

ZONING

	Page
ARTICLE I -TITLE AND ENACTMENT CLAUSE	1
SECTION 15-101 Title	1
15-102 Enactment Clause	1
ARTICLE II –DISTRICTS AND GENERAL PROVISIONS	1
SECTION 15-200 Districts	1
15-201 Open Area Districts	1
15-202 Residential Districts	1
15-203 Business Districts	2
15-204 Industrial Districts	2
15-205 District Map	2
15-206 District Boundaries	2
15-207 Compliance with Regulations	3
15-208 Interpretation, Purpose, and Conflict	3
15-209 Annexation	3
ARTICLE III- DEFINITIONS	3
SECTION 15-300 Definitions	9
ARTICLE IV -USE REGULATIONS	9
SECTION 15-400 Use Regulations	12
ARTICLE V - MINIMUM DIMENSIONAL REQUIREMENTS	12
SECTION 15-500 Basic Y Area and Height Requirements for Dwellings	13
15-501 Floor Area Requirements for Dwellings	13
15-502 Basic Yard, Area, Lot Coverage and Height Requirements for All Buildings Other than Dwellings	14
15-503 Side and Rear Yard Requirements for Nonresidential Uses Abutting "R" Districts	14
15-504 Height Regulations for Institutional, Office, Industrial and Apartment Buildings and Structures	14
15-505 Existing Lots of Record	15
15-506 Architectural Projections	15
15-507 Special Yard Requirements	15
15-508 Traffic Visibility Across Corner Lots	15
ARTICLE VI –OFF-STREET PARKING AND LOADING REQUIREMENTS	15
SECTION 15-600 Off-Street Parking Requirements	17
15-601 Special Parking Provisions	17
15-602 Off-Street Loading Requirements	18
ARTICLE VII - SPECIAL PROVISIONS FOR RESIDENTIAL USES	18
SECTION 15-700 Community Development Projects	18

TABLE OF CONTENTS (Cont'd)

	15-701	Parking of House Trailers and Mobile Homes	18
	15-702	Swimming pools	19
	15-703	Fences and Planting Screens	19
	15-704	Conversion of Dwellings	19
ARTICLE VIII – SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES			20
SECTION	15-800	Performance Requirements	20
	15-801	Signs and outdoor Advertising Structures	20
	15-802	Temporary Buildings	22
	15-803	Open Storage and Display of Material and Equipment	22
ARTICLE IX – NONCONFORMING USES			23
SECTION	15-900	Nonconforming Uses	23
	15-901	Zoning Certificates for Nonconforming Uses	23
ARTICLE X – ENFORCEMENT			24
SECTION	15-1000	Zoning Inspector	24
	15-1001	Zoning Certificates	24
	15-1002	Conditions Under Which Certificates are Required	24
	15-1003	Application and Issuance of Zoning Certificates	24
	15-1004	Fee for Zoning Certificates	25
	15-1005	Zoning certificate for Nonconforming Uses	26
	15-1006	Violations and Penalties	26
	15-1007	Violations — Remedies	26
ARTICLE XI – BOARD OF ZONING APPEALS			27
SECTION	15-1100	Establishment and Procedures	27
	15-1101	Applications and Appeals	27
	15-1102	Hearings	28
	15-1103	Decision of the Board	28
	15-1104	Powers and Duties	28
	15-1105	Variances	29
	15-1106	Conditional Uses	30
	15-1107	Performance Requirements	31
	15-1109	Interpretation of District Map	31
ARTICLE XII – DISTRICT CHANGES AND ORDINANCE AMENDMENTS			31
SECTION	15-1200	General	31
	15-1201	Procedure for Change in Zoning Districts	32
	15-1202	Application Fees	33
ARTICLE XIII – VALIDITY AND SEPARABILITY			33
ARTICLE XIV — EFFECTIVE DATE			33

VILLAGE OF ADDYSTON STATE  
OF OHIO  
ORDINANCE 17, 1969

AN ORDINANCE, ESTABLISHING COMPREHENSNE ZONING REGULATIONS FOR THE VILLAGE OFADDYSTON, OHIO AND PROVIDING FOR THEADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF; ALL FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFE1Y, MORALS, COMFORT AND GENERAL WELFARE, ALL IN ACCORDANCE WITH A COMPREHENSNE COMMUNIIYPLAN, THROUGH THE REGULATION OF THE USE OF LAND AND THE LOCATION, SIZE AND USE OF BUILDINGS AND OTHER STRUCTURES. BE

IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ADDYSTON, OHIO

ARTICLE I-TITLE AND ENACTMENT CLAUSE

SECTION 15-101. This Ordinance shall be known and cited as the Zoning Ordinance of 1969.

SECTION 15-102. That for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property, facilitating the provision of water, sewerage, schools and other public requirements, and lessening or avoiding congestion on public streets and highways, it is hereby provided as follows;

ARTICLE II –DISTRICTS AND GENERAL PROVISIONS

SECTION 15-200. Districts

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

SECTION 15-201. Open Area Districts

15-201.1 "S-1" Special: Areas which are large public or semipublic holdings, areas suitable for noncommercial recreation, areas subject to periodic flooding, and areas too steep for urban development.

15-201.2 "F-11" Flood Plain: Areas which are subject to flooding and unsuitable for urban development except for certain open space uses.

SECTION 15-202. Residential Districts

15-202.1 "R-1" Low Density Residence: For relatively low density residential development which has group water and sewerage facilities developed.

15-202.3 "R-2" Medium Density Residence: For medium density residential development which has ready access to most community facilities. Community water and sewerage facilities are required.

SECTION 15-203. Business Districts

15-203.1 "B-1" Business District: Areas with existing business and other areas which are logical for development expansion of unified and compact commercial districts.

15-2032 "B-2" Highway and General Business: Areas along major highways, or thorough fares which provide sales and services oriented to highway travelers; or general businesses including sale and services for

automotive, farm machinery, building trades, etc.

#### SECTION 15-204. Industrial Districts

15-204.1 "M-1" Restricted Industrial: Areas for light industries with restricted manufacturing operations, research facilities and offices of a restricted nature which will have little or no detrimental effects on neighboring land uses.

15-204.2 "M-2" General Industrial: Areas which, because of their access to transportation and community services, and relative isolation from other land uses, provide good sites for most types of general - industry.

#### SECTION 15-205. District Map

15-205.1 The boundaries of the districts are shown upon the map which is made a part of this ordinance, which map is designated as the "District Map." The district map and other information shown thereon are a part of this ordinance. The original district map is properly attested and is on file with the Clerk.

15-205.2 No amendment to this ordinance which involves matter portrayed on the Official District Map shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

15-205.3 The Official District Map, which shall be located in the Office of the Clerk shall be the final authority as to the current zoning status of land and water area, buildings and other structures.

#### SECTION 15-206. District Boundaries

15-206.1 The district boundary lines on said map are intended to follow either centerlines of thoroughfares or railroads or lot lines. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

15-206.2 Whenever any street, alley, or other public way is vacated by official action of the Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation.

#### SECTION 15-207. Compliance with Regulations

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

15-207.1 No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

15-207.2 No building or other structure shall hereafter be erected or altered:

- (A) to exceed the height;
  - (B) to accommodate or house a greater number of families;
  - (C) to occupy a greater percentage of lot area;
  - (D) to have narrower or smaller rear yards, front yards, side yards or other open spaces; than herein required;
- or in any other manner contrary to the provisions of this ordinance.

