

**INTEGRATED LAND USE PLAN AND ZONING CODE  
ORDINANCE NO. 2008-6**

**TITLE**

An Ordinance enacted under Section 713 of the Ohio Revised Code, governing the incorporated portions of the Village of Arcadia, Ohio, to regulate and restrict the location and use of buildings, structures and lands for trade, industry, residence and public and semipublic or other specified uses; and to regulate and limit the density of population; and for said purposes to divide the Village into districts and establishing the boundaries thereof, providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein providing for enforcement; establishing a Board of Zoning Appeals; and imposing penalties for the violation of this Ordinance.

**PREAMBLE**

Pursuant to the authority conferred by Section 713 of the Ohio Revised Code, and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Village of Arcadia, by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements and by other means, all in accordance with a comprehensive plan now therefore:

**ENACTING CLAUSE**

Village of Arcadia resolves:

**ARTICLE 1 – SHORT TITLE**

This Ordinance shall be known and may be cited as the Village of Arcadia, Ohio Zoning Ordinance.

**ARTICLE 2 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**Section 200. Construction of Language:**

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future; the words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A “building” or “structure” includes any part thereof.
6. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
7. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either ... or”, the conjunction shall be interpreted as follows:
  - A. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
  - B. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - C. “Either ... or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

#### **Section 201. Definitions:**

**ACCESSORY USE, OR ACCESSORY:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.

When “accessory” is used in this text, it shall have the same meaning as “accessory use”.

An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.

4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
5. Storage of goods used in or produced by industrial uses or related activities, unless such a storage is excluded in the applicable district regulations.
6. Accessory off-street parking spaces, open or enclosed.
7. Uses clearly incidental to a main use such as but not limited to: Offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
8. Accessory off-street loading.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

**ADULT BUSINESS;** Means any adult arcade, adult theater, adult bookstore/video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his or her genitals, buttocks, and / or breasts for viewing by patrons, including, but not limited to: massage establishments, modeling studios, or lingerie studios, whether or not licensed pursuant to Chapters 503, 715, or 4713 of the Ohio Revised Code. Excluded from this definition are any educational or medical institutions where the exposure of the genitals, buttocks, and / or breasts is associated with a curriculum or treatment.

**ALLEY:** Dedicated public way not more than twenty (20) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS:** Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

**ARTIFICIAL POND OR LAKE:** Any excavation for construction upon land resulting in the open retention and/or storage of a body of water and/or other liquids either above or below ground level, but not including common watering troughs, cisterns, and other small related structures or garden water features no deeper than 36 inches by 15 feet long by 15 feet wide.

**AUTOMOBILE REPAIR:** The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; painting and undercoating of automobiles.

**AUTOMOBILE SERVICE STATION:** A place for dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

**BASEMENT:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**BOARD:** The Board of Zoning Appeals of the Village of Arcadia, Hancock County, Ohio.

**BOARDING OR LODGING HOUSE, BED AND BREAKFAST:** A building designed for or used as a single-family dwelling and containing guest rooms where lodging, with or without meals, is provided on a daily, weekly or monthly basis.

**BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. For purposes of this Ordinance, a mobile home shall not be considered a building.

**BUILDING HEIGHT:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs; and two-thirds of the vertical distance between eaves and the ridge for A-frame roofs.

**BUILDING LINE:** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

**COMMISSION:** The Planning Commission of the Village of Arcadia, Hancock County, Ohio.

**COMPREHENSIVE PLAN:** The Comprehensive Plan of the Village of Arcadia, Ohio, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Village, and including any unit or part of such plan, and any amendment to such plan for parts thereof.

**CONVALESCENT OR NURSING HOME:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

**DISTRICT:** A portion of the incorporated area of the Village of Arcadia within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**DWELLING UNIT:** A building, or portion thereof, designed for occupancy by the one (1) family for residential purposes and having one cooking facility.

**DWELLING, ONE-FAMILY:** A building designed exclusively for and occupied exclusively by one (1) family.

**DWELLING, MULTIPLE-FAMILY:** A building, or a portion thereof, designed exclusively for occupancy by two (2) or more families living independently of each other.

**ERECTED:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of an adequate service by such utilities or municipal departments for the general health, safety or welfare.

**EXCEPTION:** A use permitted only after review of an application by the Board of Zoning Appeals or Village Council or a modification in the standards of this Ordinance specifically permitted after review by the Board of Zoning Appeals, Planning Commission or Village Council, such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.

