The purpose of this Ordinance is to promote the public health, safety and morals, comfort, property and general welfare. The Village Council may, in accordance with a Comprehensive Development Plan, regulate by ordinance the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and recreational vehicles; percentages of lot areas which may be occupied; setback building lines; sizes of yards, courts and other open spaces; the density of population; the uses of building and other structures, including tents, cabins and recreational vehicles; and the uses of land for trade, industry, residence, recreation or other purposes in the territory of the Village of Berlin Heights and for such purposes may divide all or any part of the Village into districts or zones of such number, shape and area as the Council determines.

2.1 Intent

All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

ARTICLE 3
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.0 Construction of Language

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

- (1) The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- (2) Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- (3) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (4) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (5) "Either... or" indicates a situation in which there is a choice between two different connected terms, conditions, provision, or events, but that both connected terms, conditions, provision, or events are not possible together.

3.1 Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows:

- (1) **Accessory Use**
Accessory Use means a use, object, or structure constructed or installed on, above or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object or structure and is customarily incidental to the principal use, object or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, signs and billboards. Except as otherwise required in this Ordinance, an Accessory Use shall be a permitted use.
- (2) **Agriculture**
The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- (3) **Alley**
See Thoroughfare.
- (4) **Alterations**
Any structural change, addition, or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstruction."
- (5) **Apartment**
A room or suite of rooms in a multi-family building arranged and intended as a place of residence for a single family or a group of individuals living together as a Single Family Unit.

- (6) **Apartment Hotel**
A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may also include any Accessory Uses.
- (7) **Attic**
The space between the ceiling beams of the top story and the roof rafters.
- (8) **Attic, Habitable**
A Habitable Attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet (2235 mm) above the attic floor is not more than 1/3 the area of the floor next below.
- (9) **Auto Service Station**
A building or buildings, structures and adjoining space used for the sale and dispensing of motor fuel from fixed equipment into the fuel supply tanks of motor vehicles and for the sale and dispensing into or installation on motor vehicles of lubricants and operating supplies and where automotive tires, batteries, parts and accessories may be sold, installed, serviced and adjusted and where, if within a building such services as tire repairing, battery recharging, cleaning and polishing of vehicles, chassis lubrication, motor repairs and adjustment may be rendered.
- (10) **Auto Repair Station**
A place where, together with the sale of engine fuels, the following services may be carried out; general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles.
- (11) **Basement**
The portion of a building, which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- (12) **Block**
An area bounded by four streets.
- (13) **Bed and Breakfast Homestay**
A private owner-occupied residence with one to three guest rooms. The Bed and Breakfast Homestay must be a use subordinate and incidental to the main residential use of the building.
- (14) **Bed and Breakfast Inn**
Operated primarily as a business, even though the owner may live on the premises. The inn shall offer no more than twelve guest rooms and include a restaurant open to the general public, as well as to overnight guests.
- (15) **Boarding House**
A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished rooming house shall be deemed a Boarding House for the purposes of the Ordinance.
- (16) **Boat/Car Port**
An open sided roofed shelter usually formed by an extension of the roof from the side or end of a Building. Also, an open sided roofed shelter independent of any attached structure.

- (17) **Buffering**
A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
- (18) **Building**
Any structure, whether temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as billboards, fences, or radio towers, or structures with interior areas not normally accessible for human use such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.
- (19) **Building, Accessory**
A subordinate building, detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.
- (20) **Building, Height**
The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
- (21) **Building Line**
A line parallel to the front lot line at the minimum required front setback line.
- (22) **Building, Principal**
A Building in which is conducted the main or principal use of the lot on which said building is situated.
- (23) **Business, Convenience**
Commercial uses which cater to and can be located in close proximity to residential districts. Uses in this classification tend to serve a day-to-day need in the neighborhood.
- (24) **Business, General**
Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent need of the whole community.
- (25) **Business, Highway**
Commercial uses which generally require location on or near major thoroughfares and/or their intersections which tend to serve the motoring public.
- (26) **Business, Office Type**
Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses.
- (27) **Business Services**
Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

- (28) **Business, Wholesale**
Business uses that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product or for use by a business service.
- (29) **Cemetery**
Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.
- (30) **Channel**
A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- (31) **Child Day Care**
Administering to the needs of infants, toddlers, pre-school children and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home.
- (32) **Child Day Care Center**
Any place in which child day care is provided with or without compensation for thirteen or more children at any one time or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation for seven to twelve children at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and who are on the premises shall be counted.
- (33) **Type A Family Day Care Home**
A permanent residence of the administrator in which child day care is provided for four to twelve children at any one time, if four or more children are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and who are on the premises of the Type A home shall be counted. The term "Type A Family Day Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
- (34) **Type B Family Day Care Home**
A permanent residence of the provider in which child day care or child day care services are provided for one to six children at one time and in which no more than three children may be under two years of age at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B Family Day Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
- (35) **Clinic**
A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and/or surgical attention, but who are not provided with board or room or kept overnight on the premises.

- (36) **Club**
A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose, primarily for the exclusive use of members and their guests.
- (37) **Commercial Entertainment Facilities**
Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.
- (38) **Comprehensive Development Plan**
A plan or any portion thereof, adopted by the Planning Commission and the legislative authority of the Village showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities. This Plan establishes the goals, objectives and policies of the community.
- (39) **Conditional Use**
A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.
- (40) **Conditional Use Permit**
A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.
- (41) **Condominium**
A building or group of buildings in which units are individually owned and common areas and facilities are owned on a proportional, undivided basis by all of the owners.
- (42) **Corner Lot** (see Lot Types)
- (43) **Cul-de-sac** (see Thoroughfare)
- (44) **Dead End Street** (see Thoroughfare)
- (45) **Density**
A unit of measurement expressing the number of dwelling units per acre of land.
(a) Gross Density – the number of dwelling units per acre of the total land to be developed.
(b) Net Density – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- (46) **Density Bonus**
An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of lower income housing, open space or other amenities, as provided in this Ordinance.
- (47) **District**
A part, zone or geographic area within the Village within which certain zoning or development regulations apply.
- (48) **Dwelling**
Any building or structure (except a house trailer or mobile home as defined by the Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

- (49) **Dwelling Unit**
Space within a building, comprised of living, dining, sleeping room or rooms, storage closets, space and equipment for cooking, bathing and toilet facilities.
- (50) **Dwelling, Single Family**
A building consisting of a single dwelling unit only, separated from other dwelling units by open space and used by one family.
- (51) **Dwelling, Two Family**
A building consisting of two dwelling units which may be either attached side by side or one above the other.
- (52) **Dwelling, Multi-Family**
A building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.
- (53) **Dwelling, Industrialized Unit**
An assembly of materials or products comprising all or part of a total structure which, when constructed, is self sufficient or substantially self sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement and including a modular or sectional unit but not a mobile home as defined in the Ohio Revised Code Section 4501.01.
- (54) **Easement**
An irrevocable interest in the land of another, created in a written instrument that entitles the owner of the easement to a limited use of the land in which the interest exists.
- (55) **Essential Services**
The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are 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.
- (56) **Factory Built Housing**
Factory Built Housing means a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. "Factory Built Housing" shall include the following:
- (a) **Manufactured or Modular Home**— A factory built structure that is manufactured or constructed under the authority of 42 United States Code Section 540 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device and with wheels or axles allowing it to be moved other than for the purpose of moving to a permanent site. Manufactured or modular homes must comply with the following minimum standards:
 - (i) **Exterior Siding** – Exterior siding shall be made of non-reflective and non-metallic materials unless approved otherwise. Acceptable siding materials include: vinyl, wood, stucco, brick, stone or other masonry materials or any combination of these materials.

- (ii) **Roof Structure** – Except for authorized deck areas, all roof structures shall be sloped and provide an eave projection of no less than six inches and no greater than thirty inches.
 - (iii) **Roofing Material** – All roofing material shall consist of the following categories: wood, metal, shingle, concrete tile or any other approved material the Village deems.
 - (iv) **Minimum Floor Area** – The minimum floor area for every dwelling located on a lot in an R zoning district, which is not a part of a mobile home subdivision shall be 800 square feet, excluding the area of garage or carport.
 - (v) **Minimum Width** – The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be twenty feet.
 - (vi) **Foundations** – All Manufactured or Modular Homes shall be placed on a permanent foundation that meets applicable building code requirements, such as the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units.
- (57) **Family**
A person living alone or two or more persons living together as a single dwelling unit in a dwelling unit as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, except for Class I Type B Group Residential Facilities.
- (58) **Farm Vacation Enterprises** (profit or non-profit)
Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery and nature recreation areas; hunting areas; hunting preserves and watershed projects.
- (59) **Feedlot**
A relatively small, confined land area for fattening or temporarily holding cattle for shipment.
- (60) **Fireworks**
Fireworks shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of 25/100 of a grain of explosive content per cap, and the toy pistols, toy canes, toy guns or other devices for the use of such caps.
- (61) **Flood Plain**
Land, including the Floodway Fringe and the Floodway, subject to inundation by a Regional Flood.
- (62) **Flood, Regional**
Large floods which have previously occurred, or which may be expected to occur on a particular stream because of like physical characteristics. The Regional Flood generally has an average frequency of one percent chance within any given year.
- (63) **Floodway**
That portion of a Flood Plain, including the Channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

- (64) **Floodway Fringe**
That portion of the Flood Plain, excluding the Floodway, where development may be allowed under certain restrictions.
- (65) **Floor Area of a Residential Building**
The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use and the area of roofed porches and roofed terraces and garages. All dimensions shall be measured between interior faces of walls.
- (66) **Floor Area of a Non-Residential Building** (to be used in calculating parking requirements)
The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and similar areas.
- (67) **Floor Area, Usable**
Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- (68) **Food Processing**
The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries and other similar businesses.
- (69) **Garage, Private**
A detached accessory building or portion of a principal building for the parking or storage of automobiles, travel trailers and/or boats of the occupants of the premises.
- (70) **Garage, Public**
A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles and in which no service shall be provided for remuneration.
- (71) **Group Residential Facility**
A Group Residential Facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:
- (a) **Class I**
Any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled or for those with mental illness or developmental disabilities. A Class I Type A Group Residential Facility contains six or more residents, exclusive of staff. A Class I Type B Group Residential Facility contains five or less residents, exclusive of staff.
- (b) **Class II**
Any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A Group Residential Facility contains six or more resident, exclusive of staff. A Class II Type B Group Residential Facility contains five or less residents, exclusive of staff.

- (72) **Historic Area**
A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.
- (73) **Home Occupation**
Home Occupation means an Accessory Use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is conducted entirely within the dwelling unit, or elsewhere on the premises by Conditional Use Permit.
- (74) **Hotel or Motel and Apartment Hotel**
A building in which lodging is provided and offered to the public for compensation.
- (75) **Institution**
Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.
- (76) **Junk Buildings Junk Shops Junk Yard**
Any land, property, structure, building, or combination of the same on which old or discarded articles, considered of little value, are stored or processed.
- (77) **Kennel**
Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, sold and/or which offers provisions for minor medical treatment.
- (78) **Loading Space, Off-Street**
Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off street parking spaces are filled. Required Off Street Loading Space is not to be included as Off Street Parking Space in computation of required Off Street Parking Space. All Off Street Loading Spaces shall be located totally outside of any street or alley right-of-way.
- (79) **Location Map** (see Vicinity Map)
- (80) **Lot**
For the purpose of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street and may consist of:
- (a) A single lot of record;
 - (b) A portion of a lot of record;
 - (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

- (81) **Lot Coverage**
The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- (82) **Lot Frontage**
The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, one side of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under "Yards" in this section.
- (83) **Lot, Minimum Area of**
The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
- (84) **Lot Measurements**
A lot shall be measured as follows:
- (a) Depth – The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.
 - (b) Width – The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
- (85) **Lot of Record**
A lot which is part of a subdivision recorded in the office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (86) **Lot Types**
Terminology used in this Ordinance with reference to Corner Lots, Interior Lots and Through Lots is as follows:
- (a) Corner Lot – A lot located at the intersection of two or more streets. A lot abutting on a curved street or street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
 - (b) Interior Lot – A lot with only one frontage on a street.
 - (c) Through Lot – A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
 - (d) Reversed Frontage Lot – A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- (87) **Major Thoroughfare Plan**
The portion of the Comprehensive Development Plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.
- (88) **Maintenance and Storage Facilities**
Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.
- (89) **Manufactured Home Park**
Any lot upon which three or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

- (90) **Manufacturing, Heavy**
Industrial processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.
- (91) **Manufacturing, Light**
Industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.
- (92) **Mobile Home**
Any transportable vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30' and not in compliance with the Federal Manufactured Housing Construction and Safety Standards act of 1974.
- (93) **Mobile Home Park**
Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.
- (94) **Nonconformities**
Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this Ordinance or its amendments which do not conform to the regulations of the zone in which they are situated and are therefore incompatible.
- (95) **Nursery, Nursing Home**
A home or facility for the care and treatment of babies, children or senior citizens.
- (96) **Open Spaces**
An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, any other recreational facilities that the Planning Commission deems permissible. Streets, parking areas, structures for habitation and the like shall not be included.
- (97) **Overlay District**
A district described by the Official Zoning Map within which, through superimposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.
- (98) **Parking Space, Off-Street**
An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

- (99) **Personal Services**
Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.
- (100) **Planned Unit Development**
An area of land on which a variety of housing types and subordinated commercial and industrial facilities may be accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions which would normally apply under this Ordinance. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.
- (101) **Portable Signs**
Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, produce, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.
- (102) **Professional Activities**
The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, accountants, engineers and similar professions.
- (103) **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, communications, public water and sewage services.
- (104) **Public Uses**
Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and/or maintenance of equipment and/or materials and Public Service Facilities.
- (105) **Public Way**
An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right or which are dedicated, whether improved or not.
- (106) **Quasi-public Use**
Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.
- (107) **Recreation Camp**
An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.
- (108) **Recreation Facilities**
Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require

and utilize considerable areas of land and include, but need not be limited to, hunting, fishing and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadium and bowling alleys.

(109) **Recreational Vehicle**

A vehicle designed for recreational use (as in camping), such as a motor home, which may include a bathroom, kitchen, and beds for use during travel.

(110) **Research Activities**

Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration or odor shall be detected outside of said building.

(111) **Roadside Stand**

A structure designed or used for the display or sale of agricultural and related products.

(112) **Right-of-Way**

A strip of land taken or dedicated for use as a Public Way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

(113) **Satellite Signal Receiver**

Dish type satellite signal receiving antennas, earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system shall mean one or a combination of two or more of the following:

- (a) A signal receiving device such as a dish antenna whose purpose is to receive communications or signals from earth orbiting satellites or similar sources.
- (b) A low noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
- (c) A coaxial cable whose purpose is to convey or transmit signals to a receiver.

(114) **Seat**

For purposes of determining the number of Off Street Parking Spaces or certain uses, the number of seats is the number of seating units installed or indicated or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

(115) **Setback Line**

A line established by this Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure may be located above ground, except as may be provided in said code (see yard).

(116) **Sewers, Central or Group**

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

(117) **Sewers, On-Site**

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the

proper and safe disposal of the effluent, subject to the approval of the health and sanitation officials having jurisdiction.

(118) **Sidewalk**

That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

(119) **Sign**

Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

(a) Sign On-Premises – Any sign related to a business of profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

(b) Sign Off-Premises – Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

(c) Sign Illuminated – Any sign illuminated by electricity, gas or other artificial light including other reflecting or phosphorescent light.

(d) Sign Lighting Device – Any light, string of lights, or group of lights, located or arranged so as to cast illumination on a sign.

(e) Sign Projecting – Any sign which projects from the exterior of a building.

(120) **Special District**

A zoning district created to meet the needs of an area experiencing unusual problems or one that is designed to meet special needs.

(121) **Story**

That part of a building between the surface of a floor and the ceiling immediately above (see Basement).

(122) **Structure**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

(123) **Subdivision**

The division of a lot, tract or parcel into two or more lots, tracts or parcels or other divisions of land for sale.

(124) **Supply Yard**

A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.

(125) **Swimming Pool**

An open tank containing at least 1½ feet of water at any point and maintained by the owner or manager.

(a) Private – Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club or the patrons of a motel or hotel; an Accessory Use.

(b) Community – Operated with a charge for admission; a primary use.

(126) **Thoroughfare, Street or Road**

The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- (a) Alley – A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- (b) Arterial Street – A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- (c) Collector Streets – A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- (d) Cul-De-Sac – A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turn around.
- (e) Dead End Street – A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- (f) Local Street – A street primarily for providing access to residential or other abutting property.
- (g) Loop Street – A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- (h) Marginal Access Street – A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called Frontage Street).