15-207.3 No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

## SECTION 15-208. Interpretation Purpose, and Conflict

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

## SECTION 15-209. Annexation

Any land which subsequent to the effective date of this Ordinance is annexed to the Municipality shall continue to be subject to any zoning regulations in effect in such area prior to the time of annexation until an Ordinance is adopted classifying such land under the system established in this Ordinance. Within six (6) months after the date of annexation, the commission shall prepare a zoning plan for the annexed area and shall recommend its adoption by Council. Council shall, during this six (6) month period, act on the plan following the procedures specified for amendments to this Ordinance.

## ARTICLE ID-DEFINITIONS SECTION

### 15-300.

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

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

(B) Agriculture: Agriculture shall include farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry and the processing and sale of agriculture products from land under same ownership.

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

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

(E) Board: The Board of Zoning Appeals of Addyston, Ohio.

(F) Building: Any structures other than a boundary wall or fence.

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

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

(I) Building. Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

(J) Businesses:

(1) Main Business includes comparison and convenience shopping; professional business and financial services; public and semipublic uses and other activities of a comparable clean and compact nature, which contribute to the economy and character of the area as determined by the Board.

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

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

(L) Cellar: A story partly underground and having more than fifty percent of its clear height below the average level of the adjoining ground. A cellar should not be considered a story for purposes of height measurement, or in determining the permissible number of stories or in computing floor area or in calculating living area.

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

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

(O) Commission: The Planning Commission of the municipality.

(P) Commercial Entertainment Facilities: Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs and similar entertainment activities.

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

(R) Council: The Village Council of Addyston, Ohio.

(S) Districts • zoning Districts: Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the "district map" which is part of this ordinance.

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

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

(V) Dwelling, Single-family: A building designed for or occupied exclusively by one family.

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

(X) Dwelling, Multiple: building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.

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

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

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

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

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

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

(EE) Gas Station, Service Station: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.

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

(GG) Home Occupation: An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small sign (not over two square feet in size) and in connection therewith there is not involved the keeping of a stock in trade. The office of a physician, surgeon, dentist or other professional persons, including an instructor in individual musical instruments limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be Home Occupations; and the occupations of beauty operator, with not more than one paid assistant shall be deemed to be Home

Occupations. Tourist homes, real estate offices, convalescent homes, mortuary establishments, and stores, trades or business of any kind not herein excepted shall not be deemed to be Home occupations. Borderline cases shall be ruled on by the Board of Appeals.

(HH) Institution: Buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.

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

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

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

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

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

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

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

(PP) Lot Width: The width of a lot at the building setback line measured at right angles to its

depth. (QQ) Manufacturing. General: Any manufacturing or industrial production which by

the nature of

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

(RR) Manufacturing. Restricted: Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are to a considerable measure clean, quiet and free of any objectionable or hazardous element. Restricted industrial uses shall comply with the performance requirements specified in Article VIII, Section 800, and shall include the industrial uses listed below and any other uses which are determined by the Board to be of the same restricted character: Drugs, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment; research and testing laboratories, printing and engraving plants, bakeries or dairies.

(SS) Mineral Extraction, Storage and Processing: Any mining, quarrying or processing of limestone, sand, gravel or other mineral resources.

(TT) Mobile Home -- Trailer: Any vehicle or similar portable structure so designed signed or constructed as to permit occupancy for dwelling or sleeping purposes,

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

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

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

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

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

(ZZ) Planning Commission: The Planning Commission of the municipality

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

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

(CCC) Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage disposal services.

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

(BEE) Recreational Facilities:

(1) Noncommercial Recreational Facilities: Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools.

(2) Commercial Recreational Facilities: Recreational facilities open to the public, established

and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals and similar commercial enterprises.

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

(GGG) Semipublic Uses: Churches, Sunday schools, parochial \*schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

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

(ill) Sign, Billboard: Any sign situated on private promises with an area greater than 100square feet on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.

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

(KKK) Social Activities: Any building and land used for private or semiprivate club activities, including lodges, fraternities and similar activities.

(LLL) Solicitor: The Village Solicitor of the municipality.

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

(NNN) Story: That portion of a building other than a cellar included between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters or if two-thirds of its volume is above the average level of the adjacent ground.

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

(PPP) Structure: Anything constructed or erected, Other than a building, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including-but without limiting-the generality of the foregoing, advertising signs, billboards and backstops for tennis courts.

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

(RRR) Trailer, Small Utility: Any trailer drawn by passenger automobile, used for the occasional transport of personal effects.

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

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

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

(VVV) Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the main building or any projection thereof, other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

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

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

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

(ZZZ) Zoning District Map: The Zoning District Map or maps of the village, to all amendments subsequently adopted.

(AAAA) Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Village Council.

## ARTICLE IV – USE REGULATIONS

### Section 15-400.

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

#### "S-1" SPECIAL

##### Permitted Uses

Parks  
Public Uses Essential  
Services Accessory  
Uses  
Noncommercial Recreational Facility  
Plant Cultivation  
Conservation

##### Conditional Uses Requiring Board Approval

Semipublic Uses  
Public Service Facility Commercial  
Recreational Facility Cemetery  
Airports  
Sand and Gravel Extraction

#### "F-1" FLOODPLAIN

##### Permitted Uses

Agriculture and Forestry  
Public Parks and Recreation Areas

Essential Services Accessory Uses  
Noncommercial Recreational Facilities

Conditional Uses Requiring  
Board Approval Commercial  
Recreational Facilities  
Noncommercial Recreational  
Facilities Specialized Animal  
Raising and Care  
Sand, Gravel, Topsoil Extraction

**"R-1" LOW DENSITY RESIDENCE**

Permitted Uses  
Single family dwelling  
Two-family Dwelling  
Public Uses  
Semipublic Uses Plant  
Cultivation Essential  
Services Accessory  
uses

Conditional Uses Requiring Board Approval  
Public Service Facility  
Professional Activities  
Home Occupations  
Noncommercial Recreational Facilities

NOTE: "R-1" amended by Village Ordinance Number 1993-10, on February 2, 1993

**"R-2" MEDIUM DENSITY RESIDENCE**

Permitted Uses  
Single-family Dwelling  
Two-family Dwelling  
Multiple Family Dwelling  
Public Uses  
Semipublic Uses Essential  
Services Accessory Uses

Conditional Uses Requiring Board Approval  
Noncommercial Recreational  
Facilities Nursery School  
Child Care Clinic  
Professional Activities  
Home Occupations  
Nursing Homes  
Conversion of Dwellings to Apartments  
Mortuaries

**"B--1" BUSINESS**

Permitted Uses  
Retail Business  
Personal Services  
Business Services  
Offices and Banks  
Restaurants  
Motels  
Social Activities  
Professional Activities

Conditional Uses Requiring Board Approval  
Gasoline Service Stations  
Drive-in Banks  
Automotive Sales and Repair Printing  
and Publishing

Commercial Entertainment Facilities  
Semipublic Uses  
Public Service Facility  
Essential Services  
Accessory Uses  
Public Uses

**"B-2" HIGHWAY AND GENERAL BUSINESS**

Permitted Uses  
Retail Business  
Business Services  
Gasoline Service Stations  
Automotive Sales and Repair  
Restaurants and Taverns  
Motels  
Mortuaries  
Public and Semipublic Uses  
Essential Services  
Accessory Uses

Conditional Uses Requiring Board Approval  
Outdoor Advertising  
Wholesale Business  
Printing and Publishing  
Animal Hospitals and Clinics  
Bakeries and Dairies  
Commercial Recreational Facilities Entertainment  
Facilities  
Commercial Entertainment Facilities