**FAMILY:** One or two persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof) together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

**FARM:** The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

**FLOOR AREA, RESIDENTIAL:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unclosed porches.

**FLOOR AREA, USABLE (For the purposes of computing parking):** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**GRADE:** the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**HOME OCCUPATION:** Any use conducted entirely within a dwelling and participated in solely by members of the family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided, however, in no event shall an animal hospital be construed as a home occupation. Home occupation may include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or similar professional persons for consultation or emergency treatment, and for the general practice of his profession.

**INDUSTRIALIZED UNIT:** A building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as a part of a greater structure and that requires transportation to the final site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standards construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.

**JUNK YARD:** An area where waste and/or used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

**LOADING SPACE:** An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT:** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

**LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five degrees.

**LOT, INTERIOR:** Any lot other than a corner lot.

**LOT, THROUGH:** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage and front yard setbacks shall be provided as required.

**LOT, ZONING:** A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Recorder, but may include one or more lots of record.

**LOT AREA:** The total horizontal area within the lot lines of the lot.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings including accessory buildings.

**LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**LOT LINES:** The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating said Lot from the street. In the case of a through lot is that line separating said lot from either street.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by Village Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LOT WIDTH:** The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

**MAIN BUILDING:** A building in which is conducted the principal use of the lot upon which it is situated.

**MAJOR THOROFARE:** An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thorofare, parkway, freeway, expressway, or equivalent term on the Major Thorofare Plan to identify those streets comprising the basic structure of the Major Thorofare Plan.

**MODULAR HOME:** means a non-self-propelled building unit or assembly of closed construction fabricated in an offsite facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A modular home is transportable in one (1) or more sections, which, in the traveling mode is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on site is seven hundred (700) or more square feet, and which is built on a permanent foundation designed to be used as a dwelling with permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a manufactured unit is the number of square feet in the structure’s exterior dimensions measured at the largest horizontal projection when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (Reference: RC 4501.01).

**MOBILE HOME:** Means a structure of vehicular, portable design, built on a chassis and designed to be moved from one site to another, and to be used with or without a permanent foundation.

**NONCONFORMING BUILDING:** A building or portion thereof, lawfully existing at the effective date of this Ordinance or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

**OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**PARKING SPACE:** An area of definite length and width, fully accessible for the parking of permitted vehicles, said area shall be exclusive of drives, aisles or entrances giving access thereto.

**PLANNING COMMISSION:** The Village of Arcadia Planning Commission.

**PRINCIPAL USE:** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PUBLIC UTILITY:** A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

**RECREATIONAL VEHICLE:** Means a vehicle or a vehicular portable structure designed and constructed to be primarily used for recreational or camping purposes or for the purpose of a temporary dwelling used for travel, recreation, or vacation. Recreational Vehicles shall include, but are not limited to travel trailers, pickup campers, motorized homes, folding tent trailers, boat and boat trailers, wave runners and trailers, jet skis and trailers, other personal



watercraft, snow mobiles and trailers, and any other related camping and recreational equipment.

**ROOM:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchens, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2, or 3 bedroom units and including a “den”, “library” or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**SETBACK:** The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

**SIGN:** The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual , firm, profession, or business, and are visible to the general public.

**SIGN ACCESSORY:** A sign which is related to the principal use of the premises; outdoor advertising such as billboards and the like.

**SIGN: NONACCESSORY:** A sign which is not related to the principal use of the premises; outdoor advertising such as billboards and the like.

**SOLICITOR:** Solicitor of the Village of Arcadia

**STORY:** That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

**STORY, HALF:** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

**STREET:** A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

**STRUCTURE:** Means anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground. The term "structure" shall be interpreted to include storage sheds, satellite dishes, swimming pools, fences and freestanding antennae; provided however, that lot coverage standards shall not be applicable to swimming pools.

**TEMPORARY USE OR BUILDING:** A use or building permitted by the Board of Appeals to exist during a specified period of time.

USE: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to the circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not an exception.

VILLAGE: Village of Arcadia, Ohio.

WALL, OBSCURING: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

YARDS: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance and as defined herein:

1. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Such yard shall be free from outdoor storage or display of commodities for sales on the premises.
2. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

ZONING INSPECTOR: The Zoning Inspector of the Village of Arcadia, Ohio or his/her authorized representative.