(127) **Through Lot**

(See Lot Types)

(128) **Transportation, Director of**

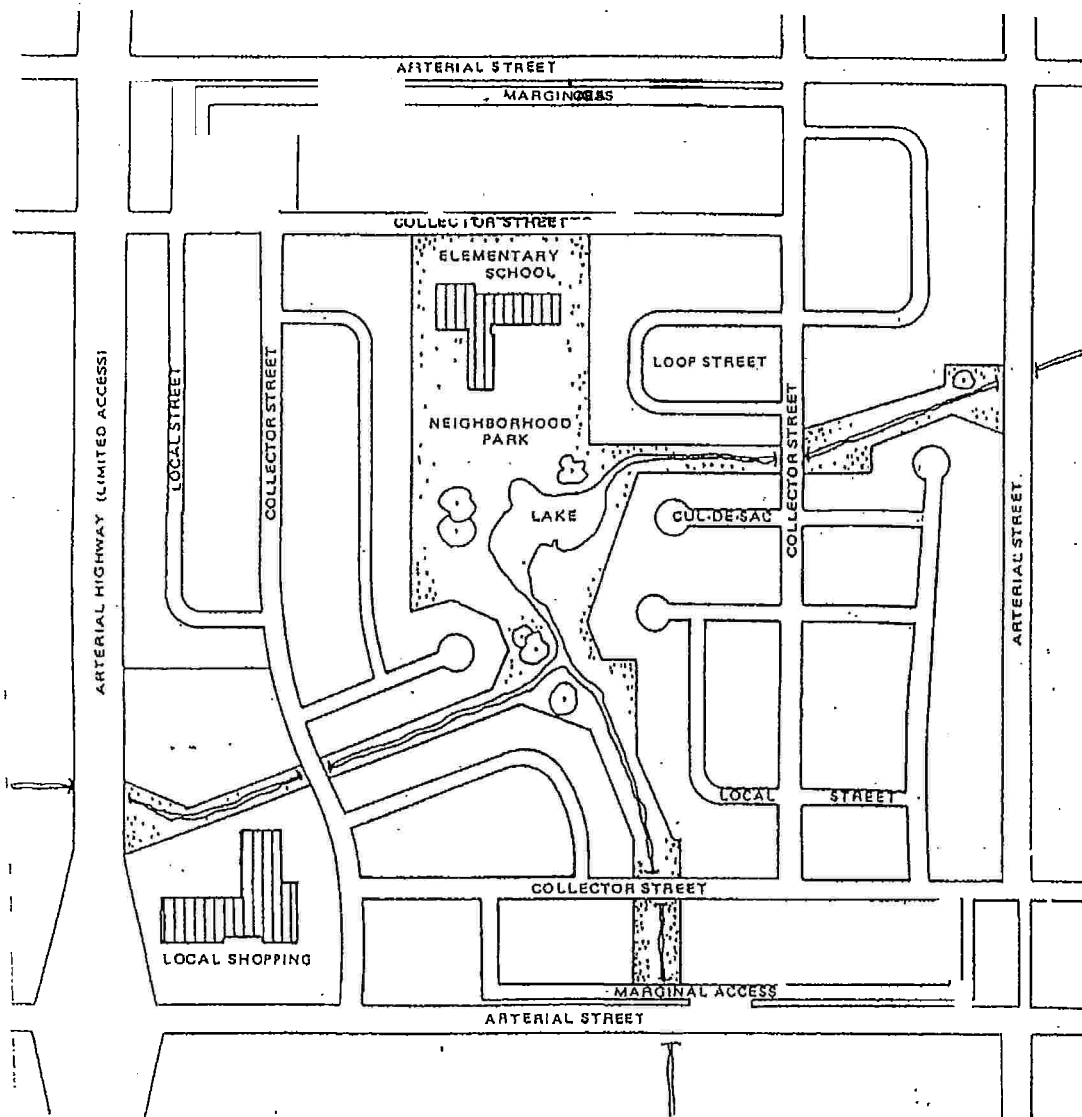
The Director of the Ohio Department of Transportation.

(129) **Use**

The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

(130) **Variance**

A modification of the strict terms of this Ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.



CLASSIFICATION OF THE THOROUGHFARE SYSTEM

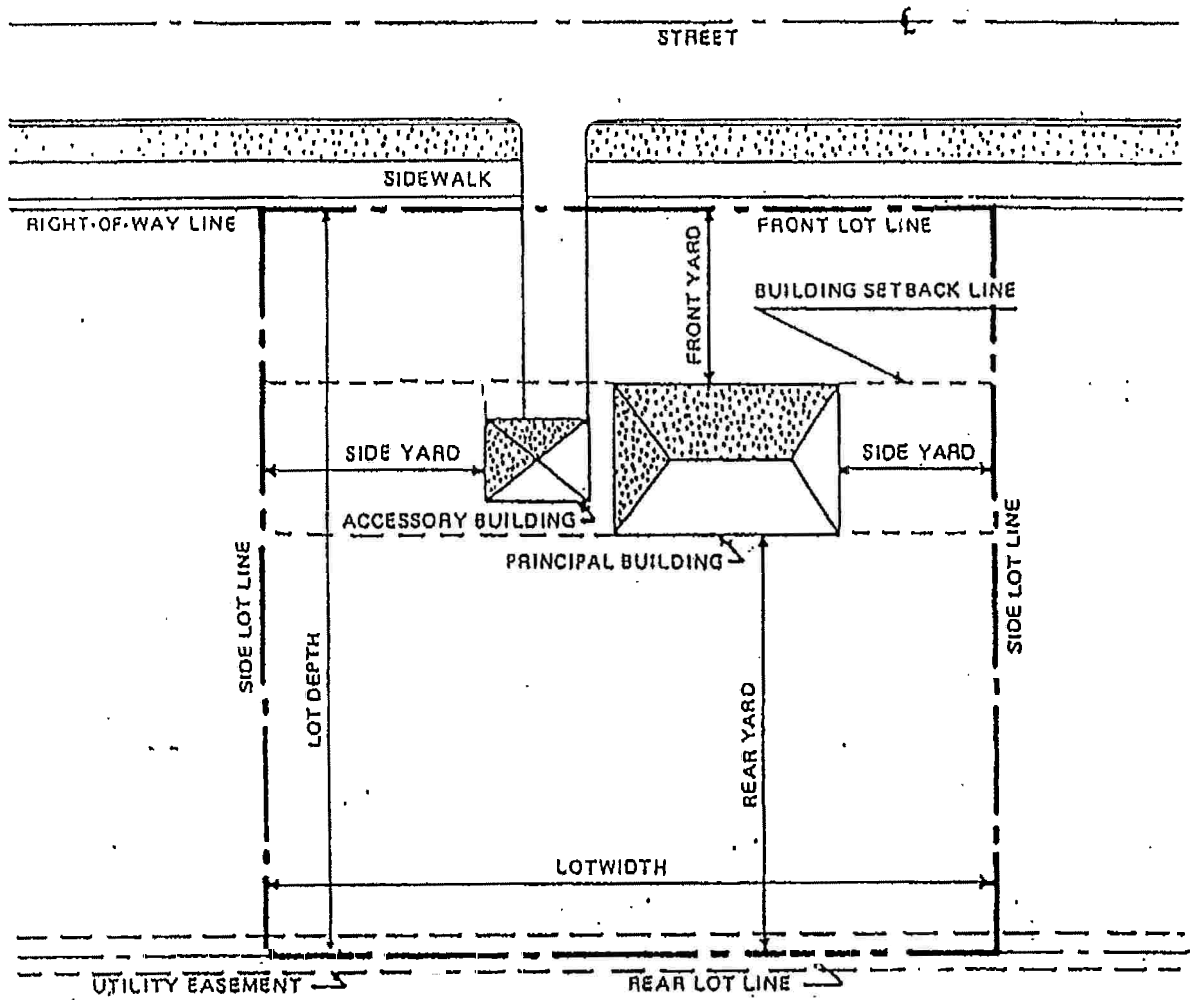
(131) **Veterinary Animal Hospital or Clinic**

A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

(132) **Vicinity Map**

A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision in reference to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

- (133) **Walkway**
A Public Way for pedestrian use only, whether along the side of a road or not.
- (134) **Yard**
A required open space unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
- (a) Yard, Front—A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
 - (b) Yard, Rear —A yard extending between side lot lines across the rear of a lot and from the rear lot line to the back of the principal building.
 - (c) Yard, Side —A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
- (135) **Zero Lot Line Development**
An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the Zero Lot Line Development or a street shall not be less than that required in the zoning district.
- (136) **Zoning Inspector**
The Zoning Inspector is the person designated by the Village Council to administer and enforce Ordinances.
- (137) **Zoning Permit**
A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.



LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PER CENT OF LOT OCCUPIED
BY BUILDING

LOT TERMS

**ARTICLE 4
ADMINISTRATION**

4.0 General Provisions

The formulation, administration and enforcement of this Ordinance is hereby vested in the following offices and bodies within the Village.

1. Zoning Inspector
2. Planning Commission
3. Board of Zoning Appeals
4. Village Council

4.1 Zoning Inspector

A Zoning Inspector designated by the Mayor shall administer and enforce this Ordinance. The Zoning Inspector may be provided with the assistance of such other persons as the Village may direct.

4.2 Responsibilities of Zoning Inspector

For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:

1. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Ordinance text and the Official Zoning Map.
3. Issue Zoning Permits as provided by this Ordinance and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which the Zoning Inspector is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit their request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance and in the case of any violation, to notify in writing, the person(s) responsible, specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official Zoning Map which shall be kept on permanent display in the Village offices.
7. Maintain permanent and current records as required by this Ordinance, including but not limited to, zoning permits, zoning certificates, inspection documents and records of all variances, list of all nonconforming uses, amendments and special uses.
8. Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals and the public.
9. Review and approve plot plans pursuant to this Ordinance.
10. Determine the existence of any violations of this Ordinance and cause such notifications, revocation notices, stop orders or tickets to be issued or initiate such other administrative or legal action as needed to address such violations.
11. Prepare and submit an annual report to the Village Council and Planning Commission on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the schedule of fees.

4.3 Planning Commission

The Planning Commission (the "Commission") shall be composed of five members who reside in the Village and shall include the Mayor, one member of the Village Council and three citizens of the Village appointed by the Mayor for terms of six years each, arranged so one (1) term expires every two (2) years. All such members shall serve without compensation.

4.4 Proceedings of Planning Commission

The Commission shall adopt rules necessary to conduct its affairs in keeping with the provisions of this Ordinance. Commission meetings shall be held at the call of the Chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission 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 official actions all of which shall be a public record and be immediately filed in the Village office. The presence of three members shall constitute a quorum. The concurring vote of three members of said board shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Inspector.

4.5 Duties of Planning Commission

The Planning Commission shall have the following duties:

1. Recommend the proposed Zoning Ordinance including text and Official Zoning Map to the Village Council for formal adoption.
2. Initiate and review official zoning district map changes or changes in the text of the Zoning Ordinance.
3. Review all Planned Unit Development applications and make recommendations to the Village Council as provided in this Ordinance.
4. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend amendments to the Village Council.
5. Provide Site Plan Review as established in Section 18.14.

4.6 Board of Zoning Appeals (BZA)

The Board of Zoning Appeals (the "BZA") shall consist of five members to be appointed by the Mayor, with one appointed as chairman and one as vice-chairman. The term of all members shall be five years and their terms shall be so arranged that the term of one member shall expire each year. Each member shall serve until his successor is appointed and qualified. Members of the BZA shall be removable for nonperformance of duty, misconduct in office or other reasonable cause by the Mayor upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing, either personally or by registered mail, or by leaving the same at his place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor and shall be for the unexpired term.

4.7 Proceedings of the Board of Zoning Appeals

The BZA shall adopt rules necessary to conduct its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman, and at such other times as the BZA may determine. The Chairman or in his absence, the vice chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public, except as provided by law. The BZA 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 official actions, all of which shall be a public record and be immediately filed in the Village offices.

Three members of the BZA shall constitute a quorum. The BZA shall act by resolution and the concurring vote of three members of the BZA shall be necessary to reverse an order of determination of the Zoning Inspector, to decide in favor of an applicant in any matter over which the BZA has original jurisdiction under this Ordinance, or to grant any variance from the requirements stipulated in this Ordinance.

4.8 Duties of the Board of Zoning Appeals

The BZA has the following specific responsibilities:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;
2. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

4.9 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the BZA, only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the BZA shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law and of establishing a schedule of fees and charges as stated in Section 4.11 of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the BZA to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten days of the BZA's written decision.

4.10 Village Council

The powers and duties of the Village Council pertaining to the Zoning Ordinance are as follows:

1. Approve the appointment of members to the Planning Commission.
2. Approve the appointment of members to the BZA.
3. Initiate or act upon suggested amendments to this Ordinance or the Official Zoning Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
4. Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three quarters ($\frac{3}{4}$) of the Village Council.

4.11 Schedule of Fees

The Village Council shall by Ordinance, establish a Schedule of Fees for Zoning Permits, amendments, appeals, variances, Conditional Use Permits, plan approvals and other procedures and

services pertaining to the administration and enforcement of this Ordinance after considering the recommendations of the Zoning Inspector, with respect to actual administrative costs, both direct and indirect. The Schedule of Fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Village Council. Until all such appropriate fees, charges and expenses have been paid in full, no action shall be taken on any application, appeal or administrative procedure.

ARTICLE 5 ENFORCEMENT

5.0 Zoning Permits Required

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the BZA deciding an appeal, conditional use or variance or from the Village Council approving a Planned Unit Development district, as provided by this Ordinance.

5.1 Contents of Application for Zoning Permit

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address and phone number of applicant;
2. Erie County Parcel Number(s);
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Estimated cost of the project;
7. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
8. Building heights;
9. Number of off street parking spaces or loading berths and their layout;
10. Location and design of access drives;
11. Number of dwelling units;
12. If applicable, application for a sign permit or a conditional, special or temporary use permit, unless previously submitted.

5.2 Approval of Zoning Permit

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provision of this Ordinance.

5.3 Submission to Director of Transportation

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation (the "Director") or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road

or highway, the Zoning Inspector shall give notice, by registered mail, to the Director that the Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director. If the Director notifies the Zoning Inspector that the Director shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Ordinance, issue the zoning permit.

5.4 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained.

Note: Please refer to Article 10 for official zoning form.

5.5 Record of Zoning Permits

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished, upon request and upon payment of the established fee, to any person.

5.6 Failure to Obtain a Zoning Permit

Failure to obtain a zoning permit shall be a punishable violation of this Ordinance according to Sections 5.12 through 5.15 hereof.

5.7 Construction and Use to be as Provided in Applications, Plans and Permits

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance according to Sections 5.12 through 5.15 hereof.

5.8 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, investigate it in a timely fashion and take action thereon as provided by this Ordinance.

5.9 Entry and Inspection of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the law director in securing a valid search warrant prior to entry.

5.10 Stop Work Order

Subsequent to his determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order or violation of the order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Ordinance under Sections 5.12 through 5.15 hereof.

5.11 Zoning Permit Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

5.12 Notice of Violation

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

- a. Be in writing;
- b. Identify the violation;
- c. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and
- d. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- a. By personal delivery to the person or persons responsible or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- b. By certified mail deposited in the United States mail addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

5.13 Ticketing Procedure

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:

1. Be served personally;
2. Be in writing;
3. Identify the violation;
4. State the time, date and place for appearance in court; and
5. State the amount of the fine payable in lieu of a court appearance.

If the ticket cannot be served personally, the Zoning Inspector shall request that a summons be issued by the court.

5.14 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm or corporation who violates this Ordinance or Official Zoning Map or fails to comply with any of the requirements herein shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a Notice of Violation shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

5.15 Additional Remedies

Nothing in this Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance or in the case of an imminent threat of such a violation, the Zoning Inspector, the law director or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, abate, enjoin or terminate such violation.

ARTICLE 6 NONCONFORMITIES

6.0 Purpose

Within the districts established by this Ordinance, or by amendments thereto which may later be adopted, lots, uses of land, structures and uses of structures and land in combination exist which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension and substitution. Furthermore, nothing contained in this Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Ordinance or any amendment thereto. No nonconformity may be moved, extended, altered, expanded or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the BZA, except as otherwise specifically provided for in this Ordinance.

6.1 Incompatibility of Nonconformities

Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located without approval of the BZA, except as otherwise specifically provided for in this Ordinance.

6.2 Avoidance of Undue Hardship

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

6.3 Certificates for Nonconforming Uses

The Zoning Inspector shall, upon the valid request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

6.4 Substitution of Nonconforming Uses

So long as no structural alterations are made, except as required by enforcement of other codes or Ordinances, any nonconforming use may, upon appeal to and approval by the BZA, be changed to another nonconforming use of the same classification or of a less intensive classification, or the BZA shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the BZA may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Ordinance. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

6.5 Single Nonconforming Lots of Record

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements of area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

6.6 Nonconforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements.

6.7 Nonconforming Uses of Land

Where, at the time of adoption or amendment of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or as specifically provided for in this Ordinance.
3. If any such nonconforming use of land is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

6.8 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that does not meet the minimum requirements of the district in which the lot is located, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. The BZA, after a public hearing, may permit minimal enlargement or alteration of a nonconforming structure, subject to the following:
 - a. The expansion of the nonconforming use will not be contrary to the public interest.
 - b. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.
 - c. There must exist special circumstances or conditions fully described by the applicant and which are such that strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of the structure. Mere loss in value shall not justify an approval by the BZA; there must be deprivation of beneficial use of the structure.
 - d. The lot area shall be adequate to accommodate the required off street parking for the existing structure and the addition. The design, location and surface of the parking area shall be provided so as to reduce congestion, promote safety and to reduce the impact on the existing neighborhood.