"M-1"RESTRICTED INDUSTRIAL

Permitted Uses

Restricted  
Manufacturing Printing  
and Publishing  
Research and Testing  
Facilities Offices  
Public Service  
Facilities Essential  
Services Accessory  
Uses

Conditional Uses Requiring Board Approval

Outdoor  
Advertising Food  
Processing  
Restaurants

"M-2" GENERAL INDUSTRIAL

Permitted Uses

General Manufacturing  
Manufacturing, Sale and Storage  
of Building Materials  
Transport and Trucking  
Terminals  
Wholesale Business  
Warehousing  
Food Processing  
Essential  
Services  
Accessory Uses

Conditional Uses Requiring Board Approval

Restaurants  
Outdoor  
Advertising  
Agriculture

ARTICLE V – MINIMUM DIMENSIONAL REQUIREMENTS

SECTION 15-500 Basic Yard Area and Height Requirements for Dwellings

15-500.1 The following schedule establishes minimum yard, area and. height requirements for dwellings and structures accessory to dwellings by district; except as provided in Section 502

District	Minimum Lot Width (in feet)	Minimum Lot Area (per family)	Minimum Yard (in feet)		Minimum Yard Width (in feet)		Maximum Height of	
			Front	Rear	Either	Sum of Side	Stories	Feet
R-1								
Single	80	1000sq. ft.	30	40	10	25	2 ½	35
Two family	120	750sq. ft.	30	40	10	25	2 ½	35
R-2								
Single family	60	7,500sq. ft.	25	30	6	15	2 ½	35
Two family	90	5,500sq. ft.	25	30	10	25	2 ½	35
Multi family	120	4000sq. ft.	25	30	15	30	3	40

15-500.2 Exceptions to the front and rear yard requirements shall be permitted by the Board where the average slope of the lot exceeds twenty (20) percent but in no case shall the front or rear yard be less than ten (10) feet.

SECTION 15-501. Floor Area Requirements for Dwellings

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

District	Minimum Floor Area per Each Family Unit (Square Feet)			
	Single & Two Family	Efficiencies	I-bedroom	2 or more bedrooms
R-1	1,000	500	650	800
R-2	800	500	650	800

SECTION 15-502. Basic Yard, Area, Lot Coverage and Height Requirements for All Buildings Other than Dwellings

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

District	Minimum Lot Width	Minimum Lot Area	Minimum Depth		Minimum Width Each Side (in feet)	Maximum % of Lot Coverage	Maximum Height of	
			Front Yard	Rear Yard			Stories	Feet
S-1	250	3 acres	60	60	50	15	3	45
R-1	150	1 acre	50	50	30	20	3	45
R-2	150	1 acre	50	50	30	20	3	45
B-1	150	30,000 sq. ft.	60	40	30	25	2	35
B-2	150	30,000 sq. ft.	60	40	30	25	2	35
M-1	200	1 acre	50	40	30	30	3	45
M-2	200	1 acre	20	40	30	60	-	80

In the front yard requirement an exception shall be permitted in the case of frontage in an "M-2" district along Three Rivers Parkway provided that no structure shall be erected closer than one hundred ten (110) feet to any property line in a Residential or Commercial district but a minimum five (5) foot front yard shall be provided in any case.

SECTION 15-503. Side and Rear Yard Requirements for Nonresidential Uses Abutting "R" Districts

15-503.1 Minimum Yard Requirements: Business and industrial buildings or uses shall not be located nor conducted closer to any lot line of an "R" District than the distance specified in the following schedule, except as provided in paragraph 503.2 of this section.

Minimum Side or Rear Yard Abutting Any "R" District	Use
25 feet	Access drives for nonresidential uses
50 feet	Churches, schools and public or semipublic buildings
60 feet	Recreation facilities, entertainment facilities, motels, all commercial uses
100 feet	Outside sale or storage of building material or construction equipment, all industrial uses

15-503.2 Landscaping or Screening Provisions: For nonresidential uses abutting "R" Districts the minimum yards may be reduced to fifty (50) percent of the requirements stated in paragraph 503.1 if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four and six feet in height, maintained in good condition and free of all advertising or other signs. Landscaping, provided in lieu of such wall

or fence shall consist of a strip of land not less than fifteen feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height.

SECTION 15-504. Height Regulations for Institutional Office, Industrial and Apartment Buildings and Structures

SECTION 15-504.1 Institutional, industrial and apartment buildings with a height in excess of the minimum height specified in Sections 500 and 502 for such buildings may be permitted provided the required front, side and rear yards are increased by one foot for each foot of additional building height above the maximum specified in Sections 500 and 502, except that no building shall exceed a maximum height of eighty (80) feet without prior approval of the Board of Zoning Appeals.

SECTION 15-504.2 The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silo's and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 15-505. Existing Lots of Record

Any lot of record forty (40) feet or wider existing at the effective date of this ordinance in any "R" District may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of five (5) feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the Board may require that the lot be combined and used for one (1) main building. In either case, the prevailing setback shall be met. Where three (3) or more contiguous unimproved lots of record with less than the required area and width existed and held under one ownership at the effective date of this ordinance the Board shall require replatting to fewer lots to permit compliance with minimum yard requirements.

SECTION 15-506. Architectural Projections

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

SECTION 15-507. Special Yard Requirements

15-507.1 Lots having frontage on more than one street shall provide the required front yard along the major traveled street and meet two-thirds of the setback requirement on the other street.

15-507.2 No accessory buildings shall be located in any front or side yard except under unusual circumstances where such activity shall not conflict with the intent and purpose of this ordinance; or, where enforcement shall result in extreme hardship. Either exception shall require approval of the Board. Accessory buildings such as garages may be located in the rear yard provided such buildings are setback at least three feet from the side lot lines and six (6) feet from the rear lot lines.

SECTION 15-508. Traffic Visibility Across Comer Lots

In any district on any comer lot, no fence, structure or planting shall be erected or maintained within thirty (30) feet of the "comer" at a height between two and one-half (2 1/2) and ten (10) feet above curb or street grade so as to interfere with traffic visibility across the comer.

## ARTICLE VI – OFF-STREET PARKING AND LOADING REQUIREMENTS

### SECTION 15-600. Off-Street Parking Requirements

15-600.1 General Requirements: In all districts, in connection with every industrial business, institutional, recreational, residential, or other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in

accordance with the following requirements:

(A) Each off-street parking space shall have an area of not less than two hundred (200) square feet exclusive of access drives or aisles, and shall be of usable shape and condition.

(B) There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases, leading to the parking or storage or loading or unloading spaces required hereunder.

