

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 RESOLUTION 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.

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This zoning 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, as those boundaries now exist or may hereafter be changed except land owned by this 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 the 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 Zoning 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 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 11 of Ordinance No. \_\_\_ 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 matter 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 matter 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 be 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 zoning 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 of 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, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. 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 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

### INTENT AND PURPOSES

- 2.0 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 plan, regulate by ordinance the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches; 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 buildings and other structures, including tents, cabins, and trailer coaches; 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 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. The comprehensive plan referred to herein means the Comprehensive Development Plan for Erie County, Ohio or subsequent refinements of said Plan which may include greater detailing of land use categories, development goals and policies more relevant to the development of the Village of Berlin Heights.