6.9 Termination of Use Through Discontinuance

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

6.10 Termination of Use by Damage or Destruction

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of any structure, exclusive of foundation, it shall not be rebuilt, restored or reoccupied for any use unless it conforms to all regulations of this Ordinance. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Ordinance and the following conditions:

1. A zoning certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction and rebuilding shall be diligently pursued to completion; and
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

6.11 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a zoning permit for such activities shall be required.

**ARTICLE 7
PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES**

7.0 Appeals

Appeals to the Board of Zoning Appeals (BZA) concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by an officer or bureau of the legislative authority of the village 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 of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

7.1 Stay of Proceedings

An appeal stays all actions by the Zoning Inspector seeking enforcement of or compliance with the order or decision appealed from, unless the Zoning Inspector certifies to the BZA that (because of facts stated in the certificate) a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the BZA or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Zoning Inspector.

7.2 Variances

A variance may be granted by the Board of Zoning Appeals if it concludes that strict enforcement of this Ordinance would result in unnecessary hardship for the applicant and that, by granting the variance, the spirit of this Ordinance will be observed, public safety and welfare secured, and substantial justice done. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

7.3 Application and Standards for Variances

Except as otherwise permitted in this Ordinance, no variance in the strict application of the provisions of this Ordinance shall be granted by the BZA unless the BZA shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address and phone number of applicant(s);
2. Legal description of property;
3. Description or nature of variance requested;
4. A fee as established by Ordinance
5. Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - a. The granting of the variance shall be in accordance with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - c. There must exist special circumstances or conditions, fully described in the finding, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area and which are such that the strict application of the provisions of this Ordinance would deprive the applicant of the

reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

- d. There must be proof of hardship created by the strict application of this Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on the basis of one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
- e. The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted is the minimum variance that will accomplish this purpose.
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets increase the danger of fire, endanger the public safety or substantially diminish or impair property values of the adjacent area.
- g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.

7.4 Additional Conditions and Safeguards

The BZA may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Ordinance.

7.5 Public Hearing by the Board of Zoning Appeals

The BZA shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal of variance from the Zoning Inspector or an applicant.

7.6 Notice of Public Hearing in Newspaper

Before conducting the public hearing required in Section 7.5, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

7.7 Notice of Parties in Interest

Before conducting the public hearing required in Section 7.5, written notice of such hearing shall be mailed by the Chairman of the BZA, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information required of notices published in newspapers as specified in Section 7.6.

7.8 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 7.5, the BZA shall either approve, approve with supplementary conditions or disapprove the request. The BZA shall further make a finding in writing that the reasons set forth in the application either justify or do not justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from the BZA's decision shall be made in the manner specified for administrative appeals according to the laws of the State of Ohio.

7.9 Term of Variance

No order of the BZA granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

7.10 Authorized Variances

Variances from the regulations of this Ordinance shall not be granted unless the BZA makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 7.3 and Section 7.4, if applicable, have been met by the applicant. Variances may be granted as guided by the following:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots should not be less than eighty (80) percent of the required area and width.
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

ARTICLE 8 AMENDMENT

8.1 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by Ordinance, after receipt of recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

8.2 Initiation of Zoning Amendments

Amendments to this Ordinance may be initiated in one of the following ways:

1. By the adoption of a motion by the Planning Commission;
2. By the adoption of a resolution by Village Council;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

8.3 Contents of Application for Official Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Article 10 shall contain at least the following information:

1. The name, address and phone number of the applicant;
2. The proposed amending ordinance, approved as to form by the Village Law Director;
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
9. A list of all property owners and their mailing addresses who are contiguous to or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which the proposed amendment relates to any applicable Comprehensive Development Plan;
11. A fee as established by Village Council.

8.4 Contents of Application for Zoning Text Amendment

Applications for amendments proposing to change, supplement, amend or repeal any portion(s) of this Ordinance, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address and phone number of the applicant;
2. The proposed amending ordinance, approved as to form by the Village Law Director;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to any applicable Comprehensive Development Plan.
5. A fee as established by Village Council.

8.5 Transmittal to Planning Commission

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

8.6 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Commission may proceed as required by law; however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

8.7 Recommendation by Planning Commission

Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the Comprehensive Development Plan.

8.8 Public Hearing by Village Council

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.

8.9 Notice of Public Hearing in Newspaper

Notice of the public hearing required in Section 8.8 shall be given thirty (30) days in advance by Village Council in at least one (1) publication in one (1) newspaper of general circulation in the Village. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. During such thirty (30) days the text of such ordinance, measure, or regulation, together with maps or plans, or copies thereof, forming part of or referred to in such Ordinance, measure, or regulation and reports submitted by the Planning Commission, shall be on file for public examination in the Office of the Clerk of the legislative authority or in such other office as designated by the legislative authority.

8.10 Notice to Property Owners by Village Council

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of the Village Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property

within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 8.9.

8.11 Action by Village Council

Within thirty (30) days after the public hearing required by Section 8.8, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-quarters ($\frac{3}{4}$) of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if three-quarters ($\frac{3}{4}$) of the members of Village Council vote to dispense with this rule.

8.12 Effective Date and Referendum

Such amendment adopted by the Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

8.13 Annexation

All land annexed to the Village, subsequent to the adoption of this Ordinance shall remain subject to the previous township zoning district regulations until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the village which, prior to annexation, is not subject to township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Article.

ARTICLE 9
PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS

9.0 Purpose

In recent years, the characteristics and impacts of an ever increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Ordinance should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facility requirements and traffic generation. Consequently, conditional use permits are not affected by the transfer of ownership.

9.1 Contents of Conditional Use Permit Application

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven (7) days transmit it to the BZA. Such application at a minimum shall contain the following information:

1. Name, address and phone number of the applicant;
2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features and such other information as the BZA may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the Comprehensive Development Plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes and vibration;
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9. A fee as established by Ordinance;
10. A narrative addressing each of the applicable criteria contained in Section 9.2.

9.2 General Standards for All Conditional Uses

The BZA shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Schedule of District Regulations adopted for the zoning district involved;
2. Will be in accordance with the general objectives or with any specific objective of the County's Comprehensive Development Plan and/or this Ordinance;
3. Will be designed, constructed, operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or

that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss or damage of a natural, scenic or historical feature of major importance.

9.3 Public Hearing

The BZA shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Inspector.

9.4 Notice of Public Hearing

Before conducting the public hearing required in Section 9.3, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and shall provide a summary explanation of the conditional use proposed.

9.5 Notice to Parties of Interest

Prior to conducting the public hearing required in Section 9.3, written notice of such hearing shall be mailed by the BZA, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed on the application. The notice shall contain the same information as required in Section 9.4 for notices published in newspapers.

9.6 Action by the Board of Zoning Appeals

Within thirty (30) days after the date of the public hearing required in Section 9.3, the BZA shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 9.7. Upon making an affirmative finding, the BZA shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the BZA for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is disapproved by the BZA, the applicant may appeal as provided by the laws of the State of Ohio.

9.7 Supplementary Conditions and Safeguards

In granting approval for any conditional use, the BZA may prescribe appropriate conditions and safeguards in conforming with this Ordinance. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Ordinance.

9.8 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued or, if for any reason, such use shall cease for more than two (2) years.

9.9 Certificate for Conditional Use

1. The Zoning Inspector shall upon the granting of an application by the BZA, issue a certificate for any conditional use deemed valid.
2. The purpose of this section is to protect the owners of lands or structures that are of a conditional nature. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner, one shall be sent to the Erie County Department of Planning and Development and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file, along with an indexed overlay, of all such certificates.

ARTICLE 10
ZONING DISTRICTS AND BOUNDARIES INTERPRETATION

10.0 Purpose

The purpose of this Article is to establish zoning districts in order to realize the general purposes set forth in the Preamble of this Ordinance, to provide for orderly growth and development and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

10.1 Establishment of Districts

The following zoning districts are hereby established for the Village of Berlin Heights, Ohio:

Rural Residential	R-R
Single Family	R-1
Two Family	R-2
Local Commercial	C-1
General Commercial	C-2
Industrial	I-1
Planned Unit Development	PUD

Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Ordinance to provide the flexibility in its administration to allow future expansion and emendation.

10.2 Zoning District Map

The districts established in Section 10.1, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Ordinance and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

10.3 Zoning Map Legend

There shall be provided on the Official Zoning Map, a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend.

10.4 Identification of Official Zoning Map

The Official Zoning Map shall be properly identified by the signature of the Mayor, as attested by the Village and bearing the official seal. The map shall be maintained by the Zoning Inspector and shall remain on file in the Office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the map and the description as found in the text of this Ordinance. The Official Zoning Map shall be a reproducible document and copies shall

be made available to the public upon request and upon payment of a fee as established by Ordinance.

10.5 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated;
6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley or other public way is vacated by Village Council action, the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacation and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the BZA.

ARTICLE 11
RURAL RESIDENTIAL DISTRICT (RR)

11.0 Purpose

The primary purpose of this district is to ensure harmony among new non-farm dwellings with the rural surroundings. As the number of non-farm residents in an area grows, the more difficult it is to engage in typical farm practices and it becomes more arduous to protect the rural character associated with these areas. Therefore, the following reasons are given to support the purpose for which this zoning district is intended to accomplish:

1. This district shall permit a degree of non-farm housing without unduly contributing to uncontrolled residential expansion into rural areas.
2. The RR District will lessen the impacts of non-farm residences on the rural environment by reducing the possible mixture of farm and non-farm dwellings.
3. Because of the loss of prime agricultural land, non-farm development shall not advance upon such land.

11.1 Principal Permitted Uses

In the RR District, no person shall hereafter use any land, building or structure and no person shall erect any building or structure except in accordance with the following provisions:

1. One family dwelling.
2. Publicly owned and operated libraries, parks and recreation facilities.
3. Type B Family Day Care Home.
4. Agricultural.
5. Botanical gardens and arboretums.
6. Forest preserves, wildlife reservations and ecological sanctuaries.
7. Parks and playgrounds.
8. Zoological gardens.
9. Accessory uses customarily incidental to the above permitted uses.

11.2 Conditionally Permitted Uses

The following uses may be permitted by the BZA pursuant to Article 9.

1. Cemeteries and other facilities incidental thereto.
2. Nursery schools and day care nurseries and child care centers.
3. Churches and other facilities normally incidental thereto.
4. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools.
5. Private recreational areas and institutional or community recreation centers.
6. Golf courses.
7. Type A Family Day Care Home.
8. Bed and Breakfast Home Stay.
9. Cultural facilities, including libraries, museums and similar cultural institutions.
10. Educational facilities.
11. Tennis centers and similar open recreational activities.
12. Municipal facilities.
13. Nurseries, for the growing and sale of trees and shrubbery.
14. Accessory uses and buildings, incidental to and on the same lot as a principal use.
15. Recreational and social facilities.

16. **Windmills** (see Appendix B).

17. **Public Service Facility**

- a. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district.
- b. Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required.

18. **Church**

- a. The lot area shall be adequate to accommodate the required off street parking requirements of the church.
- b. The church building and parking shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
- c. Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.
- d. A cemetery shall not be a permitted use in conjunction with the church.

19. **Cemetery**

- a. The site shall have direct access to a major thoroughfare which the BZA determines is adequate to serve the size of the facility proposed.
- b. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
- c. All buildings, including but not limited to, mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line.
- d. All graves or burial lots shall be set back not less than fifty (50) feet from any property line.

20. **Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service and Bookkeeping Service Offices, Educational Tutoring and Other Similar Establishments**

- a. Parking spaces shall be provided as required in this Ordinance, provided that the BZA may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood.
- b. The design, location and surface of the parking area shall be subject to approval of the BZA so as to reduce congestion, promote safety and to reduce the impact on the residential character of the neighborhood.
- c. One sign, not exceeding four (4) square feet in area and mounted flush against the building shall be permitted.

21. **Veterinary Clinic and Kennel**

Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the BZA for approval.

Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.

The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.

No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.

In addition, the following shall apply:

Veterinarian outpatient clinics shall be designed, constructed and maintained to minimize sound emitted through exterior walls and roofs enclosing areas where animals are treated or kept during treatment.

Building plans submitted for building permit application for veterinarian outpatient clinics shall include a certificate by a registered architect or acoustical engineer that the building will meet these requirements. Existing buildings that are to be used as veterinarian outpatient clinics shall also be certified by a registered architect or acoustical engineer as complying with these requirements. Standards that apply to kennels shall be as follows:

- a. Minimum lot area shall be two (2) acres;
- b. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be within the rear yard;
- c. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of one hundred (100) feet away from all property lines;
- d. All outdoor running areas shall be enclosed to prevent the escape of animals; all such enclosures shall be a minimum of ten (10) feet from all property lines;
- e. All animal wastes shall be regularly cleaned up and properly disposed of;
- f. The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded at the site; and
- g. All enclosures shall be of a solid material.

22. Child Day Care Center – Type A Family Day Care Home

- a. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the BZA;
- b. The applicant shall submit a parking and traffic circulation plan to the BZA for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the BZA so as to reduce congestion, promote safety and reduce the impact on the residential character of the neighborhood. The plan shall provide the separation of incoming and outgoing vehicles during high volume periods shall provide a safe drop off point for children that will not impede other traffic.
- c. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

23. Funeral Home

- a. The buildings shall be designed so as to conform with the architectural character of the neighborhood.
- b. The applicant shall submit a parking and traffic circulation plan to the BZA for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the BZA so as to reduce congestion, promote safety and reduce the impact on the character of the neighborhood. The plan shall provide the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.

24. Boarding Home, Rooming House

- a. No more than one person shall occupy each sleeping room.
- b. Fire escapes shall be provided as approved by the BZA.

- c. Fire exit instructions shall be posted in each sleeping room.
- d. All applicable provisions of the Fire Code shall be met and certification of such compliance by the appropriate official shall accompany the application.

25. Bed and Breakfast Home Stay or Tourist Home

A private owner-occupied residence with one to three guest rooms. The bed and breakfast home stay must be subordinate and incidental to the main residential use of the building.

Standards that apply to bed and breakfast or tourist homes are as follows:

- a. No modifications to the external appearance of the building, (except fire escapes), which would alter its residential character, shall be permitted.
- b. All floors above grade shall have direct means of escape to ground level.
- c. One off street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- d. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. One unit announcement sign shall be permitted not exceeding two (2) feet in area and three and one-half (3½) feet in height.
- f. Length of stay shall not exceed fourteen (14) days.

26. Golf Courses and Driving Ranges

- a. All buildings and structures shall be at least thirty (30) feet from all property lines.
- b. A minimum of two off street parking spaces shall be provided for each driving tee and putting green.
- c. All drives and parking areas shall be surfaced with a hard, durable material, including concrete, asphalt, porous concrete or pavers and properly drained.
- d. All lights shall be directed away from site boundary lines.
- e. Fences, planting or sufficient area shall be provided to ensure the safety and protection of persons on all adjacent land.
- f. Except in districts where signs are allowed, one non-flashing sign, not to exceed sixty (60) square feet in area, may be provided at the major entrance.
- g. All driving directions shall be away from any street or highway.

27. Transmitter/Receiver Towers

Transmitter towers and accessory buildings used only in connection with the operation of the transmission of radio, facsimile or television broadcasting after the plan for the location of such structures and the method of operation shall have been approved by the BZA when in compliance with the following regulations:

- a. No building or structure other than the aforesaid accessory buildings shall be located or proposed to be located within a circle having the transmitter tower as its center and a radius equal to twenty (20) percent of the height of the tower or one hundred (100) feet, whichever is the greater.
- b. No building or structure other than the aforesaid accessory buildings shall be located in an area twenty (20) feet each side of the radial line between the center of the transmitter tower and each guy anchorage.
- c. No tower guy anchor and approved enclosure for the same shall be located closer than thirty (30) feet to any lot line, street line or street line extended if the adjacent lot or parcel is used or intended to be used for residential purposes.

28. Education Facilities

Educational facilities such as colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education, all subject to the following conditions:

- a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
- b. No building or other use of land, except landscaped passive areas shall be situated within one hundred (100) feet of any private residence not included as part of this site.

29. Public, Parochial Schools

Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, but not commercial trade schools. No school permitted in this subsection shall be located nearer than one hundred (100) feet to any adjacent zoned single family property.

30. Travel Trailer Park

- a. All repairs shall be conducted within a wholly enclosed building.
- b. Outdoor areas used for display shall be provided within a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area in accordance with the specifications of the County Engineer.
- c. Points of ingress and egress to the lot shall be distant at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
- d. All lighting shall be shielded from adjacent residential districts.

31. Keeping of Livestock

Standards that apply to the keeping of livestock are as follows:

- A. Minimum lot area shall be as follows:
 1. Three (3) acres; additionally, the following list specifies additional area requirements by size of animals kept:
 - a. Group 1 – Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of four (4) per acre, with a maximum number of twenty animals. Any lot up to five (5) animals in Group 1 – No Roosters
 - b. Group 2 – Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre
 - c. Group 3 – Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre
 2. The keeping of a combination of animal types (Groups 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. Should one (1) structure be used to house a combination of animal types, the most restrictive setback shall apply.
- B. The following lists minimum setbacks imposed upon the placement of any structure used to house noncommercial livestock:

- a. Group 1 Animals – One hundred (100) feet from any property line.
 - b. Group 2 Animals – One hundred fifty (150) feet from any property line.
 - c. Group 3 Animals – Two hundred (200) feet from any property line.
- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
 - D. All outdoor passive/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of ten (10) feet from all property lines.
 - E. All animal waste shall be properly stored and disposed of so as to not be objectionable at the site's property line.
 - F. Notwithstanding the above restrictions, any lot in the Village may keep up to five (5) Group 1 Animals, except roosters.