15-600.2 Number of Spaces Required: The number of off-street parking spaces to be provided shall not be Less than the following:

Use	Parking Spaces Required
Dwellings, including 1, 2, and 3 families, multiple dwellings, summer cottages, and mobile homes.	1 for each single and two-family dwelling unit and one and onehalf spaces for each multiple dwelling; except that one additional space of proper size and construction shall be provided for each additional motor vehicle owned and/or continuously stored on a residential property by the resident or owner.
Rooming or boarding house.	1 for each sleeping room or suite.
Hotel or motel.	Five parking spaces plus one parking space for each sleeping room or suite. These spaces shall be in addition to the parking spaces that shall be provided for any portion of the hotel that is used for office, business, or commercial purposes including the lobby, but not including the corridors giving access to sleeping rooms.
Private club or lodge.	1 for each five (5) members.
Church or temple.	1 for each five (5) seats in main auditorium.
School.	1 for each eight (8) seats in auditorium or main assembly room, or one for each classroom, whichever is greater.
Community center, library, museum or art gallery.	10 plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
Hospital, sanitarium, convalescent home, home for the aged or similar institution.	1 for each employee plus one additional space for each bed.
Offices, clinics, wholesale establishments, business services.	1 for every two hundred (200) square feet of floor space.
Retail store, personal service establishment.	1 for each two hundred (200) square feet of floor space and one for each two employees on the maximum working shift.
Bowling alley.	5 for each alley.
Mortuary or funeral home.	1 for every fifty (50) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
Restaurants, nightclubs, cafes or similar recreation or amusement establishments, dance halls, assembly or exhibition halls without fixed seats.	1 for each one hundred (100) square feet of floor area.
Manufacturing, industrial or mining establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment.	1 for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

15-600.3 Interpretation: The following rules shall govern the determination of spaces required:

(A) "Floor area" shall mean the gross floor area of the specified use.

(B) Fractional numbers shall be increased to the next whole number.

(C) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

## SECTION 15-601. Special Parking Provisions

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

15-601.1 Screening and Landscaping: Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any "R" District, or institutional premises, by a fence of acceptable design. Such fence shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises in any "R" District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. In lieu of such wall, or fence, a strip of land not less than ten (10) feet in width, and planted and maintained evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height, may be substituted.

15-601.2 Minimum Distance and Setbacks: No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling, school, hospital or other institution for **human** care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a main building, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right-of-way. The wall or hedge required in Section 601.1 hereof shall be set back from each street, the same as if it were a building wall, so as to observe the front yard requirements of this ordinance.

15-601.3 Joint Use: Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Village Solicitor and accepted by the Board of Zoning Appeals shall be filed with the application for a zoning certificate.

15-601.4 Other Locations: Parking spaces for residential and other uses may be located on a lot within 300 feet other than that containing the principal use with the approval of the Board of Appeals, provided a written agreement, approved by the Village Solicitor and accepted by the Board of Appeals, shall be filed with the application for a zoning certificate.

15-601.5 Surfacing: Any off-street parking area for more than ten (10) vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

15-601.6 Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

15-601.7 Disabled Vehicles: The parking of a disabled vehicle within a residential district for a period of more than two weeks shall be prohibited; except that such vehicle may be stored in an enclosed garage or other accessory building provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

## SECTION 15-602 Off-Street Loading Requirements

15-602.1 In any district, except in a M-2 District, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, market, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space; plus one (1) additional such loading space for each additional ten thousand (10,000) feet or major fraction thereof of gross floor area. The off-street loading requirements shall not apply to M-2 Districts provided no loading or unloading is conducted within a public right-of-way.

15--602.2 Each loading space shall be not less than twelve (12) feet in width, forty-five (45) feet in length, and fourteen (14) feet in height.

15--602.3 Subject to the limitations in Section 503.1 of Article V, such space may occupy all or any part of any required yard or court space.

15--602.4 No such space shall be located closer than fifty (50) feet to any other lot in any "R" District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or fence not less than six (6) feet in height.

## ARTICLE VII – SPECIAL PROVISIONS FOR RESIDENTIAL USES

### SECTION 15-700. Community Development Projects

15-700.1 An authorized agency of the village, state or federal government or the owner or owners of any tract of land in an "R" District comprising an area of not less than ten (10) acres may submit to the Council a plan for the use and development of all of the tract or land for residential and allied purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article XII for hearings or changes and amendments. If the Commission approves the plans these shall be submitted to the Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community development project meets with the following conditions:

(A) The property adjacent to the area included in the plan will not be adversely affected.

(B) The plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare.

(C) The use of the land shall be similar to the uses permitted in the district in which the plan is located.

(D) That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the proposed district in which the development is located.

15-700.2 If the Planning Commission and Council approve the plans, a zoning certificate may be issued, even though the use of the land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which the project is located.

### SECTION 15-701. Parking of House Trailers and Mobile Homes

Parking of a house trailer or mobile home outside a mobile home park in any residential district for seventy-two (72) hours or longer shall be prohibited except when stored in an enclosed garage or other accessory building. The parking of a small utility, boat or vacation trailer shall be permitted in any district provided they are parked in the rear yard wherever practicable. Where topographical conditions preclude parking of such trailers in rear yards the Board may permit parking of the trailers in side or front yards subject to such conditions as are deemed appropriate by the Board.

### SECTION 15-702. Swimming Pools

15-702.1 Private Swimming Pools: A private swimming pool not including farm ponds, shall be any

pool, lake or open tank not, located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any "B" or "R" District except as an accessory use and unless it complies with the following conditions and requirements:

(A) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property, on which it is located.

(B) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which located.

(C) The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than five (5) feet in height and maintained in good condition, with a gate and lock.

15-702.2 Community or Club Swimming Pools: A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

(A) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

(B) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which located.

(C) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

#### SECTION 15-703. Fences and Planting Screens

15-703.1 Fences, plant material and similar screening devices up to three (3) feet in height are permitted in yards fronting on the public street. These same screening devices up to six (6) feet in height are permitted in the remaining yards.

#### SECTION 15-704. Conversion of Dwellings

In an "R-1" or "R-2" District a residence may be converted to accommodate an increased number of dwelling units provided:

(A) If the building is to be altered on the outside, the yards shall not be reduced to less than the yard dimensions required by the zoning regulations for new structures in that district.

(B) The lot area per family is equal to the lot area requirements for new multifamily structures in that district.

(C) The number of square feet of living area per family unit is not less than that which is required for new construction in that district.

## ARTICLE VIII — SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

### SECTION 15-800. Performance Requirements

15-800.1 Requirements: No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits.

### 15-800.2 Enforcement Provisions:

(A) The Zoning Inspector or Board of Zoning Appeals prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

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

### SECTION 15-801. Signs and Outdoor Advertising Structures

15-801.1 No sign shall be permitted in any district except as hereinafter provided.

### 15-801.2 General Provisions:

(A) Signs not exceeding twelve (12) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property"

(B) Announcement or professional signs for home occupations and professional activities where permitted shall not exceed two (2) square feet in area in an "R" District and not more than four (4) square feet in other districts.

(C) Bulletin boards and signs for a church, school, community or other public or semipublic institutional building shall be permitted provided the area of such bulletin board or sign shall not exceed fifteen (15) square feet in area.

(D) Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twenty (20) square feet.

(E) No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

(F) Temporary signs not exceeding in the aggregate fifty (50) square feet, announcing special events or the erection of a building, the architect, the builders, contractors, etc., may be erected for the period of sixty (60) days, plus the construction period.

(G) No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs.

15-801.3 Business or Industrial District Signs:

(A) In a business or industrial district, each business shall be permitted one flat or wall sign. Projections of wall signs shall not exceed two (2) feet measured from the face of the main wall of the building.

(B) The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.

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

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

- (1.) no part of such sign shall project into the right-of-way of any street or highway,
- (2.) the maximum area of any face of such sign shall not exceed thirty six (36) square feet, and (3.) the pole support of the sign shall not be less than fifty (50) feet from any lot in any "R" District.

(D) The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half (1 1/2) square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet, except that a larger sign may be permitted in M-2 Districts where the extent and acreage of the industrial enterprise warrants an exception. In computing the area of free-standing or protruding signs all faces on which advertising is displayed are considered sign area.

15-801.4 Setback Requirements: Except as provided above, signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modifications:

(A) For every square foot by which such sign or outdoor advertising structure exceeds eighty (80) square feet, such setback shall be increased by one-half foot but need not exceed 100 feet.

(B) At the intersection of any state or federal highway with a major or secondary street, the setback of any sign or outdoor advertising structure shall not be less than one hundred (100) feet from the established right-of-way of each highway or street.

(C) Real estate signs and bulletin boards for a church, school or any other public or semipublic, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

15801.5 Special Yard Provisions: The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures:

(A) No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any "R" District within one hundred (100) feet of such lot line, or which faces any public parkway,

public square or entrances to any public park, public or parochial school, library, church, or similar institution, within three hundred (300) feet thereof.

(B) Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within fifty (50) feet to a side or rear lot line in any "R" District.

15-801.6 Illumination: The following provisions shall be observed in the illumination of signs and advertising structures:

(A) All signs and advertising structures except as hereinafter codified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

(B) No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted.

15-801.7 Permits:

(A) A separate permit shall be required for the erection of signs regulated in this ordinance, except that no permit shall be required for temporary real estate signs with an area of twelve (12) square feet for the sale or lease of property and for small announcement signs with an area of less than two (2) square feet. Announcement signs, except those for professional and home occupations, shall be removed by the person or persons responsible for posting same within thirty (30) days after erection.

(B) Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination; the exact location of the sign in relation to the building and property, the details and specifications for construction. A fee of three dollars (\$3.00) shall accompany each application for a sign permit.

15-801.8 Exemptions: Public notices, traffic control signs and other official signs and notices are exempt from the provisions of this section.

#### SECTION 15-802. Temporary Buildings

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

#### SECTION 15-803. Open Storage and Display of Material and Equipment

15-803.1 The open storage and display of material and equipment incident to permitted or conditional uses in "B" or "M" Districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any "R" District by means of walls fences or plantings. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

15-803.2 The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of such equipment and material beyond the date of completion of the project shall be subject

to a special permit authorized by the Board of Zoning Appeals.

## ARTICLE IX -NONCONFORMING USES

### SECTION 15-900. Nonconforming Uses

15-900.1 Any lawful uses of buildings or land existing at the effective date of this ordinance may be continued, even though such use does not conform to the provisions hereof. The nonconforming use of a building may be extended throughout those existing parts of the building which were arranged or designed for such use. No nonconforming building or structure shall be moved, extended enlarged or altered and no nonconforming use of land shall be expanded, except when authorized by the Board in accordance with the provisions of Article XI, Section 1102.

15-900.2 Whenever the use of a building or land becomes nonconforming through a change in the amended Zoning Ordinance or in the district boundaries, such use may be continued.

15-900.3 A nonconforming use which is discontinued for a period of one (1) year shall not again be used except in conformity with the regulations of the district in which it is located.

15-900.4 A nonconforming use which has been damaged by fire, explosion, act of God or the public enemy to the extent of sixty (60) percent or more of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its reproduction value, a nonconforming use may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are started within one (1) year of the date of such damage.

15-900.5 Nonconforming trailer or mobile homes located on a lot in any district, once removed, shall not be relocated on such lot unless the unit was "traded-in" for another unit. In this instance, the replacement shall be on site within one week of the removal of the previous unit.

15-900.6 It is not the intention herein to classify as nonconforming a use or building allowed in a district as a conditional use under the regulations of this ordinance.

15-900.7 Any building arranged, intended or designed for a nonconforming use the construction of which has been started at the time of the passage of this ordinance, but not completed, may be completed and put into such nonconforming use, provided it is done within one (1) year after this ordinance takes effect.

### SECTION 15-901. Zoning Certificates for Nonconforming Uses

A zoning certificate shall be required for all lawful nonconforming uses of land and buildings created by adoption of this ordinance in accordance with the provisions of Section 1005 of Article X.

## ARTICLE X -ENFORCEMENT

### Section 15-1000. Zoning Inspector

15-1000.1 It shall be the duty of the Village Zoning Inspector, who shall be appointed by the Council, to enforce this ordinance. It shall also be the duty of all officials and employees of the municipality to assist the Zoning Inspector by reporting to him upon new construction, reconstruction, or land uses or upon seeming violations.

15-1000.2 Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in Article XI.

SECTION 15-1001. Zoning Certificates

15-1001.1 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this ordinance. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this ordinance.

Zoning certificates issued for new construction shall be valid for a period of eight (8) months from the date of issuance. Zoning certificates for reconstruction, demolition, or alterations to existing structures shall be valid for a period of six (6) months from the date of issuance. If all work is not completed within the time periods set forth herein, the owner shall, within seven (7) weekdays after the certificate becomes invalid, seek an extension from the zoning commissioner. When seeking an extension the owner shall explain why the work was not completed within the time limits prescribed herein. The zoning commissioner shall freely grant extension requests where the owner has presented good cause for his failure to complete the work within the applicable time period. An extension for new construction shall not exceed four (4) months. An extension for reconstruction, demolition or alterations to existing structures shall not exceed two (2) months. Further extensions may be granted however, any further extensions shall be within the discretion of the zoning commissioner. If an extension is not obtained as provided herein or if no further extensions have been granted, the owner shall cease all work and may either appeal to the zoning board of commissioners or may apply for a new certificate as provided herein.

15-1001.2 Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this ordinance. No charge shall be made for issuing a zoning certificate, in accordance with this paragraph.

SECTION 15-1002. Conditions Under Which Certificates are Required.

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

15-1002.1 Construction or structural alteration of any building, including accessory buildings.

15-1002.2 Change in use of an existing building or accessory building to a use of a different classification.

15-1002.3 Occupancy and use of vacant land.

15-1002.4 Change in the use of land to a use of a different classification. 15-

1002.5 Any change in the use of a nonconforming use.

15-1002.6 A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this ordinance or any amendments.

SECTION 15-1003. Application and Issuance of Zoning Certificates

15-1003.1 Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this ordinance. Exceptions to this requirement shall be permitted where alterations involve only the functional use or operations within an existing building or

structure in a M-2 District.

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

15-1003.3 Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

(A) Each plan shall show:

(1.) the street providing access to the lot and the exact location of the lot in relation to the nearest cross-street;

(2.) the name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties;

(3.) the actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon;

(4.) the location and size of the proposed structure, and/or the proposed enlargement of the existing structure, and

(5.) any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this ordinance.

(6.) every application shall include the names and addresses of all contractors and subcontractors who will be employed, engaged or who will otherwise participate, whether paid or not, in the proposed project for which the plan is presented.

(B) Each plan shall bear statements declaring that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.

(C) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.

(D) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application;

(E) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

15-1003.4 The Zoning Inspector shall not issue a zoning certificate for any application requiring site plan review by the Planning Commission, namely:

Community Development Projects (Article VII, Section 700) of this ordinance, unless the proposed site plan has been approved by the Planning Commission and any necessary zone changes are passed by Council.

SECTION 15-1004. Fee for Zoning Certificates

15-1004.1 A fee, in accordance with the following schedule of amounts, shall accompany each application for a zoning certificate:

<u>Use</u>	<u>Fee</u>
Single-family Dwelling	\$ 10.00
Accessory Building, Signs or Fences Two-family Dwelling	6.00 16.00
Multiple Dwelling	40.00
Each additional family unit in excess of three (3)	4.00
Maximum fee for a multiple dwelling shall not exceed	60.00 50.00
Commercial, Industrial or Institutional	

The fee for the application for a certificate for the use of land, not involving structures, including changes in the use of land shall be \$5.00.