32. Processing of Farm Products

Standards that apply to the processing of farm products are as follows:

- a. The processing facility is located on the same lot and accessory to the principle agricultural use of the site.
- b. A majority of the materials to be processed have been grown or raised on the subject property; the remainder of materials have been grown or raised within the Village.
- c. No butchering, slaughtering or rendering uses shall be permitted.
- d. No retail sales of the products shall be permitted, except roadside stands.
- e. All processing activities shall be conducted within a wholly enclosed building which is located behind the principle residence building setback line.
- f. No noxious odor, dust, glare, vibration or noise shall be perceptible at the property line.
- g. All off street parking and loading areas shall be contained behind the principal residence.

33. Campgrounds

Campgrounds, subject to the following conditions:

- a. A minimum lot size of Fifty (50) acres.

11.3 Development Standards

- a. Minimum area: 1.5 acre.
- b. Minimum frontage: 150 feet
- c. Minimum front yard: 50 feet
- d. Minimum side yard: 25 feet
- e. Minimum rear yard: 50 feet
- f. Minimum setback for corner lots: One-half (1/2) the required front yard setback
- g. Setback on cul-de-sacs: Refer to Section 18.15
- h. Maximum Height: 35 feet

11.4 Required Parking

As specified in Article 20.

11.5 Signs

As specified in Article 21.

11.6 Accessory Structures

No accessory building or structure or use shall be erected or carried on in the front yard or in front of the house.

1. A detached private garage or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of five (5) feet shall be maintained, unless the structure is 1,500 square feet or greater, then the minimum side yard and rear yard shall be fifteen (15) feet.
 - b. In no case shall an accessory structure be located closer than twenty (20) feet of any street line or alley.
2. An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
3. No accessory structure shall be used for human habitation.
4. No accessory structure shall be used for commercial or industrial purposes.
5. Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
6. Accessory structures must be subordinate in area to the principal use.
7. The maximum height of any accessory structure shall be twenty-five (25) feet.
8. Private swimming pools, refer to Section 19.7.

11.7 Home Occupation as a Conditionally Permitted Use

A home occupation shall be a conditionally permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure.
2. No internal or external alterations, construction or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be no outside storage of any kind related to the use and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
4. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances.
5. No additional parking demand shall be created.
6. No more than two (2) persons who are not residents of the premises may participate in the home occupation as an employee or volunteer.

ARTICLE 12
SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

12.0 Purpose

The purpose of this district is to provide a single family residential development in the central area of the Village of Berlin Heights. This district is established in the recognition of the existing development in the above noted area.

12.1 Principal Permitted Uses

In the R-1 District, no person shall hereafter use any land, building or structure and no person shall erect any building or structure except in accordance with the following provisions:

1. Single family dwellings.
2. Publicly owned and operated schools, libraries, parks and recreation facilities.
3. Type B Family Day Care Home.
4. Accessory uses customarily incidental to the above permitted uses.

12.2 Development Standards

- a. Minimum area: 10,000 square feet
- b. Minimum frontage: 70 feet
- c. Minimum front yard: 35 feet
- d. Minimum side yard: 10 feet
- e. Minimum rear yard: 20 feet
- f. Minimum setback for corner lots: One half (1/2) the required front yard setback
- g. Setback on cul-de-sacs: Refer to Section 29.20
- h. Maximum height: 35 feet.

12.3 Required Parking

As specified in Article 20.

12.4 Signs

As specified in Article 21.

12.5 Accessory Buildings

1. Except as otherwise provided herein, no accessory building or structure or use shall be erected or carried on in the front yard or in front of the house.
2. A detached private garage or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of five (5) feet shall be maintained, unless the structure is 1,500 square feet or greater, then the minimum side yard and rear yard shall be fifteen (15) feet.
 - b. In no case shall an accessory structure be located closer than twenty feet to any street line or alley.
3. An accessory building shall be a minimum distance of ten (10) feet from any main building(s).
4. No accessory structure shall be used for human habitation.
5. No accessory structure shall be used for commercial or industrial purposes.
6. Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.

7. Accessory structures must be subordinate in area to the principal use.
8. The maximum height of any accessory structure shall be twenty-five (25) feet.
9. Private swimming pools, refer to Section 19.7.

12.6 Home Occupation as a Conditionally Permitted Use

A home occupation shall be conditionally permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure.
2. No internal or external alterations, construction or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be no outside storage of any kind related to the use and only commodities produced on the premises may be sold on the premises; no display of product may be visible from the street.
4. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances.
5. No additional parking demand shall be created.
6. No more than two (2) persons who are not residents of the premises may participate in the home occupation as an employee or volunteer.

12.7 Public Service Facility as a Conditionally Permitted Use

- a. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district.
- b. Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required.

12.8 Church as a Conditionally Permitted Use

- a. The lot area shall be adequate to accommodate the required off street parking requirements of the church.
- b. The church building and parking shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
- c. Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.
- d. A cemetery shall not be a permitted use in conjunction with the church.

12.9 Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service and Bookkeeping Service Offices, Educational Tutoring and Other Similar Establishments as a Conditionally Permitted Use

- a. Parking spaces shall be provided as required in this Ordinance, provided that the BZA may increase the number of required spaces on the basis of the nature of the office and on the basis generally known parking conditions in the neighborhood.
- b. The design, location and surface of the parking area shall be subject to approval of the BZA so as to reduce congestion, promote safety and to reduce the impact on the residential character of the neighborhood.
- c. One sign, not exceeding four (4) square feet in area and mounted flush against the building shall be permitted.

12.10 Child Day Care Center – Type A. Family Day Care Home as a Conditionally Permitted Use

- a. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the BZA;
- b. The applicant shall submit a parking and traffic circulation plan to the BZA for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the BZA so as to reduce congestion, promote safety and reduce the impact on the residential character of the neighborhood. The plan shall provide the separation on incoming outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
- c. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

12.11 Funeral Home as a Conditionally Permitted Use

- a. The buildings shall be designed so as to conform with the architectural character of the neighborhood.
- b. The applicant shall submit a parking and traffic circulation plan to the BZA for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the BZA so as to reduce congestion, promote safety and reduce the impact on the character of the neighborhood. The plan shall provide the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.

12.12 Boarding Home, Rooming House as a Conditionally Permitted Use

- a. No more than one person shall occupy each sleeping room.
- b. Fire escapes shall be provided as approved by the BZA.
- c. Fire exit instructions shall be posted in each sleeping room.
- d. All applicable provisions of the Fire Code shall be met and certification of such compliance by the appropriate official shall accompany the application.

12.13 Bed and Breakfast Home Stay or Tourist Home as a Conditionally Permitted Use

A private owner-occupied residence with one to three guest rooms. The bed and breakfast home stay must be subordinate and incidental to the main residential use of the building.

Standards that apply to bed and breakfast or tourist homes are as follows:

- a. No modifications to the external appearance of the building, (except fire escapes), which would alter its residential character, shall be permitted.
- b. All floors above grade shall have direct means of escape to ground level.
- c. One off street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- d. All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. One unit announcement sign shall be permitted not exceeding two (2) feet in area and three and one-half (3½) feet in height.
- f. Length of stay shall not exceed fourteen (14) days.

12.14 Keeping of Livestock as a Conditionally Permitted Use

Standards that apply to the keeping of livestock are as follows:

A. Minimum lot area shall be as follows:

1. Three (3) acres; additionally, the following list specifies additional area requirements by size of animals kept:
 - a. Group 1 – Animals whose average adult weight is less than ten (10) pounds shall be permitted at an animal density of four (4) per acre, with a maximum number of twenty animals. Any lot up to five (5) animals in Group 1 – No Roosters
 - b. Group 2 – Animals whose average adult weight is between ten (10) and sixty-five (65) pounds shall be permitted at an animal density of two (2) per acre
 - c. Group 3 – Animals whose average adult weight is greater than sixty-five (65) pounds shall be permitted at an animal density of one (1) per acre
2. The keeping of a combination of animal types (Groups 1, 2 and 3) shall require an animal density equal to the ratio of the number of animals, by type. Should one (1) structure be used to house a combination of animal types, the most restrictive setback shall apply.

B. The following lists minimum setbacks imposed upon the placement of any structure used to house noncommercial livestock:

- a. Group 1 Animals – One hundred (100) feet from any property line.
- b. Group 2 Animals – One hundred fifty (150) feet from any property line.
- c. Group 3 Animals – Two hundred (200) feet from any property line.

- C. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
- D. All outdoor passive/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of ten (10) feet from all property lines.
- E. All animal waste shall be properly stored and disposed of so as to not be objectionable at the site's property line.
- F. Notwithstanding the above restrictions, any lot in the Village may keep up to five (5) Group 1 Animals, except roosters.

ARTICLE 13
TWO FAMILY RESIDENTIAL DISTRICT (R-2)

13.0 Purpose

The R-2 District is designed to provide for a one and two family residential environment on relatively small lots with supporting ancillary uses in areas of the Village. The district should be adequately supported with necessary public utilities.

13.1 Principal Permitted Uses

In a R-2 District, no person shall hereafter use any building or structure except in accordance with the following provisions:

1. Single family dwellings
2. Two family dwellings.
3. Publicly owned and operated schools, libraries, parks and recreation facilities.
4. Type B Family Day Care Home.
5. Accessory uses customarily incidental to the above permitted uses.

13.2 Development Standards

- a. Minimum area: 14,000 square feet
- b. Minimum frontage: 80 feet
- c. Minimum front yard: 35 feet
- d. Minimum side yard: 10 feet
- e. Minimum rear yard: 40 feet
- f. Minimum setback for corner lots: One-half (1/2) of the required front yard setback
- g. Setback on cul-de-sacs: Refer to Section 18.15
- h. Maximum height: 35 feet

13.3 Required Parking

As specified in Article 20.

13.4 Signs

As specified in Article 21.

13.5 Accessory Buildings

1. No accessory building or structure or use shall be erected or carried on in the front yard or in front of the house.
2. A detached private garage or other accessory structure may be erected and used in the interior side or rear yard provided that:
 - a. When such accessory structure is located in the rear yard, a minimum side and rear yard of five (5) feet shall be maintained, unless the structure is 1,500 square feet or greater, then the minimum side yard and rear yard shall be fifteen (15) feet.
 - b. In no case shall an accessory structure be located closer than twenty-five (25) feet to any street line or alley.
3. An accessory building shall be a minimum distance of ten (10) feet from any main building(s).

4. No accessory structure shall be used for human habitation.
5. No accessory structure shall be used for commercial or industrial purposes.
6. Accessory structures shall not cover more than thirty-five (35) percent of the required rear yard.
7. Accessory structures must be subordinate in area to the principal use.
8. The maximum height of any accessory structure shall be twenty (20) feet.
9. Private swimming pools, refer to Section 19.7.

13.6 Home Occupation as a Conditionally Permitted Use

A home occupation shall be a conditionally permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered and not more than one sign, no larger than two (2) square feet shall be mounted flush to a wall of the structure.
2. No internal or external alteration, construction or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be no outside storage of any kind related to the use and only commodities produced on the premises may be sold on the premises; no display or products may be visible from the street.
4. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances.
5. No additional parking demand shall be created.
6. No more than two (2) persons who are not residents of the premises may participate in the home occupation as an employee or volunteer.

13.7 Church as a Conditionally Permitted Use

- a. The lot area shall be adequate to accommodate the required off street parking requirements of the church.
- b. The church building and parking shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
- c. Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.
- d. A cemetery shall not be a permitted use in conjunction with the church.

13.8 Senior Housing as a Conditionally Permitted Use

Senior housing shall not exceed a height of forty (40) feet and may provide the following:

- a. Townhouse and/or apartment type dwelling units.
- b. Common service containing, but not limited to central dining rooms, recreational rooms, central lounge and workshops.
- c. All dwellings shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).
- d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed thirty five (35) percent of the total site, exclusive of any dedicated public right-of-way.
- e. Minimum 5 acres in lot area

13.9 Convalescent and/or Nursing Home

- a. The site shall be so developed as to create a land to building ratio on the lot or parcel, whereby for each one (1) bed in the convalescent home, there shall be provided not less than fifteen hundred

(1,500) square feet of open space. The fifteen hundred (1,500) square feet of land per bed shall provide for landscaping, off street parking, service drives, loading space, yard requirements and spaces required for accessory uses.

- b. No building shall be closer than forty (40) feet from any property line.
- c. Maximum building height – 40 feet

ARTICLE 14
LOCAL COMMERCIAL DISTRICT (C-1)

14.0 Statement of Purpose

The C-1 District is intended for retail business and service uses which are needed to serve the nearby residential area. The intent of this district is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations.

14.1 Principal Permitted Uses

1. Shops for the sale of baked goods, beverages, including liquor outlets (not to be consumed on the premises), books, confections, drugs, flowers, foodstuffs, including meats, gifts, hardware, hobby equipment, jewelry, notions, paint, periodicals, sundry, small household articles and tobacco except that shopping centers shall comply with provisions in Section 15.2.
2. Personal service establishments performing services on the premises, such as private learning/tutoring centers, barber and beauty shops, watch and shoe repair, tailor shops, locksmith, funeral homes and similar establishments.
3. Laundry or dry cleaning customer outlets, coin operated Laundromat and self serve dry cleaning center. Dry cleaning or laundry plants serving more than one customer service outlet shall be prohibited.
4. Professional offices of doctors, lawyers, dentists, chiropractors and similar professions.
5. Accessory buildings and uses customarily incidental to the above principal permitted uses.

14.2 Required Conditions

1. All business establishments shall deal directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or processing, except for off street parking or loading, shall be conducted within a completely enclosed building.

14.3 Conditionally Permitted Uses

The following uses may be conditionally permitted by the BZA pursuant to Article 9:

1. Child day care center.
2. Residential use in conjunction with commercial use.
3. Church
 - a. The lot area shall be adequate to accommodate the required off street parking requirements of the church.
 - b. The church building and parking shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
 - c. Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.
 - d. A cemetery shall not be a permitted use in conjunction with the church.

14.4 Site and Landscape Plan Review

For all uses permitted in the C-1 District, a site plan shall be submitted to the Planning Commission for its review and recommendations. The Commission in its review of the site plan shall have regard

to the provisions of this Ordinance. The Commission may require certain modifications in terms of the location of buildings, parking and driveways and may require screening landscaping techniques to ameliorate potential nuisance problems with adjoining districts of different uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Article 18, Section 18.14.

14.5 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes or it shall be of such plant materials as will provide a year round evergreen screening. Screening as provided herein, shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained.

Screening or buffering must also be in compliance with the provisions of Article 18.13.

14.6 Development Standards

- a. Minimum area: 10,000 sq. ft
- b. Minimum frontage: 60 feet
- c. Minimum front yard: 50 feet
- d. Minimum side yard: 20 feet
- e. Minimum rear yard: 30 feet
- f. Minimum setback for corner lots: One-half($\frac{1}{2}$) the required front yard setback
- g. Maximum height: 35 feet
- h. Maximum coverage: Forty (40) percent

14.7 Required Parking

As specified in Article 20.

14.8 Signs

As specified in Article 21.

ARTICLE 15
GENERAL COMMERCIAL DISTRICT (C-2)

15.0 Statement of Purpose

The C-2 District is designed to accommodate all types of businesses, including but not limited to, those uses intended to serve passing motorists, those uses requiring large sites and major shopping centers. The C-2 District uses are typified by having a majority of the following characteristics:

1. They are large space users.
2. Their customers do not make frequent purchases.
3. They combine retail, wholesale, service and repair in various ways.
4. Their market is regional as contrasted to local.
5. Their market area is partially dependent upon extending services to other business uses and not necessarily household oriented.

15.1 Principal Permitted Uses

In a C-2 District, no person shall hereafter use any building, structure or land and no person shall erect any building or structure except in accordance with the following provisions:

1. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct.
2. All retail business establishments conducted within a completely enclosed building except those listed separately as conditional uses in this district.
3. Wholesale business establishments conducted within a completely enclosed building.
4. Dormitories, fraternities, clubs, lodges, social or recreational buildings.
5. Sales establishments, such as for real estate and insurance conducted within a completely enclosed building, except those listed separately as conditional uses in this district.
6. Repair shops conducted within a completely enclosed building except those listed separately as conditional uses in this district.
7. Public buildings and uses.
8. Business schools and colleges or private trade schools operated for profit.
9. Offices.
10. Restaurants or other places serving food and beverages.
11. Theaters, assembly halls, concert halls or similar places of assembly, conducted completely within an enclosed building.
12. Storage of automobiles, trailers, farm equipment, and recreational vehicles, including but not limited to boats, snowmobiles, travel trailers, and campers, and accessory equipment incident to the above, within a completely enclosed building or buildings.
13. Accessory structures and uses customarily incidental to the above permitted uses.

15.2 Conditionally Permitted Uses

The following uses may be conditionally permitted by the BZA pursuant to Article 9:

1. Automobile service stations and repair garages.
2. Automotive dealerships.
3. Recreational vehicle sales and service, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment peculiar to the above, motor vehicle sales and service; and farm implement sales and service.