15-1004.2 The Zoning Inspector shall forthwith deposit all fees with the Village Treasurer who shall credit such fees to the credit of the General Revenue Fund of the municipality.

15-1004.3 Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector or his agent, and Copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

#### SECTION 15-1005. Zoning Certificate for Nonconforming Uses

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

#### SECTION 15-1006. Violations and Penalties

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

#### SECTION 15-1007. Violations - Remedies

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

### ARTICLE XI – BOARD OF ZONING APPEALS

#### SECTION 15-1100. Establishment and Procedures

15-1100.1 Appointment: There is hereby established a Board of Zoning Appeals which shall consist of five (5) electors appointed by the Mayor and approved by Council. Council, by a majority vote of its members, shall choose a successor to fill any vacancy. The five (5) electors first appointed shall serve for terms of one (1), two (2), three (3) four (4) and five (5) years, respectively; thereafter appointments shall be for

five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Council and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Council provides.

15-1100.2 Hearings, Rules, etc.: The hearings of the Board of Zoning Appeals shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The Board shall organize annually and elect a President, Vice President and Secretary. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance.

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

15-1100.3 Minutes and Records: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating each fact; and shall keep records of its examinations and other officials' actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

15-1100.4 Witnesses, Oaths, etc.: The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

15-1100.5 Department Assistance: The Board may call upon the various departments of the municipality for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

#### SECTION 15-1101. Applications and Appeals:

15-1101.1 Applications: An application, in cases in which the Board has original jurisdiction under the provisions of this ordinance, may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board. A fee of twenty dollars (\$20.00) shall be paid to the Zoning Inspector at the time notice of appeal is filed, which the officer shall forthwith pay over to the Village Treasurer to the credit of the General Revenue Fund.

#### 15-1101.2 Appeals:

(A) An appeal to the Board may be taken by any person aggrieved or by an officer of the municipality affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(B) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

(C) The Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

SECTION 15-1102. Hearings:

15-1102.1 The Board shall fix a reasonable time for the hearing of an appeal, give at least thirty (30) days' public notice thereof as provided by law and at least twenty (20) days' notice to parties having proprietary interest in land within two hundred (200) feet and decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by the fee hereinafter specified. At this hearing, any party may appear in person or by attorney.

15-1102.2 The hearings of the Board shall be public. However, the Board may go into executive session for discussion but not vote on any case before it.

15-1102.3 Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

SECTION 15-1103. Decision of the Board:

15-1103.1 The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.

15-1103.2 A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

15-1103.3 A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

15-1103.4 The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of the county, on the ground that the decision was unreasonable or unlawful.

SECTION 15-1104. Powers and Duties

The Board of Zoning Appeals shall have the following powers and it shall be its duty:

15-1104.1 To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this ordinance or any amendments thereto.

15-1104.2 In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

(A) Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this ordinance.

(B) Interpret provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

(C) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

(D) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship, on the use of the lot, as contrasted with merely granting an advantage or a convenience.

(E) Permit land within three hundred (300) feet or, a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.

(F) Determine whether an industry should be permitted within the "M-1" or "M-2" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

(G) The substitution of a nonconforming use existing at the time of enactment of this ordinance, of another nonconforming use, if no structural alterations except those required by law or ordinance, are made; provided however, that in an "R" District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any "R" District, and in a "B" District no change shall be authorized to any use which is not a permitted or conditional use in any "B" District.

Temporary Structures and Uses: The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this ordinance for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

#### SECTION 15-1105. Variances

15-1105.1 The Board shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of this ordinance as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this ordinance. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of the zoning ordinance only if all of the following findings are made:

(A) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

(B) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(C) That such unnecessary hardship has not been created by the appellant.

(D) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

(E) That the variance if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

15-1105.2. The Board shall have the authority to grant an extension or permit completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension shall not exceed in all one hundred percent (100%) of the floor area of the existing building or buildings devoted to a nonconforming use and provided further that such extension or extensions shall be undertaken within five (5) years of the date when the use of such building became nonconforming.

#### SECTION 15-1106. Conditional Uses

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

15-1106.2 The following basic standards shall apply to conditional uses in any "S" or "R" District:

(A) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its size layout and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous, inconvenient or conflict with the normal traffic on residential streets, both at the time and as the same may be expected to increase with any prospective increase in the population of the area, taking into account convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections, and the general character and intensity of development of the area.

(B) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

15-1106.3 The following basic standards shall apply to conditional uses in any "B" or "M" District:

(A) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase with increasing development of the municipality, taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.

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

#### SECTION 15-1107. Performance Requirements

15-1107.1 The Board shall have the power to authorize issuance of a zoning certificate for uses that are subject to performance requirements as set forth in this ordinance.

15-1107.2 The application for a zoning certificate for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the Performance Requirements.

15-1107.3 The Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.

#### SECTION 15-1108. Interpretation of District Map

15-1108.1 Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such away as to carry out the intent and purpose of this ordinance. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning District Map may be made to the Board and a determination shall be made by said Board.

### ARTICLE XII – DISTRICT CHANGES AND ORDINANCE AMENDMENTS

#### SECTION 15-1200. General

15-1200.1 Whenever the public necessity, convenience, general welfare or good zoning practices require, the Council may, by ordinance – after receipt of recommendation thereon from the Planning Commission, and subject to the procedures provided by law -amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by this ordinance or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Council.

#### SECTION 15-1201. Procedure for Change in zoning Districts

15-1201.1 Amendments or Supplements to Zoning Ordinance; Procedure; Referendum. Amendments or supplements to the zoning ordinance may be initiated by motion of the Planning Commission by the passage of an ordinance therefor by the Village Council or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Planning Commission. The Council shall, upon the passage of such ordinance, certify it to the Commission.

Upon the adoption of such motion, or the certification of such ordinance, or the filing of such application the Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such ordinance or the date of adoption of such motion or the date of the filing of such application.

15-1201.2 Applications for any change of district boundaries or classifications of property as shown on the zoning map shall be submitted to the Commission at its public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

15-1201.3 Names and Addresses of Adjacent Property Owners. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property, the zoning classification of which is proposed to be changed.

15-1201.4 Referral of Proposed Change to County Regional Planning Commission. Within five (5) days after the filing of an application for change in the ordinance or districts, the commission shall transmit a copy thereof, together with text and map pertaining thereto, to the County Regional Planning Commission. Toe County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof , d shall submit such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the Commission on such proposed amendment or supplement.

15-1201.5 Public Hearing by Commission. Before submitting its recommendation on a proposed amendment to the Village Council, the Commission shall hold a public hearing thereon, notice of which shall be given as provided by law at least thirty (30) days before the date of the hearing. The notice shall state the place or places and times at which the proposed amendment to the ordinance, including text and maps, may be examined.

15-1201.6 Action of Commission. Toe Commission may recommend that the application be granted as requested or it may recommend a modification of the zoning amendment requested in the application or it may recommend that the application be not granted. These recommendations shall then be certified to the Village Council within thirty (30) days after the hearing.

15-1201.7 Public Hearing by the Village Council. After receiving from the Commission the certification of said recommendations on the proposed amendment and before adoption of such amendment, the Village Council shall hold a public hearing thereon within thirty (30) days of the receipt of the recommendations from the Commission, at least thirty (30) days notice of the time and place of which shall be given as provided by law. The notice shall state the place or places and times at which the proposed amendment to the ordinance, including text and maps, may be examined and other notices as required by state statutes.