4. Any business of a drive in nature or so called open front store or open air business, subject to the following conditions:
 - a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Ingress and egress points shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A completely obscuring wall at least six (6) feet high shall be provided when abutting or adjacent to any residential district.
5. Open air commercial amusements provided that such uses would not have an adverse effect on surrounding properties and that they be appropriately screened from adjacent properties so as to reduce potential noise, glare and vehicular and pedestrian traffic congestion.
6. Reserved.
7. Reserved.
8. Bowling alley, billiard hall, indoor archery range, indoor skating rink or similar forms of indoor recreation when located at least one hundred (100) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
9. Planned shopping center when used in this context means a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria:
 - A site exceeding ten (10) acres;
 - At least twenty (20) stores; and
 - A floor area of at least 50,000 square feet
 - a. A planting strip at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall not less than five (5) feet high may be required along those property lines which abut a residential district.
 - b. No main or accessory building shall be situated less than one hundred (100) feet from any residential district boundary and public street except that such buildings may be situated within twenty (20) feet of a nonresidential district boundary.
 - c. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 - d. On site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - e. Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more.
 - f. The maximum grade of off street parking shall be three (3) percent.
10. Church
 - a. The lot area shall be adequate to accommodate the required off street parking requirements of the church.
 - b. The church building and parking shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
 - c. Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.
 - d. A cemetery shall not be a permitted use in conjunction with the church.
11. Funeral Home
 - a. The buildings shall be designed so as to conform with the architectural character of the neighborhood.
 - b. The applicant shall submit a parking and traffic circulation plan to the BZA for approval. The design, location and surface of the parking areas and vehicular approaches shall be subject to approval by the BZA so as to reduce congestion, promote safety and reduce the impact on the

character of the neighborhood. The plan shall provide the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.

12. Mini Storage Buildings

- a. A mini storage building shall mean a structure or group of structures for the dead storage of customers goods and wares where individual stalls or lockers are rented out to different tenants for storage.
- b. Conditional Use Required – The BZA may, after approval of the site plan by the Commission, approve a plan for mini storage buildings upon any tract zoned C-2 or I when such plan is found to comply with the conditions and requirements hereinafter set forth.
- c. Contents of Site Plan; Site Review – General requirements:
 1. No lot shall be less than two (2) acres.
 2. The lot shall abut and gain direct access to a local nonresidential, collector or arterial street.
 3. The plan shall show the existing site along with surrounding land within two hundred (200) feet of its border. Street rights-of-way and easements shall be included. The area two hundred (200) feet adjacent to the site may be shown by a locator map.
 4. The plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the site plan or submitted as a separate sheet. Building elevations shall also be included on the plan along with specifications of the colors of buildings and materials to be used.
 5. Storm water management shall be incorporated into the plan so that storm water run off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water run off from at least a twenty-five (25) year return frequency storm as certified by a professional engineer.
 6. No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
 7. Outdoor Lighting of Any Kind – All outdoor lights shall be shielded to direct light and glare only onto the mini warehouse premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property.
 8. Building setbacks shall be as follows:
 - Front Yard - Not less than twenty-five (25) feet on which all parking and internal drives are prohibited.
 - Side Yard – Not less than twelve and one-half (12½) feet on which all parking and internal drives are prohibited.
 - Rear Yard – Not less than twelve and one-half (12½) feet on which all parking and internal drives are prohibited, except that a rear yard is not required adjacent to commercial or industrial zoned land, then no rear yard is required.
 9. The storage facility shall be enclosed by a six (6) foot high, sight proof fence. Said fence shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, masonry units, wood or similar materials. Chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be set back six (6) feet from the side property lines and rear property line. When a rear property line is not required, a lesser setback for a fence can be granted. Fences shall also be set back twenty-five (25) feet from the front property line. All fences shall provide a locked gate.
 10. Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy evergreen planted material

consisting of trees, low, medium and high profile shrubs, together with suitable groundcover such as native grasses, bark, ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within fifteen (15) feet of the intersection of any street right-of-way line or driveway.

11. Parking shall be provided at a ratio of one (1) space for each two thousand (2,000) square feet of gross building area. Internal drives and parking shall be paved or provided with a hard, dustless surface satisfactory to the Village.
 12. Building heights shall be limited to one story, not to exceed fourteen (14) feet at the eaves.
 13. Signs shall be limited to one (1) ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control any and all contrary or conflicting provisions of the sign regulation of Article 19.
- d. Commercial Activity Prohibited – The sale of any item from or at a mini storage building specifically prohibited:
1. It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof, to offer for sale or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units.
- e. Repair of Autos, Boats, Motors and Furniture Prohibited – Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure.
- f. No storage unit shall be used for human habitation.
- g. Violations – Any violation of the regulation regarding mini storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this Ordinance.

13. Hotels and Motels

Hotels and Motels shall utilize collective sewers connecting with an approved community or individual sewage disposal system.

Any lot to be used for a hotel/motel shall not be less than one (1) acre in area and shall contain not less than two thousand (2,000) square feet per sleeping unit. All buildings and structures shall be distant at least sixty (60) feet from a front lot line and at least twenty-five (25) feet from the rear and side lot lines. The buildings and structures on the lot shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.

All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

14. Automobile Service Stations

- a. The curb cuts for ingress and egress to an automobile service station shall not be permitted at such locations that will tend to create traffic hazards in the street immediately adjacent thereto. Entrances shall be no less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

- b. The minimum lot area shall be twenty thousand (20,000) square feet, with minimum lot size of one hundred fifty (150) feet each and so arranged that ample space is available for motor vehicles which are required to wait for services.
- c. Automobile service stations shall not be located within five hundred (500) feet of any school.
- d. All lighting shall be shielded from adjacent residential districts.

15. Car Washes

Any automatic or manually operated facility used to accommodate the laundering of automobiles and construed to be of a commercial operation managed to produce a profit.

Standards that apply to car washes are as follows:

- a. Public sewers and water facilities shall be utilized.
- b. Each washing bay shall provide a one hundred (100) foot long onsite stacking lane.
- c. All structures housing washing apparatuses shall be set back fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided however, that in the event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one (1) street frontage shall be reduced to fifty (50) feet and the setback on the other street frontage shall be reduced to eighty (80) feet.

16. Night Clubs

A bar, restaurant, coffee house or similar establishment where a dance floor or entertainment is provided.

Standards that apply to night clubs and taverns are as follows:

- a. No part of the subject property shall be located within three hundred (300) feet of any residentially zoned lands.
- b. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties owing to hours of operation, light and/or litter.
- c. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- d. A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

17. Retail Sales Outlet

- a. Retail outlets should be incorporated into planned commercial shopping centers which would integrate the design and dimensions of structures, parking areas and access points with those of existing uses.
- b. The grouping of retail outlets together and controlling access points onto arterial roads will minimize the potential conflicts with through traffic.

15.3 Development Standards

Minimum area: 1 acre

Minimum frontage: 60 feet

Minimum rear yard: 20 feet

Minimum side yard: 10 feet

Maximum height: 70 feet (buildings above two stories or forty feet shall have sprinkler systems in accordance with Village fire code).

Minimum setback for corner lots: One-half (1/2) the required front yard setback.

15.4 Site and Landscape Plan Review

For all uses permitted in the C-2 district, a site plan shall be submitted to the Planning Commission for its review and recommendations. The Commission in its review of the site plan shall have regard to the provision of this Ordinance. The Commission may require certain modifications in terms of the location of buildings, parking and driveways, may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Section 18.14. .

15.5 Screening/Buffering

To assist in the prevention of the transmission of light and noise from within any commercial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district without an intervening alley or other public way. Such screening shall be provided within the commercial district, but not within a public street or alley, along the entire contiguity of said districts. Screening shall be of opaque or translucent materials resistant to deterioration by natural causes or it shall be of such plant materials as will provide a year round evergreen screening. Screening as provided herein, shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained. A minimum of a hundred (100) foot buffer shall be provided adjacent to residential districts.

15.6 Required Parking

As specified in Article 20.

15.7 Signs

As specified in Article 21.

**ARTICLE 16
INDUSTRIAL (I)**

16.0 Statement of Purpose

The I District permits certain industries which are of a light manufacturing character to locate in planned areas of the Village. So that such uses may be integrated with land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and non-industrial uses and not necessarily require railroad access or major utility facilities.

16.1 Principal Permitted Uses

1. Light and medium industrial uses including manufacturing, processing, automobile and truck assembly and manufacturing.
2. Metal stamping.
3. Processing of semi-manufactured products.
4. Warehousing.
5. Wholesale distribution centers.
6. Professional or industrially oriented offices.
7. Data processing centers.
8. Research and development facilities.
9. Building supply yards.
10. Equipment repair and servicing shops.
11. Machine shops.
12. Retail outlets accessory to the main industrial use.

16.2 Conditionally Permitted Uses

The following uses may be conditionally permitted by the BZA pursuant to Article 9:

1. Truck and machinery rental, sales and servicing.
2. Contractors' yards.
3. Transport terminals
4. Dyeing or cleaning plants.
5. Light, medium and heavy industrial uses including manufacturing, processing, metal stamping and automobile and truck assembly.
6. Underground bulk liquid storage.
7. Transport terminals, including railway yards.
8. Recycling depots and recycling operations.
9. Concrete and paving establishments.
10. Building yards.
11. Industrially oriented offices.
12. Material storage facilities.
13. Warehousing.
14. Retail sales outlets accessory to the main use.
15. Equipment repair and servicing shops.
16. Machine shops.
17. Church
 - a. The lot area shall be adequate to accommodate the required off street parking requirements of the church.

- b. The church building and parking shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
- c. Parking should not be permitted within fifty (50) feet of any side or rear property line where feasible.
- d. A cemetery shall not be a permitted use in conjunction with the church.

18. Mini Storage Buildings

- a. A mini storage building shall mean a structure or group of structures for the dead storage of customers goods and wares where individual stalls or lockers are rented out to different tenants for storage.
- b. Conditional Use Required – The BZA may, after approval of the site plan by the Commission, approve a plan for mini storage buildings upon any tract zoned C-2 or I when such plan is found to comply with the conditions and requirements hereinafter set forth.
- c. Contents of Site Plan; Site Review – General requirements:
 - 1. No lot shall be less than two (2) acres.
 - 2. The lot shall abut and gain direct access to a local nonresidential, collector or arterial street.
 - 3. The plan shall show the existing site along with surrounding land within two hundred (200) feet of its border. Street rights-of-way and easements shall be included. The area two hundred (200) feet adjacent to the site may be shown by a locator map.
 - 4. The plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the site plan or submitted as a separate sheet. Building elevations shall also be included on the plan along with specifications of the colors of buildings and materials to be used.
 - 5. Storm water management shall be incorporated into the plan so that storm water run off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water run off from at least a twenty-five (25) year return frequency storm as certified by a professional engineer.
 - 6. No business activity other than rental of storage units shall be conducted on the premises and no outside storage will be permitted.
 - 7. Outdoor Lighting of Any Kind – All outdoor lights shall be shielded to direct light and glare only onto the mini warehouse premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property.
 - 8. Building setbacks shall be as follows:
 - Front Yard - Not less than twenty-five (25) feet on which all parking and internal drives are prohibited.
 - Side Yard – Not less than twelve and one-half (12½) feet on which all parking and internal drives are prohibited.
 - Rear Yard – Not less than twelve and one-half (12½) feet on which all parking and internal drives are prohibited, except that a rear yard is not required adjacent to commercial or industrial zoned land, then no rear yard is required.
 - 9. The storage facility shall be enclosed by a six (6) foot high, sight proof fence. Said fence shall be solid or semi-solid and constructed to prevent the passage of debris or light and constructed of either brick, stone, masonry units, wood or similar materials. Chain link fence may be used so long as it has slats installed to prevent the passage of light through the unit. Said fence shall be set back six (6) feet from the side property lines and rear property line. When a rear property line is not required, a lesser setback for a fence can be granted. Fences shall also be set back twenty-five (25) feet from the front property line. All fences shall provide a locked gate.

10. Landscaping shall be provided in the areas between the property line and the required fencing. Landscaping shall consist of a variety of hardy evergreen planted material consisting of trees, low, medium and high profile shrubs, together with suitable groundcover such as native grasses, bark, ornamental gravel or a combination thereof. The landscaping shall be designed, placed and maintained in such a manner that no wall, fence, sign or other structure or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within fifteen (15) feet of the intersection of any street right-of-way line or driveway.
 11. Parking shall be provided at a ratio of one (1) space for each two thousand (2,000) square feet of gross building area. Internal drives and parking shall be paved or provided with a hard, dustless surface satisfactory to the Village.
 12. Building heights shall be limited to one story, not to exceed fourteen (14) feet at the eaves.
 13. Signs shall be limited to one (1) ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet shall be permitted with a maximum height of ten (10) feet. This provision shall control any and all contrary or conflicting provisions of the sign regulation of Article 19.
 - d. Commercial Activity Prohibited – The sale of any item from or at a mini storage building specifically prohibited:
 1. It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof, to offer for sale or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units.
 - e. Repair of Autos, Boats, Motors and Furniture Prohibited – Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure.
 - f. No storage unit shall be used for human habitation.
 - g. Violations – Any violation of the regulation regarding mini storage buildings shall be grounds for the revocation of the conditional use permit and shall also be considered to be in violation of this Ordinance.
19. Firework Sales
Any business handling fireworks must meet the following provisions:
- a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
 - b. No building or other use of land, except landscaped passive areas shall be situated within one hundred (100) feet of any private residence not included as part of this site.
 - c. Require the provision of a fire suppression pond as approved by the Village Fire Chief.
20. Car Washes
Any automatic or manually operated facility used to accommodate the laundering of automobiles and construed to be of a commercial operation managed to produce a profit. Standards that apply to car washes are as follows:
- a. Public sewers and water facilities shall be utilized.
 - b. Each washing bay shall provide a one hundred (100) foot long onsite stacking lane.
 - c. All structures housing washing apparatuses shall be set back fifty (50) feet from any rear property line and twenty (20) feet from any side lot lines; provided however, that in the

event that the lot fronts on two (2) street right-of-way lines, then the setback requirements on the one (1) street frontage shall be reduced to fifty (50) feet and the setback on the other street frontage shall be reduced to eighty (80) feet.

21. Billboards

Within I districts, one (1) billboard per lot shall be permitted by conditional permit, subject to the following criteria:

- a. No billboard shall be located within two hundred (200) feet of another billboard.
- b. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- c. All billboards shall be set back at least thirty-five (35) feet from any land within a residential district.
- d. All billboards shall be set back at least one hundred (100) feet from any land within a residential district.
- e. No billboard shall obstruct the view of motorists on adjoining roads or in view of adjoining commercial or industrial uses which depend upon visibility for identification.
- f. No billboard shall exceed an overall size of one hundred and fifty (150) square feet nor exceed fifteen (15) feet in height and shall not be illuminated.

16.3 Site and Landscape Plan Review

For all uses permitted in the I District, a site plan shall be submitted to the Planning Commission for its review and recommendations. The Commission in its review of the site plan, shall have regard to the provisions of this Ordinance. The Commission may require certain modifications in terms of the location of buildings, parking and driveways and may require screening and landscaping techniques to ameliorate potential nuisance problems with adjoining districts or uses or to lessen the transmission of noise from the public street system. A site plan must be submitted in accordance with the provisions of Section 18.14.

16.4 Screening/Buffering

Screening or buffering in compliance with the provisions of Article 18.13. A minimum of a hundred fifty (150) foot buffer shall be provided adjacent to residential districts.

16.5 Development Standards

Principally Permitted

- a. Minimum width: 150 feet
- b. Minimum area: 1 acre
- c. Minimum front yard: 60 feet
- d. Minimum rear yard: 50 feet
- e. Minimum side yard: 20 feet
- f. Minimum setback on corner lot: 50 feet
- g. Maximum height: 40 feet

Conditionally Permitted

- a. Minimum lot area: 3 acres
- b. Minimum lot width: 200 feet
- c. Minimum front yard: 80 feet
- d. Minimum rear yard: 50 feet
- e. Minimum side yard: 30 feet
- f. Maximum height; 50 feet

16.6 Required Parking

As specified in Article 20.

16.7 Signs

As specified in Article 21.

16.8 Accessory Buildings

1. No accessory building shall be used for human habitation.
2. No accessory building shall be located between the street line and any setback line established by this Ordinance.
3. No accessory building shall be located in any side yard required by this Ordinance.
4. No accessory building shall be located within twenty (20) feet of any lot line.
5. No accessory building shall cover more than ten (10) percent of the lot area.
6. Minimum of thirty (30) feet between accessory building and the main building.

16.9 Industrial Performance Standards

1. Noise – Shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness.
2. Odor – The emission of obnoxious odors of any kind shall not be permitted.
3. Gases, Smoke, Dust, Dirt and Fly Ash – The emission of gases, smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformity with all applicable state and county health laws as pertaining to air pollution and smoke abatement.
4. Fire and Safety Hazards – The storage and handling of flammable liquids, liquefied petroleum gases and explosives, shall comply with all regulations of the Village Fire Department and with all state rules and regulations. Further, all storage tanks for flammable liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines and shall be completely surrounded by earth embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.

16.10 Open Storage

All storage of building materials, sand, gravel, stone, lumber, equipment and other supplies, shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal or other combustible material shall not be less than twenty (20) feet from any interior lot line and a roadway shall be provided, graded, surfaced and maintained from the street to the rear of the property to permit free access for fire trucks at any time. All such open storage shall be screened from all streets and on all sides, which abut any residential districts by a solid eight (8) foot masonry wall sufficient to serve as a permanent retaining wall. Junk yards, when permitted, shall be entirely enclosed on all sides by said wall.

ARTICLE 17
PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

17.0 Statement of Purpose

It is the responsibility of these sections to promote the public health, safety and welfare by providing for the regulation of Planned Unit Developments. It is the intent of these regulations to provide maximum opportunity for orderly developments which benefit the community as a whole by offering a greater choice of living environments, a wider range of development plans featuring more complementary blending of land uses, to include community facilities and open space and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities and transportation needs.

17.1 Definition

“Planned Unit Development” or PUD shall mean a development which may integrate residential, commercial and industrial facilities in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under this Ordinance. The procedure for approval of such development contains additional requirements such as building design principles and landscaping plans.

17.2 Interpretation

Whenever the requirements of Article 17 appear to be in conflict with other Sections of this Ordinance with those of other existing ordinances, the provisions of this Article shall prevail.

17.3 PUD District Designation

Subsequent to the review and approval of the Village Council, the designation “Planned Unit Development District” may be applied to any residential, commercial or industrial developments. Upon approval of the final development, the Official Zoning Map shall be so amended. The designation shall only apply to property at the election of the property owner.

17.4 Uses Permitted In a PUD District

Residential, commercial, manufacturing, public and quasi-public uses may be separate or combined in PUD districts, provided that the proposed location of the commercial or manufacturing uses will not adversely impact upon adjacent property or the public health, safety and general welfare and that the location of such uses are specified in the final development plan. The PUD may be comprised of one use or a combination of uses, as indicated above. There is no minimum area required for PUD.

The amount of land devoted to commercial and/or manufacturing use in a residential – commercial – manufacturing or residential – commercial development shall be determined by the Planning Commission and approved by the Village Council.

17.5 Disposition of Open Space

The required amount of common space land reserved under a PUD shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development or be dedicated to a property owners’ association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses. The legal articles relating the organization of the property owners’ association is subject to review and approval by the Village Planning Commission and shall provide adequate provisions for the perpetual care and

maintenance of all common areas. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-off-way is usable as a trail or similar purpose and has been approved by the Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development.

The Commission in conjunction with the Village Council may require land up to the amount of three (3) percent of the land include in the PUD be conveyed to the Village for park purposes. In lieu of the conveyance for park purposes, the Commission may in conjunction with the Village Council, require the subdivider to pay a fee established in the fee schedule to be used for improvements to park land in the immediate area. The terms and amount of payment shall be determined in negotiation between the subdivider and the Village Council.

17.6 Utility Requirements

Underground utilities, cable television and electrical systems, are required within the limits of all PUDs. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed PUD.

17.7 Special Planned Unit Development Lot Requirements

The lot requirements for PUDs approved by the Commission may vary from the requirements of the districts included in this Ordinance.

17.8 Arrangement of Commercial-Manufacturing Uses

When PUD Districts include commercial and/or industrial uses, buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial and/or manufacturing areas. The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the stand point of the adjoining and surrounding areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Commission.

17.9 Pre-Application Hearing

The developer shall meet with the Zoning Inspector prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein and to familiarize the developer with zoning and other applicable regulations.

17.10 Preliminary Development Plan Application Requirements

An application for preliminary PUD approval shall be filed with the Zoning Inspector, as representative for the Planning Commission, by at least one owner of property for which the PUD is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address and phone number of applicant.

2. Name, address and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Present use(s).
5. Present and proposed zoning district.
6. Identification of any area within a floodplain.
7. A vicinity map at a scale approved by the Zoning Inspector showing the property lines, streets, existing and the proposed zoning and such other items as the Zoning Inspector may require.
8. A preliminary development plan at a scale of 1" = 20' showing topography at ten (10) foot intervals; location and type of residential, commercial and industrial land uses; layout and dimensions and names of existing and proposed streets; right-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas; and such other characteristics as the Commission may deem necessary and general location of buildings.
9. Proposed schedule for the development of the site.
10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.
11. A fee as established by the Village.
12. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question.
13. Verification by at least one owner of the property that all information in the application is true and correct to the best of his knowledge.

The application for preliminary PUD shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the PUD would be in the public interest and would be consistent with the stated intent of these PUD requirements.

17.11 Village Planning Commission Public Hearing

The Planning Commission shall schedule a public hearing on the application for approval of the preliminary development plan not less than twenty (20) or more than forty (40) days from the date of filing such an application.

17.12 Notice of Public Hearing

Before holding the public hearing, notice of such Commission hearing shall be given in one or more newspapers of general circulation at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the PUD the matter will be referred to the Village Council for further determination.

Also, before holding the public hearing, written notice of such hearing shall be sent by the Planning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property within five hundred (500) feet of the property in question and to such others as the Commission determines should receive notice. Notices to individual property owners shall contain the same information as required of notices published in the newspaper.

17.13 Approval in Principal of Preliminary Development Plan

Within sixty (60) days after the public hearing, the Commission shall review the preliminary development plan to determine if it is consistent with the intent of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the inter-relationship with the land uses in

the surrounding area justify the deviation from standard district regulations. The Commissions' approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

17.14 Submission of Final Development Plan

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Inspector. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purposes of this Ordinance, the submission of the final development plan is a formal request for rezoning of the property in question. The Zoning Inspector shall determine the number of copies of the final development plan needed for filing.

17.15 Final Development Plan Application Contents

An application for approval of the final development plan shall be filed with the Zoning Inspector by at least one owner of property for which the PUD is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At the minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses.
2. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties.
3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type of housing; estimated non-residential population by type of housing; estimated non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvement, whenever the applicant proposes any exception from standard zoning district requirements or other Ordinance governing development.
4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development. The utility plans must be according to county standards and approved by the County Engineer and the County Sanitary Engineer.
5. Site plan, showing building(s), various functional use areas, circulation and their relationship.
6. Preliminary building plans.
7. Landscaping plans.
8. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas, which are to be commonly owned and maintained.
9. A fee as established by this Ordinance.

17.16 Public Hearing by Commission

Within thirty (30) days after submission of the final development plan, the commission shall hold a public hearing. Notice and public inspection of the application shall be as specified in Section 17.12.

17.17 Recommendation by Commission

Within sixty (60) days after receipt of the final development plan, the Commission shall recommend the final development plan be approved as presented, approved with supplementary conditions, or disapproved and shall transmit all papers constituting the record and the recommendations to Village Council.

17.18 Criteria for Commission Recommendation

Before making its recommendation, the Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within two (2) years of the date of approval.
2. The streets proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD.
3. Any proposed commercial or industrial development can be justified at the location proposed.
4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements and the need to provide a variety of housing opportunities with regard to type and price.
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
6. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.
7. Said development shall prove not to be endangering to the soil stability of and around the site district.
8. Proposed designs shall consider the removal of minimal natural coverage and in all cases reflect conservatory measures relating to open space.

17.19 Public Hearing by Village Council

After receiving the recommendation from the Village Planning Commission, the Village Council shall hold a public hearing on the PUD final development plan within a reasonable time.

17.20 Notice of Public Hearing by Village Council

Before holding its public hearing, notice of such hearing shall be given by at least one publication in one or more newspapers of general circulation at least thirty (30) days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the PUD and a statement that all papers relating to the PUD are on file with the Clerk and open for public inspection.

Also, written notice of the hearing on the PUD shall be mailed by the Clerk by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property within five hundred (500) feet of the proposed PUD and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

17.21 Action by Village Council

After the public hearing, the Council shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Council shall direct the Zoning Inspector to issue zoning permits in accordance with the approved plans with any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment and no major change from or substantive alteration in such PUD shall be permitted without repetition of the procedures in these sections.

In the event that the Village Council denies or substantially modifies the final development plan as recommended by the Commission, any resulting final development plan for said PUD shall not be effective unless approved by the Village Council.

17.22 Supplementary Conditions and Safeguards

In approving any PUD application, both the Planning Commission and the Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Ordinance and be punishable as such.

17.23 Expiration and Extension of Approval Period

The approval of a final development plan for a PUD District shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the BZA finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the PUD was granted.

17.24 Changes in the Planned Unit Development

A PUD shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the PUD as set forth therein.

1. Major Changes – As determined by the Zoning Inspector any change which alters the concept or intent of the PUD including increases in density, changes in location and types of non-residential land uses, increases in the height of buildings, reductions of proposed open space, more than a fifteen (15) percent modification in proportion of housing types, changes in road standards or alignment, utilities, water, electricity and drainage, or changes in the final governing agreements, provisions or covenants, may be approved only by submission of a new preliminary plan and supporting data and following the “preliminary approval” steps and subsequent amendment of the final PUD Plan.
2. Minor Changes – The Planning Commission may approve changes in the PUD which do not change the concept or intent of the development, without going through the “preliminary approval” steps. Minor changes are defined as any change not defined as a major change.

17.25 General Standards for Making Determinations

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Comprehensive Development Plan of current adoption.
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. The Planning Commission may require studies such as a traffic study to be provided to ensure the concerns noted above can be addressed.
8. Will encourage development as close as possible to existing settlements to keep the cost of providing service down.
9. Will ensure that utilities such as water supply, sanitary sewers and drainage systems have adequate capacities to serve the proposed development.
10. Will provide adequate access for emergency vehicles and for those persons providing emergency services.
11. Will provide adequate security lighting for pedestrian circulation paths, vehicular use areas and exterior portions of buildings.
12. Will encourage the use of the existing road system presently maintained by the authority having jurisdiction to minimize the additional maintenance expense of new development and to ensure that new development is adequately served by the transportation network.
13. Will be consistent with the intent and purposes of this Ordinance.

17.26 Development Policies

1. Density
 - a. The maximum density for a proposed residential development shall be based on site specific review, but shall be based on the compatibility with adjacent uses.
 - b. Where increased densities are located adjacent to existing building, the building setback should be increased to minimize any adverse impacts of the proposed development.
2. Height Criteria
 - a. Architectural Compatibility – The heights of all buildings are encouraged to be compatible with their vicinity.
 - b. General Character – The heights of the buildings should be in general compliance with district regulations for a similar type of land use.

- c. Scenic Values – Buildings should be of such heights so as not to destroy or degrade the scenic values of surrounding areas.
- d. Views – Buildings shall not be of such height so as to block, destroy or degrade the scenic values as seen from other private places that exist or are likely to exist in the future.
- e. Light and Air – Buildings shall not be of such heights so as to deny light and air to surrounding properties.

17.27 Site Design

Statement of Policy – The Village hereby finds that it is in the public interest for all sites within the community to be designed, arranged and developed in a safe, efficient and aesthetically pleasing manner. The arrangement of all functions, uses and improvements should reflect the natural capabilities and limitations of the site as well as the characteristics and limitations of the adjacent property. The various structures, use areas, functions and elements of the site design should be integrated by design into a unified whole, except in those cases where separation is appropriate to a particular inter-relationship. Taking into consideration, the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both within and without.

1. Integration and Separation – It is encouraged that those elements and functions of the site that are basically compatible with one another be integrated by design to the degree of their compatibility and separated to the degree of their incompatibility.
2. Privacy – It is encouraged that all sites be arranged so as to provide privacy for the occupants of both the site and surrounding areas.
3. Aesthetics – It is recommended that the site be developed in such a way so as to be visually harmonious when viewed either internally or externally by the degree of existing character of the site and the basic nature of the proposed uses.
4. Vistas – It is encouraged that the site be developed in such a way so as to preserve or enhance vistas, particularly those seen from public places.

17.28 Placement of Structures

1. Clear Vision Area – No structure or foliage shall extend into a clear vision area between the height of three (3) feet and seven (7) feet measured from the top of the curb or where no curb exists, from the established street center line grade. The clear vision areas shall be as follows:
 - a. Intersection of driveways and public rights-of-way – A triangle having two (2) sides, ten (10) feet long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.
 - b. Intersection of two public rights-of-way – A triangle having two (2) sides, thirty (30) feet long and running along each public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two sides.

ARTICLE 18
SUPPLEMENTARY DISTRICT REGULATIONS

18.0 Conversions of Dwellings to More Than One Unit

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and Village Ordinances and applicable state or federal regulations;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
3. The yard dimensions still meet the yard dimensions required by this Ordinance for new structures in that district;
4. The lot area per family equals the lot area requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
6. The conversion is in compliance with all other relevant codes and ordinances.

18.1 Principal Building Per Lot

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Ordinance in the following districts: R-R, R-1 and R-2. Rear dwellings shall be prohibited and shall be considered nonconforming uses.

18.2 Reduction of Area or Space

No lot, yard, parking area or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area or other space less than the minimum required by this Ordinance. Furthermore, any lot, yard, parking area or other space which is already less than the required minimum shall not be reduced further.

18.3 Parking and Storage of Vehicles and Trailers

No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, or semi-trailers shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. A maximum of one boat or one unoccupied recreational vehicle may be stored in the rear yard of any residential zoned property if it has a current license.

18.4 Required Refuse Collection Areas

The refuse collection areas provided by all commercial, industrial and multi-family residential uses for the collection of trash, garbage and other refuse shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or waste shall not be permitted without documented approval of the Ohio Environmental Protection Agency.

2. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
3. Storage areas in residential districts shall utilize such additional screening as required in this Ordinance.

18.5 Junk

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects and rodents.

18.6 Setback Requirements for Buildings on Corner Lots

The minimum required width of a side yard abutting a street shall be one-half ($\frac{1}{2}$) the minimum required front yard depth for the district. Parking within this side yard is prohibited.

18.7 Fence and Wall Restrictions in Front Yards

In any required front yard, no fence or wall shall be permitted which materially impedes vision of the traveling public across such yard above the height of three (3) feet and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of three (3) feet and ten (10) feet.

18.8 Exceptions to Height Regulations

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take off of aircraft at an established airport.

18.9 Architectural Projections

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

18.10 Visibility at Intersections

On a corner lot at the intersection of two (2) streets in any district, nothing shall be installed, erected, placed, planted or allowed to grow in such manner as to impede vision materially between a height of two and one-half ($2\frac{1}{2}$) feet and ten (10) feet above the centerline grades of the intersecting streets. On a corner lot at the intersection of two alleys or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted or allowed to grow in such manner as to impede vision materially between a height of two and one-half ($2\frac{1}{2}$) feet and ten (10) feet above the centerline grades of the intersecting alleys or of the intersecting alley and street.

18.11 Temporary Uses

The following regulations are necessary to govern certain uses, which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use, an application for a zoning permit shall be made to the Zoning Inspector, which shall

contain a graphic description of the proposed use and a site plan, with sufficient information to determine the yard, setback, parking and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits, which follow, as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2), six (6) month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein or upon the expiration of the zoning permit, whichever occurs first.
2. Temporary buildings, offices and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one (1) year, except that six (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever occurs first.
3. Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four (4) consecutive days shall only be issued three times within any twelve (12) month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than twenty-five (25) percent of the required parking area and minimum of twenty-five (25) spaces for car washes.

18.12 Screening/Buffering

A landscaped area may be required to screen and protect neighboring properties and passing motorists from the view of facilities, buildings and parking areas of the site development, as warranted. Landscaped areas are subject to the following:

1. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities.
 - b. An acoustic screen to aid in absorbing or deflecting noise.
 - c. A physical barrier to contain debris and litter.
2. Screening may consist of one of the following or a combination of two or more, as determined by the Zoning Inspector or BZA, in the event of an appeal, variance or conditional use:
 - a. A solid masonry wall;
 - b. A solidly constructed decorative fence;
 - c. A louvered fence;
 - d. A dense vegetative planting;
 - e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plantings or mounds shall be a minimum of five and one-half (5½) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2½) feet.

- b. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one-half (5½) feet or greater or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least twenty five (25) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the applicant in relation to the nature of the use. Additional screening shall be required if the initial screening is found to be inadequate.
5. Whenever required screening is adjacent to parking area or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

18.13 Site Plan Review

A. Purpose

It is the intent of this Section to protect the health, safety, convenience and general welfare of the inhabitants of the Village. The site plan review regulates the development of structures and sites in a manner which considers the following concerns and where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- a. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g. noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.);
- b. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads;
- c. The adequacy of waste disposal methods and protection from pollution of surface or ground water; and
- d. The protection of historic and natural environmental features on the site under review and in adjacent areas.

B. Project Requiring Site Plan Review

No permit for the construction, exterior alteration, occupancy or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Village Planning Commission. Site plan review shall also be required for the resumption of any use discontinued for more than two (2) years or for the expansion of any existing use. Required approval includes proposals for commercial, industrial, office, multiple dwelling residential developments, municipal, institutional, utility, fraternal or recreational purposes.

C. Exemptions from Site Plan Review

Site plan review shall not be required for:

- a. The construction or enlargement of any single family or two family dwelling or building accessory to such dwelling;
- b. The construction or alteration of any building used exclusively for agriculture, horticulture or floriculture;
- c. Construction or alteration providing for not more than two hundred (200) square feet total floor area after construction;
- d. Home occupations, as defined by the Zoning Ordinance.