15-1201.8 Notice to Property Owners. If the proposed amendment or supplement 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 by first class mail at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address 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 the Commission. The failure to notify, as provided in this section, shall not invalidate any recommendations adopted hereunder, it being the intention of this section to provide, so far as may be possible, due notice to persons substantially interested in the proposed change that an application is pending before the Commission, proposing to make a change in the zoning district map or the regulations set forth in this ordinance.

15-1201.9 Action of the Village Council. Within twenty (20) days after holding the public hearing on the proposed amendment the Village Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance or zoning district map. No such ordinance, measure or regulation which differs from or departs from the plan or report submitted by the Commission, Board, or officer shall take effect unless passed or approved by not less than three-fourths of the membership of the legislative authority.

#### SECTION 15-1202. Application Fees.

15-1202.1 At the time that an application for a change of zoning districts is filed with the Commission, as provided herein, there shall be deposited with the Village Treasurer, the sum of thirty dollars (\$30.00) as a fee to cover investigation, legal notices and other expenses incidental to the determination of

such matter, such fee to be for one lot or part of one lot. An additional fee of five dollars (\$5.00) shall be deposited for each additional lot or part of an additional lot which may be included in the request, such additional lot or part of a lot to be adjacent to each other. Such sums so deposited shall be credited by the Village Treasurer to the General Fund.

15-1202.2 In the event that the Planning Commission disapproved the application and the petitioner elects not to have the same certified to the Council, then a refund of twenty-five dollars (\$25.00) plus an additional refund of three dollars (\$3.00) for each additional lot or part of an additional lot which was included in the application should be made to the petitioner by the Village Treasurer, provided that the Village Treasurer is notified of such decision by the petitioner within thirty (30) days from the time of the action taken by the Planning Commission.

#### ARTICLE XIII- VALIDITY AND SEPARABILITY

15-1300. If any article, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

#### ARTICLE XIV – EFFECTIVE DATE

15-1400. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law. PASSED JULY 23, 1969.

#### ARTICLE XV — RULES AND FEES FOR REPAIR, ALTERATIONS AND RAZING

15-1500. In order to assure full compliance with existing building codes and to assure that repairs made to existing structures, alterations or additions made to existing structures and razing of condemned structures or razing of existing structures that are not condemned but, for some other reason are to be razed, are conducted in a safe and workmanlike fashion to assure that there will be no diminution in the value of the surrounding properties and that a hazard is not created, the following rules and fees shall apply.

A. This section shall apply to any alterations, additions, repair, or razing made to existing property or to hereafter existing property. "Property" means buildings, dwellings, sheds, outbuildings, septic systems, or any other structure that becomes part of the realty including, but not limited to pools, swimming pools, roofs, brickwork, driveways, masonry, metal work, septic systems, cement work, sewer systems, wiring, plumbing, heating, air conditioning, heat pumps, garages, outbuildings, playground equipment, driveways, exterior lighting and any other thing that becomes part of the landed estate excepting plants, trees, shrubs, crops, and any other growing thing that would be considered under the classification of landscaping.

B. This section does not apply to items which are readily removed from the property such as televisions, radios, lamps, and other such things that are considered appliances.

C. Prior to commencing any replacement, repair, or addition to any ceiling, roof, gutter, downspout, plumbing system, septic system, heating system, air conditioning system, driveway, garage, sidewalk, any in-ground pool, any swimming pool whether in-ground or above ground, excepting wading pools, any system using natural gas, heating oil, propane, excepting propane or LP gas barbeques, any deck, any structural system, whether such system is constructed of wood, steel, fencing, signs, billboards, masonry, brick, stone, or some other material, or any electrical system incorporated into a structure or to be incorporated into a structure, including spas, hot tubs, and swimming pools, or any item mentioned in section A above, the person responsible shall obtain a permit therefore.

Prior to issuance of a permit the person responsible for the work shall present a plan for such replacement or addition. That plan shall meet all existing building codes applicable to that type of addition or replacement. That plan shall contain an adequate description of the property where the work is to take place and shall also contain drawings detailing the desired change(s). In addition, that plan shall set forth the names and addresses of all parties who are to be employed in performing the desired work. In addition that

plan shall contain a copy of the price quotes provided by the contractors, subcontractors, or the person or persons who shall perform the work. That plan shall also contain an estimated date when the work is to begin and an estimated date when the work is to be completed. Where necessary, that plan shall also contain the name and address of the dump or landfill where the salvage is to be taken. No work may be commenced without first obtaining a permit.

All such work is subject to inspection before, during and upon completion. In the event that any such work requires the removal of internal or external walls, that work shall be inspected before the walls are replaced. In the event that any such work requires removal of earth and is to be thereafter covered with earth, cement, asphalt, or any such material, inspection shall occur before such work is covered up. In the event the inspector finds that such work does not comply with the relevant building or construction codes, all work shall immediately cease and the person performing such work shall bring such work into compliance with the relevant codes.

In addition to the above requirements, each person shall pay for a permit to conduct said repairs, alterations, improvements, or razing.

15-1501 Schedule of Fees: The fee schedule set out below is established for the acceptance and approval of plans and specifications, and the making of the various in-progress inspections required by the Addyston, Hamilton County, Ohio Building Code. The cost of the "Occupancy Certificate" is included in the fee cost where required by the Code.

A. New 1 and 2 Family Dwellings:

Base fee - \$50.00 plus \$5.00 for each additional 100 square feet of livable gross floor space or portion thereof.

B. Detached Residential Garages, Carports, Work Sheds, Storage Sheds and Accessory Structures

Under 200 Square Feet - \$15.00

200 Square Feet and over \$25.00 plus \$3.00 for each 100 Square Feet of usable floor space above 200 Square Feet.

C. Fees based on estimated cost of repair for alterations, repairs, retaining walls, satellite dishes, towers, antennas, etc.

Estimated Cost of Project	Initial Fee	Additional Fee
\$1,000.00 or less	\$20.00	
\$1,000.00 - \$5,000.00	\$30.00	\$2.00 for each \$1,000.00 or fraction thereof in excess of \$1,000.00
\$5,000.00 - \$15,000.00	\$30.00	\$3.00 for each \$1,000.00 or fraction thereof in excess of \$1,000.00
\$15,000.00 - \$30,000.00	\$30.00	\$3.50 for each \$1,000.00 or fraction thereof in excess of \$1,000.00
\$30,000.00 - \$50,000.00	\$30.00	\$4.50 for each \$1,000.00 or fraction thereof in excess of \$1,000.00
\$50,000 and above	\$30.00	\$4.50 for each \$1,000.00 or fraction thereof in excess of \$1,000.00

D. Fences: All types regardless of height - \$20.00 for the first 100 lineal feet or portion thereof, plus \$2.00 for

each additional 25 lineal feet or fraction thereof.

E. Family Swimming Pools: Manufactured Round Pools - \$5.00 for each foot of depth above the first 2 feet for pools that do not exceed 21 feet in diameter.

For all other types of pools, the fees shall be according to "C." of this section.

F. Tents: The permit fee for the erection of a tent approved as to location, construction, and safety use shall be \$30.00 and the permit shall be valid for 30 days.

G. Signs and Billboards: In accordance with the Addyston Zoning Ordinance, signs and billboards are exempted from the Building Code requirements and fees. However, separate electrical permits and fees are required for all signs and billboards that are illuminated (I.B.I., Inc.).