D. Procedure

1. An application for site plan review under this section shall be filed with the Planning Commission at the Village Hall, ten (10) days prior to a scheduled meeting; seven (7) copies each of the site plan documents and a copy of the site plan shall be submitted to the Clerk to be kept on file.
2. The Planning Commission shall deliver its decision in writing to the Zoning Inspector within thirty (30) days after determining that the application is complete, to allow the issuance of a zoning permit.
 - a. Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this Ordinance;
 - b. Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this Ordinance; or
 - c. Approval of the site plan subject to any conditions, modifications and/or restrictions as required by the BZA, which will ensure that the project meets the standards for review.

E. Submission Requirements

The site plan shall include the following data, details and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan with notations explaining the reasons for any omissions.

The Planning Commission may, based on the size and complexity of the development, require site plans prepared by a registered professional engineer, architect or landscape architect at a scale of 1" = 20' on standard 24" x 36" sheets, with continuation on 8½" x 11" sheets as necessary for written information.

Items required for submission include:

1. Survey plan of the development area.
2. Name of the project, boundaries and location map showing the site's location, north arrow and scale of the plan.
3. Name and address of the owner of record, developer and seal of the engineer, architect or landscape architect.
4. Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.
5. All existing lot lines, easements and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within three hundred (300) feet of the site.
6. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area.
7. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences. Location, type and screening details for all waste disposal containers shall also be shown.
8. The location, height, intensity and bulk type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
9. The location, height, size, materials and design of all proposed signage.
10. The location of all present and proposed utility systems including:
 - Sewage or septic system;
 - Water supply system;
 - Telephone, cable and electrical systems; and

- Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.

The Planning Commission may also request the submission to the County Engineer storm run off calculations for large or environmentally sensitive developments.

11. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run off, excessive raising or lowering of the water table and flooding other properties, as applicable.
12. A landscape plan showing all existing natural land features, trees, forest cover and water sources and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
13. Zoning district boundaries of adjacent properties shall be drawn and identified on the plan.
14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.

The Planning Commission may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- a. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - b. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 - c. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.
15. For new construction or alterations to any existing building, a table containing the following information must be included:
 - a. Area of building to be used for a particular use such as retail operation, office, storage, etc.;
 - b. Maximum number of employees;
 - c. Maximum seating capacity, where applicable; and
 - d. Number of parking spaces existing and required for the intended use.
 16. Elevation plans when required by the Planning Commission.

F. Standards for Review

The Planning Commission shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the following objectives listed below.

1. Legal
Conformance with the provisions of the regulations of the Village and all applicable rules and regulations of state and federal agencies.
2. Traffic
Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
3. Parking
Provisions for off street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting and internal traffic control.
4. Pollution Control
Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
5. Nuisances

Protection of abutting properties and Village amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, dust, odors, glare, storm water run off, hazardous materials, etc.

6. Existing Vegetation

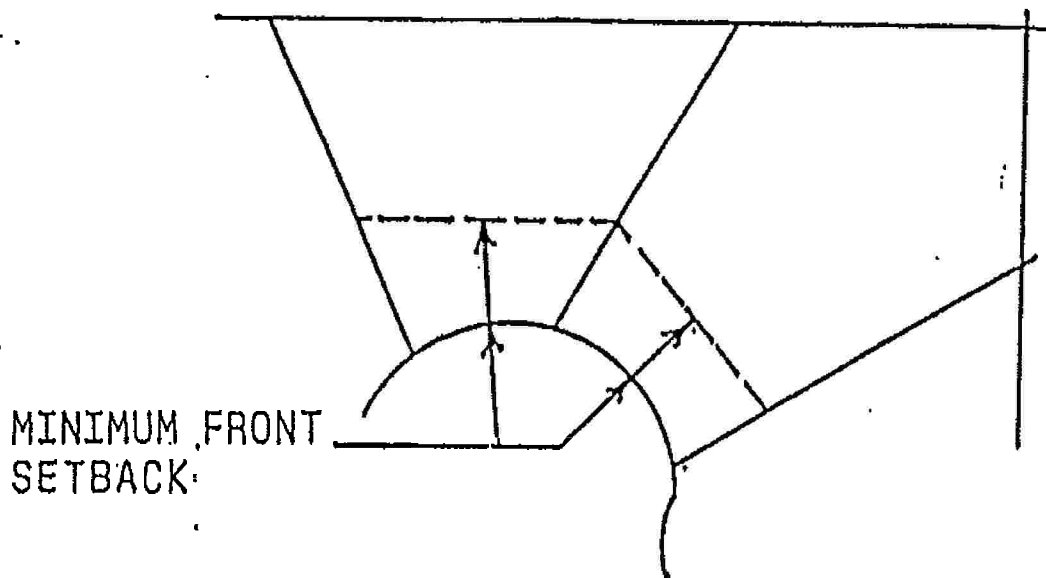
Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

7. Amenities

The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside planting and the retention of open space and agricultural land.

18.14 Setback on Cul-de-sacs

Each lot or parcel on a cul-de-sac, curved street or dead-end street shall meet the minimum lot width requirement at the required front setback of the zone.



18.15 Access

No person shall erect any building or structure on a lot or use any lot in any zone unless such lot has frontage on a public street. Nothing in this section shall prevent the use of an existing dwelling on a lot having access to a public road via a private road subject to the provisions of the existing district in which the lot is located.

**ARTICLE 19
SPECIAL REGULATIONS**

19.0 General

It is the purpose of these special regulations to promote the public health, safety and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restrictions or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

19.1 Regulation of Accessory Uses

The provisions of this section shall apply to the location and maintenance of accessory uses in order to promote the public health, safety and welfare. It is the intent of these sections to permit such uses to be established and maintained in a manner, which make them compatible with principal uses and harmonious with uses upon adjacent properties.

19.2 Definition

Accessory use and structure means a subordinate use or structure which is incidental to and in association with a principal use or structure and which is customarily required or provided for the principal use or structure.

19.3 Features Noted as Accessory Uses and Structures

Accessory uses and structures can either be attached to or disattached from a principal structure or use such as fences, walls, sheds, garages, parking places, decks, poles and signs.

19.4 Accessory Use and Structures as Permitted Uses

To ensure that confusion is at a minimum, each land use district provides specific regulations for accessory uses and structures. However, as a general indication, all accessory uses and structures are considered to be permitted uses and will be enforced as such.

19.5 Drug Paraphernalia Establishments as Prohibited Uses

Drug paraphernalia establishments as herein defined are and shall be prohibited uses within all districts within the Village. Any person who establishes, operates or maintains a drug paraphernalia establishment or instigates or participates in such action, shall be in violation of this section and shall be guilty of a misdemeanor of the first degree, in addition to any other penalties specified in this Ordinance.

19.6 Internet Gaming Cafes, Game Parlors, Sweepstakes Cafes, and Electronic Gaming Locations.

A. Internet gaming cafes, game parlors, sweepstakes cafes and electronic gaming locations are prohibited in all districts of the Village and are defined as any premises upon which computerized sweepstakes or gambling devices are located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature.

B. "Computerized Sweepstakes or Gambling Devices" are defined as any computer machine, game or apparatus which, upon the insertion of a coin, token, access number, code, magnetic card, or similar

object, or upon the payment or exchange of anything of value, provides a product or service, which may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value or which is a gambling device as it is defined by §2915.01(F) of the Ohio Revised Code. Provided, machines designated for use by the Ohio State Lottery Commission are not considered computerized sweepstakes or gambling devices under this Section.

19.7 Private Swimming Pools

No private swimming pool, exclusive of portable or temporary swimming pools, shall be allowed in any residential district or commercial district except as an accessory use and shall comply with the following requirements:

1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
2. The pool must be located in the rear yard and shall not be located closer than twelve (12) feet to any property line or easement;
3. The swimming pool or the entire property upon which it is located shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height and it shall be maintained in good condition with a gate and lock;
4. Temporary pools designed to be removed on a seasonal basis do not require a permit, so long as such pool is actually removed seasonally.

19.8 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 or association for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for and is used 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.
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement.
3. The swimming pool, its accessory facilities 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 eight (8) feet in height and maintained in good condition with a gate and lock and screened from adjacent properties. The area surrounding the enclosure shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.
4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.

19.9 Conditional Use Permit Required for Long Term Parking

No person shall establish, operate or maintain on any premises as an accessory use a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks or automobiles are to be parked for a continuous period exceeding ten (10) days without obtaining a conditional use permit for such accessory use.

Permit Requirements

In addition to complying with all other provisions of this Ordinance, particularly the requirements of Article 9, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

1. That no boundary of the proposed outside parking area is within fifty (50) feet of a residential district boundary.
2. That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
3. That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
4. That fencing and lighting of the facility will be sufficient to provide for its reasonable security.
5. That no service work, maintenance work, repair work, painting work or other vehicular work shall take place on the premises.

19.10 Group Residential Facility as a Conditional Use Permit Required

A Class I Type B Group Residential Facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a Conditional Use Permit in accordance with the provisions of Article 9 of this Ordinance. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

1. Evidence is presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency.
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or required special off street parking.
4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
5. No such facility may be located within six hundred (600) feet of another such facility.
6. No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
7. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
8. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational and retail services required by its residents and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
10. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve and the location and type of similar facilities operated by the applicant.

19.11 Zoning of Group Residential Facilities

Group residential facilities shall be conditionally permitted uses as follows:

Class I	Type A	R-2
Class I	Type B	Permitted by right in all residential districts
Class II	Type A	R-2
Class II	Type B	R-2

19.12 Factory Built Housing

(1) Definition

Factory Built Housing means a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. Factory Built Housing shall mean manufactured and modular homes.

(2) Siting Requirements - Any factory built housing proposed to be located in any district shall comply with the following requirements:

- (a) The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfer these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- (b) All hitches, axles, wheels and conveyance mechanisms shall be removed from the structure.
- (c) The structure shall be so oriented on the site that its long axis is parallel with the street and it shall have an entranceway facing the street, except where diagonal placement and the addition of a garage, carport or other accessory structure may be permitted by subdivision regulation and yard requirement.
- (d) The site shall be suitably landscaped with adequate screening devices as elsewhere required.
- (e) The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
- (f) The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
- (g) The site shall be serviced by utilities in such manner as required by this Ordinance.

(3) Zoning of Factory Built Housing

Mobile homes shall be permitted only in approved mobile home parks. Manufactured homes and modular homes which meet the design and appearance standards contained in Section 19.12(4) shall be permitted accordingly.

(4) Single Family Design and Appearance Standards

Single family residential homes, whether of modular, manufactured or site built construction, shall comply with the following design and appearance standards:

- (a) The structure shall be in conformance with the siting requirements contained in Section 19.12(2).
- (b) The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

(5) Individual Mobile Home and House Trailer Prohibition

Individual mobile homes, outside of a mobile home park or individual house trailers are hereby prohibited in any district within the Village limits. Construction trailers are permitted on active construction sites for a period not to exceed 1 (one) year.

19.13 Communication Towers

Communication Towers shall only be conditionally permitted in Industrial Districts and must conform to the following requirements in addition to any conditions required by the BZA:

- a. The base of any tower shall be surrounded by a fence eight (8) feet in height with a locked gate, placed as close to the tower as possible;
- b. The base of said tower and any accessory building shall be inside of the fence and shielded by a greenbelt of living plant material well maintained and replanted as necessary in order to provide year-round obstruction from view;
- c. No lights shall be permitted on the tower except those required by state or federal law;
- d. The site shall be a minimum of three (3) times the height of the tower from the nearest neighboring parcel of land;
- e. The minimum setback line between the base of the tower and all adjacent properties shall be three (3) times the height of the tower;
- f. All wiring shall be placed underground;
- g. Abandoned towers or towers taken out of operation shall be removed within ninety (90) days of the date of last operation.

ARTICLE 20
OFF STREET PARKING AND LOADING FACILITIES

20.1 Applicability

All uses, except single family and two family dwellings on individual lots, shall be required to provide off street parking facilities in compliance with this Article.

20.2 Purpose

It is the express purpose of this Article to implement the following objectives:

- a. To minimize the impact of vehicular traffic, entering or existing any parking lot, upon the public streets by controlling the number and location of access driveways.
- b. To facilitate and encourage safe and convenient pedestrian movement in appropriate areas of a parking lot and elsewhere.
- c. To enhance the amenity, safety and appearance of uses via landscaping, screening, sidewalks and other similar requirements.
- d. To maximize the safety and convenience of vehicular circulation, both within the subject property and on the Village's road network.
- e. To enhance compatibility between land uses.

20.3 Off Street Parking Design Standards

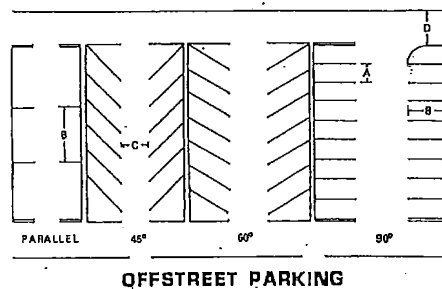
All off street parking facilities including entrances, exits, maneuvering areas and parking spaces shall be in accordance with the following standards and specifications:

1. Parking Space Dimensions – 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.
2. Access – There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:
 - a. For single, two or three family residential dwellings, the access drive shall be a minimum of nine (9) feet in width.
 - b. For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
 - c. All parking spaces, except those required for single, two or three family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
3. Setback – The location of off street parking facilities for more than five (5) vehicles may be located in required yards. In no case, however, shall the parking area be located closer than three (3) feet to any street or alley.
4. Screening – In addition to the setback requirements specified in this Ordinance for off street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any residential district. Screening shall comply with the requirements of Section 18.13 of this Ordinance.
5. Paving – All required parking spaces, except for uses within any district if said parking area is at least seven hundred (700) feet from any residential district, together with driveways and other circulation areas, shall be hard surfaced with a pavement having an asphalt or concrete binder, provided however, that variances for parking related to school auditoriums, assembly areas,

sports fields and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measure shall be undertaken and maintained.

6. Drainage – All parking spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water, which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Adequate arrangements shall be made to ensure acceptable diversion to an adequate storm drainage system.
7. Barriers – Wherever a parking lot extends to a property line, fencing, wheel stops, curbs or other, suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
8. Visibility – Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
9. Marking – All parking areas for six (6) or more spaces shall be marked with paint lines, and shall be maintained in a clearly visible condition.
10. Maintenance – Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash and other debris.
11. Signs – Where necessary due to multiple curb cuts, the entrances, exits and intended circulation pattern of the parking area shall be clearly marked.
12. Lighting – Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any Residential District.
13. Speed Bumps
 - a. Speed bumps, constructed as part of access drives or parking lots shall be marked with permanent, yellow diagonal stripes.
 - b. The speed bumps shall be in the form of mounds in the pavement and shall be designed to restrain motor vehicle speed.
 - c. There shall be a warning sign posted at each entrance to parking areas having speed bumps.
14. Separation from Streets and Sidewalks – Parking spaces shall be guarded by curbs or other protective devices which are arranged so that cars cannot project into streets, sidewalks or walkways. A curb cut shall be provided for wheelchair access.

OFF-STREET PARKING AND LOADING FACILITIES



OFF-STREET PARKING DIMENSIONAL TABLE

	45°	60°	90°	Parallel
A Width of Parking Space	12'	10'	8'	8'
B Length of Parking Space	18'	18'	18'	23'
C Width of Driveway Aisle	13'	17'6"	25'	12'
D Width of Access Driveway	12'	14'	14'	14'

20.4 Handicapped Parking

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as required by current ADA regulations.

20.5 Joint Parking Lots

The joint or collective provision of required off street parking areas shall comply with the following standards:

1. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not further than five hundred (500) feet from the building served.
2. Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses and up to one hundred (100) percent of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used or operated during the same hours as the uses with which such spaces are jointly or collectively used.
3. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purpose shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel and filed with the application for a zoning permit.

20.6 Modification of Requirements

The provisions of this Article may be subject to modifications by the BZA after considering the following criteria:

- a. The location and nature of the proposed use or expansion of an existing use.
- b. The projected generation of trips to and from the use and the average length per unit.
- c. The impact of potential parking congestion to surrounding uses.
- d. The number of people expected to be employed in the operation or added to the operation.
- e. The area which is accessible to the public compared to the area used for warehousing or storage.
- f. The area available for parking expansion.
- g. The purpose listed in this Article.

20.7 Prohibited Uses; Temporary Uses

Automobile parking lots are for the sole purpose of accommodating the passenger vehicles of persons associated with the use, which requires them. Parking lots shall not be used for the following purposes:

- a. The sale, display or storage of automobiles or other merchandise, except those activities typical to an automobile filling station.
- b. Performing services, including service to vehicles.
- c. Any other purposes except permitted as follows:

1. Carnivals, circuses, fairs, exhibitions or other similar events, so long as they do not continue longer than seven (7) days.
2. Sales and display of seasonal decorations (Christmas, etc.) so long as the use would be permitted by right within the underlying district, the use will not continue longer than forty-five (45) days, adequate measures have been taken to address the purposes of this Article and a temporary use permit has been obtained.
3. Temporary placement of a mobile home during a declared emergency.
4. The placement of donation or recycling collection facilities, provided that such collection facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals and the total size of the facility is less than two hundred (200) square feet.
5. At no time shall temporary uses consume more than ten (10) percent of the total parking lot area.