H. Wrecking and Razing: Fees for the wrecking of buildings shall be \$20.00 for each 1,000 Square Feet of total gross floor area or fraction thereof.

I. Moving buildings: Fees shall be based according to "C" of this section.

J. New and Replacement Mechanical Equipment:

1. Heating only: all fuels, electric and solar - \$30.00
2. Cooling only: Central air conditioners and heat pumps - \$25.00
3. Heating and cooling combined: all fuels, electric and solar - \$50.00
4. Space heaters, unit heaters, wood burning appliances, fireplaces, etc. - \$20.00
5. Steam or hot water boiler (includes piping) - \$30.00
6. Fuel gas burners, oil burners, combination gas and oil - \$25.00
7. Dwelling fire extinguisher sprinkler systems:  
Includes new systems, alterations, additions, and limited areas systems - the higher of \$50.00 or section "C".

K. Additional Permits are required for Zoning Certificates, Flood Zone Permit, Electrical Work, Plumbing Work, Sewer work.

15-1502 Safety Precautions Required

Whenever any improvements, alterations, repairs, construction or razing is undertaken, the person responsible therefore shall take such precautions as are necessary to assure that such undertaking does not pose a risk of harm to other members of the community and, further, shall take such precautions as are necessary to assure that such undertaking or any portion thereof does not constitute an attractive nuisance that would entice any other member of society to enter upon the site when to do so would place such person in peril. Precautions may include, but are not limited to, adequate lighting, barriers, flashing lights, signs, guards, alarm systems, locks, etc.

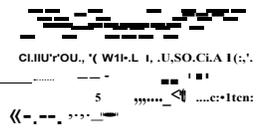
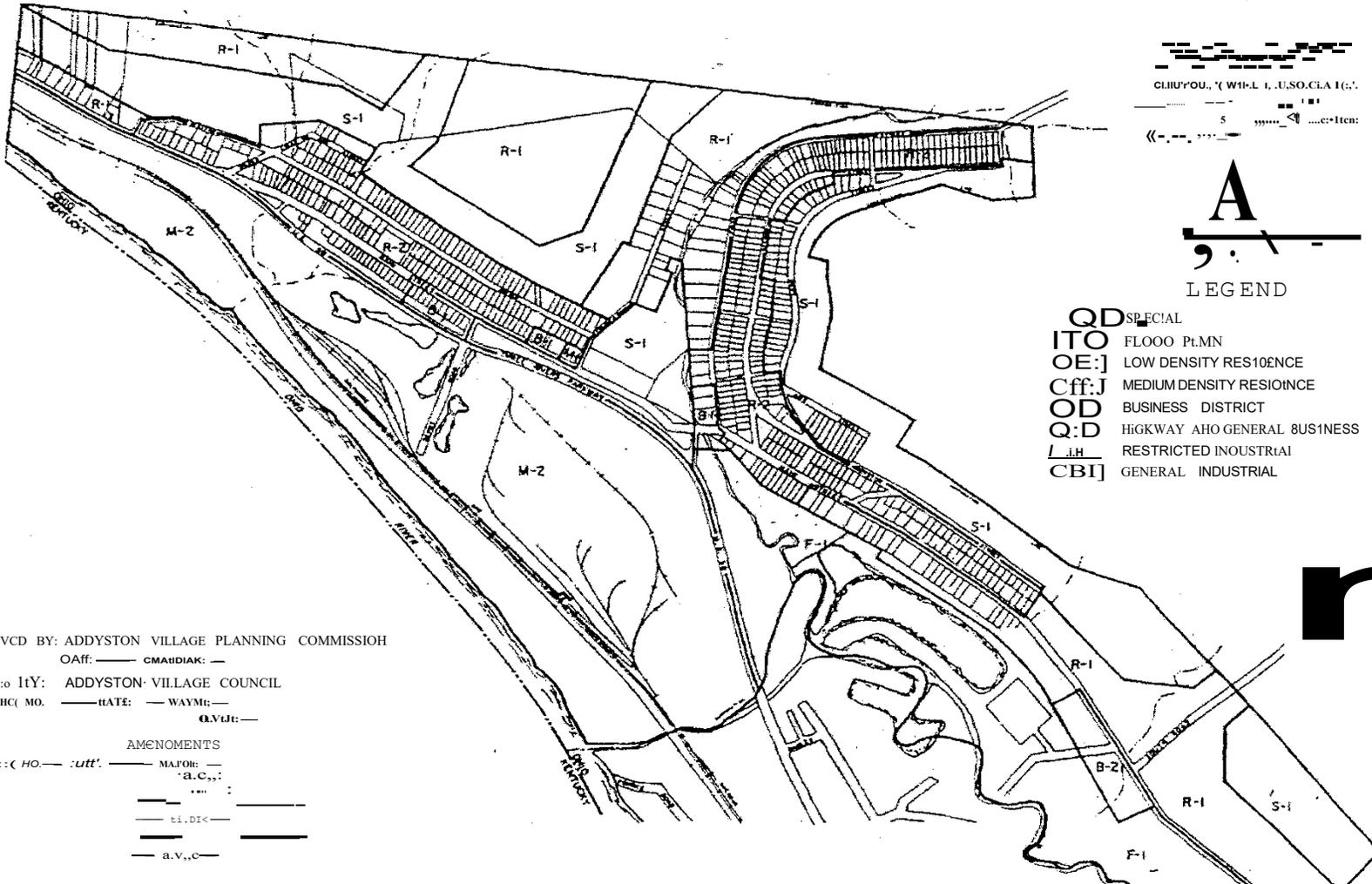
15-1503 Length of Certificate

Any certificate or permit issued under any section contained herein shall be valid until ten days after the date the work was to be completed. Such date being specified at the time of application. If, however, the work is timely completed and requires a final inspection, the permit shall be valid until ten days after the project passes final inspection. If the project does not pass final inspection, the certificate holder shall have an additional 30 days to complete the project and to pass final inspection. If, by that time, the project cannot pass final inspection, the certificate holder must obtain either an extension from the issuing authority or must obtain another certificate under the conditions set forth herein.

# VILLAGE OF ADDYSTON

HAMILTON COUNTY, OHIO

ADDYSTON PLANNING COMMISSION



LEGEND

- QD SPECIAL
- ITO FLOOD PLAIN
- OE:J LOW DENSITY RESIDENCE
- Cff:J MEDIUM DENSITY RESIDENCE
- OD BUSINESS DISTRICT
- Q:D HIGHWAY AND GENERAL BUSINESS
- LIH RESTRICTED INDUSTRIAL
- CBIJ GENERAL INDUSTRIAL

APPROVED BY: ADDYSTON VILLAGE PLANNING COMMISSION  
 OFFICIAL: \_\_\_\_\_  
 ADOPTED BY: ADDYSTON VILLAGE COUNCIL  
 OFFICIAL: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 AMENOMENTS  
 MAJOR: \_\_\_\_\_  
 MINOR: \_\_\_\_\_  
 A.V.C. \_\_\_\_\_

I.O  
M

r

\_\_\_\_\_ MATOP:  
a.Vt.: \_\_\_\_\_  
\_\_\_\_\_ w.roit: \_\_\_\_\_  
\_\_\_\_\_ a.f11: \_\_\_\_\_  
\_\_\_\_\_ mon: \_\_\_\_\_  
\_\_\_\_\_ a.-: \_\_\_\_\_