20.8 Parking of Disabled Vehicles

The parking of a disabled vehicle within a residential district for a period of more than one (1) week 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.

20.9 Schedule of Required Parking Spaces

Residential Uses (Minimum of one parking space for each)	
Single family or two family dwelling	Two for each unit
Apartments, townhouses or multi-family dwellings	Two for each unit
Mobile homes	Two for each unit
Elderly housing	Three for every four dwelling units and one per regular shift employee

Commercial Uses (Minimum of one parking space for each)	
Animal hospitals and kennels	One for each four hundred (400) square feet of floor area and one for each two employees
Motor vehicle repair station	One for each four hundred (400) square feet of floor area and one for each employee
Motor vehicle salesroom	One for each four hundred (400) square feet of floor area and one for each employee

Car washing facility	One for each employee
Banks, financial institutions, post offices and similar uses	One for each two hundred fifty (250) square feet of floor area and one for each employee
Barber and beauty shops	Three for each barber or beauty operator
Carry out restaurants	One for each two hundred (200) square feet of floor area and one for each two employees
Drive in restaurants	One for each one hundred twenty-five (125) square feet of floor area and one per each employee
Hotel and motels	One for each sleeping room plus one space for each two employees

Commercial Uses (continued)
(Minimum of one parking space for each)

Boarding, rooming, tourist, bed and breakfast	One for each sleeping room
Furniture, appliance, hardware, machinery or equipment sales and service and wholesale establishments	Two plus one additional space for each two hundred (200) square feet of floor area over one thousand (1,000) square feet
Consumer and trade service uses not otherwise specified	One for each employee
Funeral homes, mortuaries and similar type uses	One for each fifty (50) square feet of floor area in slumber rooms, parlors or service rooms
Laundromats	One for every two (2) washing machines

Administrative, business and professional office uses	One for each two hundred (200) square feet of floor area
Sit down restaurants, taverns, night clubs and similar uses	One for each three persons of capacity
Retail stores	One for each one hundred fifty (150) square feet of floor area
Shopping centers	One parking space per two hundred (200) square feet of gross floor area

All other types of business or commercial uses permitted in any commercial district – one for each one hundred fifty (150) square feet of floor area.

Manufacturing Uses (Minimum of one parking space for each)	
All types of manufacturing, storage and whole uses permitted in any manufacturing district	One for every employee (on the largest shift for which the building is designed) and one for each motor vehicle used in the business
Cartage, express, parcel delivery and freight terminals	One and one-half for every one employee (on the largest shift for which the building is designed)
Recreation and Entertainment Uses (Minimum of one parking space for each)	
Bowling alleys	Four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge or similar use; and one for each three employees
Dance halls, skating rinks	One for each one hundred (100) square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar or cocktail lounge; and one for each three employees

Outdoor swimming pools; public, community or club	One for each ten persons of capacity and one for each three persons of capacity for a restaurant
Auditoriums, sport arenas, theaters and similar uses	One for each four seats

Recreational Uses (Minimum of one parking space for each)	
Miniature golf courses	One for each hole and one for each employee
Private clubs and lodges	One for each ten (10) members
Tennis facilities, racquetball facilities or similar uses	Two for each playing area; one for each employee; and one for each one hundred (100) square feet of other activity area
Institutional Uses (Minimum of one parking space for each)	
Churches and other places of religious assembly	One for each eight seats in main assembly room or one for each classroom, whichever is greater
Hospitals	One for each three beds
Sanitariums, homes for the aged, nursing homes, rest homes, similar uses	One for each three beds
Medical and dental clinics	One for every one hundred (100) square feet of floor area
Libraries, museums and art galleries	Ten and one for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet

Educational Institution Uses (Public, Parochial or Private Uses)	
Elementary schools and kindergartens	Four for each classroom; one for every four seats in auditoriums or assembly halls; and one for each additional non-teaching employee
High schools and middle schools	One for every ten students or one for each teacher and employee or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater
Business and technical	One for each two students
Child care centers, nursery schools and similar uses	Four for each classroom

20.10 Off Street Storage Areas for Drive in Services

Establishments which by their nature create lines of customers waiting to be served within automobiles, shall provide off street storage areas in accordance with the following requirements:

1. Restaurants, drive thru beverage docks and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive in restaurants and other similar uses, which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
2. Other commercial establishments such as banks, savings and loan offices or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
3. Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance.
4. Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

20.11 Off Street Loading Space Requirements

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods, display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off street loading space and one additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

20.12 Off Street Loading Design Standards

All off street loading spaces shall be in accordance with the following standards and specifications:

1. Loading Space Dimensions – Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length and a vertical clearance of not less than fourteen (14) feet.
2. Setbacks – Notwithstanding other provisions of this Ordinance and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off street loading spaces may be located in the required rear or side yard of any district provided that not more than ninety (90) percent of the required rear or side yard is occupied and no part of any loading space shall be permitted closer than fifty (50) feet to any residential district nor closer than five (5) feet from any street or alley.
3. Screening – In addition to the setback requirements specified above, screening shall be provided on each side of an off street loading space that abuts any residential district. Screening shall comply with the requirements of Section 18.13 of this Ordinance.
4. Access – All required off street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
5. Paving – All required off street loading spaces except for uses within any district if said loading spaces are at least two hundred (200) feet from any residential district, together with driveways, aisles and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained.
6. Drainage – All loading spaces, together with driveways, aisles and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system.
7. Lighting – Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

ARTICLE 21 SIGNS

21.0 General

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development by permitting signs which are compatible with their surroundings.

21.1 Governmental Signs Excluded

"Sign" does not include signs erected and maintained pursuant to or in discharge of any governmental function or required by any law or governmental regulation.

21.2 General Requirements for All Signs and District

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to use glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts or elements, which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections 1 and 2 of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market, quotations or similar services;
3. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electrical code in effect, if any;
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee;
5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 21.6 herein;
7. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface;
9. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape;

10. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm or corporation responsible for maintaining the sign;
11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;
12. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;
13. All signs shall be so designed and supported as to carry the weight of the sign and shall comply with local building codes in effect;
14. All signs shall be secured in such a manner as to prevent significant movement due to wind;
15. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter;
16. No sign shall contain words, images or graphic illustration of an obscene or indecent nature;
17. No sign shall be attached in such manner that it may interfere with any required ventilation openings;
18. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors or guy wires;
19. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.

21.3 Permit Required

1. No person shall locate or maintain any sign or cause a sign to be located or maintained unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Ordinance shall be required for each sign unless specifically exempted in this Article.
2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign, unless a new or amended permit is obtained consistent with these regulations.

21.4 Signs Permitted in All Districts Not Requiring a Permit

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twenty (20) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet;
2. Professional name plates are not to exceed four (4) square feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

21.5 Additional Regulations in Commercial and Manufacturing District

The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

1. In a commercial or manufacturing district, each business shall be permitted one flat or wall on premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on premises signs for any single business enterprise may be an area equivalent to one and one-half (1½) square feet of sign area for each lineal foot of building width or part of a building, occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet.

2. In a commercial or manufacturing district, two (2) off premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off premises sign shall exceed nine hundred (900) square feet, nor shall off premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off premise wall signs shall have all structural and supporting members concealed from view.

21.6 Temporary Signs

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 21.2, the setback requirements.

21.7 Free Standing Signs

Free standing on premise signs, not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one (1) free standing sign for each building, regardless of the number of businesses conducted in said building.

21.8 Wall Signs Pertaining to Nonconforming Uses

On premise 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 twelve (12) square feet.

21.9 Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posed in a public right-of-way nor shall any such sign be posted on a utility pole. All political signs shall be maintained in good repair. No permit is required.

21.10 Portable Sign Requirements and Guidelines

Portable signs must conform to the following requirements and guidelines:

- a. No portable sign shall be located or parked within the designated sight triangle for any street or driveway intersection.
- b. Electrical plugs, extension cords and other supplementary electrical illumination materials shall be weather proofed, securely attached and conspicuously located in order to not be susceptible to possible health endangering incidents. Inspection and approval by a qualified electrician is mandated.
- c. Appearance of portable signs shall conform with all other regulations set forth herein.
- d. No portable sign shall be operable after the said time of ninety (90) days is expended. In addition, no permit shall be granted if applicant has held in operation a portable sign of aforesaid time period twice within the same year.
- e. The maximum allowable size of a portable sign shall be thirty-two (32) square feet.

21.11 Sign Setback Requirements

Except as modified in sections 21.12 to 21.16, on premise signs, where permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off premises sign shall be erected in front of the required setback line for the appropriate zoning district.

21.12 Increased Setback

For every square foot by which any on premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half($\frac{1}{2}$) foot, but need not exceed one hundred (100) feet.

21.13 Setbacks for Off Premises Signs

If a setback line is not established for the appropriate zoning district, off premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

21.14 Setbacks for Public and Quasipublic Signs

Real estate signs and bulletin boards for a church, school or any other public, 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.

21.15 Sight Triangle

At the intersection of any two streets or intersection of any private driveway and street shall be an optical triangle with respective dimensions where within no sign shall be located or parked. The dimensions of such sight triangle are as follows:

- a. Street to Street Intersection – All signs shall not be located within a triangle formed by lines drawn between points on said front line and side lot lines of a lot twenty-five (25) feet from their intersection, providing the normal site within a vertical height band of two and one-half ($2\frac{1}{2}$) to six (6) feet above curb level is not obstructed except for poles, posts or tree trunks.
- b. Driveway to Street Intersection – All signs shall not be located within a triangle formed by lines drawn between points on said front lot line and driveway edges of a lot fifteen (15) feet from their intersection, providing the normal site within a vertical band of two and one-half ($2\frac{1}{2}$) to six (6) feet above curb level is not obstructed except for poles, posts or tree trunks.

21.16 Special Yard Provisions

On premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirements for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

21.17 Limitation

For the purposes of this Article, outdoor advertising off premises signs shall be classified as a business use and be permitted in all districts zoned industrial.

21.18 Nonconforming Signs and Structures

Advertising signs and structures in existence prior to the effective date of this Ordinance which violate or are otherwise not in conformance with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

21.19 Loss of Nonconforming Status

A nonconforming sign shall immediately lose its legal nonconforming status and therefore must be brought into conformance with this Article or be removed, if the sign is altered in structure; or if it is enlarged, relocated or replaced; or if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than 51% of its estimated replacement value. Similarly, any nonconforming advertising structure so damaged must be brought into compliance or be removed.

21.20 Violations

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify in writing the owner or lessees thereof, to alter such sign, so as to comply with this Ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article 5 of this Ordinance.

21.21 Aesthetic Criteria

In all districts, design and representation shall be inclined to unite the foreboding characteristics of the district. Aesthetic criteria shall be as follows:

- A. Color
 - a. Colors used shall match the background or trim color of the principal building.
 - b. If more than one sign is permitted, colors on the signs shall be coordinated with each other to present a unified image.
- B. Materials – Materials used shall be designed so as to be compatible with the architecture of the building and character of the district.
- C. Information – Information provided on the sign shall clearly indicate the name of the business and a simple product idea.
- D. Landscaping
 - a. Light sources shall be concealed from view by the incorporation of shrubs or other type of sightful ground cover.
 - b. A sightful land cover shall girdle the diameter of a free standing post.

APPENDIX A

SOLAR POWER STRUCTURES

DEFINITIONS

SOLAR ENERGY PANEL/SYSTEM: A structure or panel containing solar cells that collects sunlight and converts it to electric current.

SOLAR ENERGY EQUIPMENT: Items including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundations used for or intended to be used for the collection of solar energy.

SOLAR PHOTOVOLTAIC (PV): The technology that uses a semiconductor to convert light directly into electricity.

SOLAR THERMAL: Systems that use solar energy to typically heat a fluid, such as water or an antifreeze solution, or heat a gas, such as air.

ACCESSORY SOLAR ENERGY SYSTEM: A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to ten (10) kilowatts (for electricity) or related storage volume of less than or equal to two (2) hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feet (for thermal) and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consists of one or more freestanding ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than ten (10) kilowatts (for electricity) or a rated storage volume of the system of more than two (2) hundred forty (240) gallons or that has a collector area of more than one thousand (1,000) square feet (for thermal).

PURPOSE

ACCESSORY SOLAR ENERGY SYSTEMS

It is the purpose of this regulation to promote the safe, effective and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility supplied electricity. An accessory solar energy system shall be considered a conditionally permitted accessory use in any district provided all requirements and regulations are met. No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a conditional zoning certificate from the Board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the Zoning Department and forwarded to the Board of Zoning Appeals in accordance with this Zoning Ordinance.

All accessory solar energy systems shall meet the following requirements:

1. A solar energy system may be conditionally permitted in all zoning districts as an accessory to a principal use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 - a. A roof/structure mounted solar energy system:
 - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five percent (5%) steeper than the roof pitch on which it is mounted;
 - b. Shall not extend the perimeter (or edge of roof) of the structure on which it is located;
 - c. May be mounted to a principal or accessory structure;
 - d. Combined height of solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.
 - b. A ground/pole mounted solar energy system:
 - a. Shall not exceed the maximum height allowed in that zoning district for accessory buildings;
 - b. Shall not be located within the front or side yard (rear yard only), except in a Rural Residential District there it may be located in the side or rear yard, but not the front yard;
 - c. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage;
 - d. The minimum setback distance from property lines for solar energy systems and their related equipment shall be at least one hundred ten percent (110%) of the height of the solar energy system or at least ten (10) feet from the nearest property line, whichever is greater;
3. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
4. A solar energy system shall not be constructed until all applicable zoning and building permits have been approved and issued.
5. The design of the solar energy system must conform to all applicable industry standards.
6. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
7. A site plan shall be submitted at the time of application and shall include:
 - i. Property lines and physical dimensions of the site;
 - ii. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property, including sewage treatment systems;
 - iii. Location of any required signage;
 - iv. Elevation of the proposed solar energy system(s) at its maximum tilt;
 - v. Location of trees within a fifty (50) foot radius of the proposed solar energy system(s);
 - vi. Manufacturer's specifications, including make, model and picture;
 - vii. Scaled drawing no smaller than 1" = 100'

PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY

It is the purpose of this regulation to promote the safe, effective and efficient use of utility scale solar energy production facilities principally designed to produce greater levels of electrical energy, either for consumers with higher energy demand levels such as farms or industrial uses or designed primarily to produce energy to

be supplied directly to the electrical grid. A principal solar energy production facility shall be considered a conditionally permitted use in the C-2 and I and in the agricultural district, provided all requirements and regulations are met. No person shall cause, allow or maintain the use of a principal solar energy production facility without first having obtained a conditional zoning certificate from the Board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the Zoning Department and forwarded to the Board of Zoning Appeals in accordance with Article XI, Conditional Zoning Certificates.

A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

All principal solar energy production facilities shall meet the following requirements:

1. The proposed solar energy project must be located on at least five (5) acres of land.
2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified within the underlying zoning district.
3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
4. All solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right-of-way.
5. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
6. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
7. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate and provide screening in accordance with the landscaping provisions of this Resolution.
8. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located.
9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
10. A site plan shall be submitted at the time of application and shall include:
 - a. Property lines and physical dimensions of the site;
 - b. Location of solar energy system(s) and all related equipment, setbacks from property lines, above and underground utility lines, easements and any structures on the property. Also show location of sewage treatment systems;
 - c. Location of any required signage;
 - d. Elevation of the proposed solar energy system(s) at its maximum tilt;
 - e. Location of trees within a fifty (50) foot radius of the proposed solar energy system(s);
 - f. Manufacturer's specifications, including make, model and picture;
 - g. Scaled drawing no smaller than 1" = 100.

APPENDIX B

Section 11.2.16 – Windmills

Windmill – Low Impact Wind Powered Electric Generator:

A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which has a rated capacity not greater than 100 kw and which is intended to primarily reduce on-site consumption of utility power.

Windmill, low impact wind powered electric generator is a conditional use, subject to the following conditions:

- a. The proposed wind powered electric generator/windmill shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
- b. The maximum tower height shall not exceed one hundred and fifty (150) feet.
- c. The noise level measured at the closest property line shall not exceed 60 dba.
- d. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
- e. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kw.
- f. The wind powered electric generator/windmill shall service only one property.
- g. All necessary permits from other permitting authorities shall be obtained.
- h. Density not greater than One (1) windmill per acre.
- i. Each individual tower shall be fully enclosed with a fence of at least six feet in height.

Windmill – High Impact Wind Powered Electric Generator:

Windmill, high impact wind powered electric generator (rated capacity 100 kw or greater) is a conditional use, subject to the following conditions:

- a. The proposed wind powered electric generator/windmill shall be a distance of at least 150% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
- b. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
- c. The noise level measured at the closest property line shall not exceed 60 dba.
- d. All high impact wind powered electric generator/windmill locations must be pre-approved by the U.S. Department of fish and Wildlife and the Ohio Department of Natural Resources based upon their determination on the impact that the proposed windmill will have on eagles, wildlife, and migratory birds.
- e. All necessary permits from other permitting authorities shall be obtained.
- f. Density not greater than one windmill per two (2) acres.
- g. Each individual tower shall be fully enclosed with a fence of at least six feet in height.