ZONING MAPS: The Zoning Districts Map or Maps of the Village together with all amendments subsequently adopted.

## **ARTICLE 3 - DISTRICTS**

### **Section 300. Districts Established:**

For the purpose of this Ordinance, the Village of Arcadia is hereby divided into the following districts:

R-1 Single Family Residential District (Old)	Page 12
R-2 Single Family Residential District (New)	Page 14
MF Multiple-Family Residential District	Page 17
B-1 – Local Business District	Page 17

**Section 301. District Boundaries:**

The boundaries of these districts are hereby established as shown on the Zoning Districts Map which accompanies this Ordinance, and which map with all notations, references and other information shown thereon shall be as much as part of this Ordinance as if fully described herein. Interzone uses are not permitted.

**Section 302. District Boundaries Interpreted:**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Districts Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot following such lot lines.
3. Boundaries indicated as approximately following Village limits shall be construed as following Village limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Districts Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Zoning Appeals shall interpret the District boundaries.
8. When some or all of a Zoning District does not cover public rights-of-way, it is intended that such District boundaries do extend to the center of a public right-of-way.

### **Section 303. Zoning of Vacated Areas:**

Whenever any street, alley or other public way, within the Village shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

### **Section 304. District Requirements:**

All buildings and uses in any District shall be subject to the applicable portions of the provisions of Article 11 - General Provisions and Article 12- General Exceptions.

## **ARTICLE 5 – SINGLE FAMILY RESIDENTIAL DISTRICTS:**

R-1 Single Family Residential District (Old) Sections 500-504

R-2 Single Family Residential District (New) Sections 505-509

### **R-1 SINGLE FAMILY RESIDENTIAL DISTRICT (OLD)**

#### **Section 500. Intent:**

The R-1 Single Family Residential District (Old) is designed to continue the existing single family residential pattern but to allow for differing lot sizes and set back requirements. The minimum set back shall be 25 Foot Front, 8 Foot Side, and 35 Foot Rear and the minimum lot size shall be 7200 square feet. The intent is to continue the village street grid pattern lined with houses of similar dimensions and character. Businesses, industrial uses and other non residential traffic generating uses are discouraged from locating on or off a street serving the existing Single Family Residential District. Truck traffic with legitimate destinations (such as furniture deliveries, moving vans, fire trucks) only shall be permitted inside the R-1 Single Family Residential District. (Old) Alternate access ways to Ohio State Route 12 or other thoroughfares outside the village must be created to serve non-residential truck traffic and any other traffic resulting from the location of non-agricultural and non-residential in the Village.

#### **Section 501. Permitted Uses:**

1. One-family detached dwellings, either stick-built or manufactured (see Section 201 Definitions)
2. Publicly owned and operated libraries, parks, parkways and recreational facilities.
3. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

## **Section 502. Use Permitted Subject to Special Conditions:**

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

1. Churches and other facilities normally incidental thereto subject to the following conditions:
  - A. Buildings of greater than the maximum height allowed in Article 10 – Schedule of Regulations may be allowed to provide front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceed the maximum height allowed.
2. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit.
3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
4. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
  - A. Private pools must be located in the rear yard and shall not require Planning Commission review and approval.
  - B. There shall be a minimum distance of not less than ten (10) feet between the adjoining property line, or ally right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
  - C. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
  - D. No swimming pool shall be located in an easement.
  - E. For the protection of the general public, all permanent swimming pools designed to remain in place for more than one season's use, shall be completely enclosed by a fence not less than six (6) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Inspector upon inspection and approval.
5. Cemeteries which lawfully occupied land at the time of adoption of this Ordinance.
6. Home Businesses, subject to such conditions as the Planning Commission deems necessary to protect the value of adjoining properties.
7. Accessory buildings, structures and uses customarily incident to the above permitted uses.
8. Recreational vehicles and camping vehicles, such as travel trailers, pickup campers, motorized homes, folding tent trailers, boat and boat trailers and any other related camping and recreational equipment may be parked or stored subject to the following conditions:

- (A.) Recreational and camping vehicles parked and stored shall not have fixed connections to electricity, water, or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes. With a permit issued by the zoning inspector, individuals shall be permitted to stay within said recreational vehicle for a period not to exceed 14 days in duration in any 180 day period. One additional period not to exceed 14 days in duration may be permitted by the zoning inspector within the same 14 day period. Each permit shall carry a \$15.00 fee.
- (B.) If recreational and camping vehicles are parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot. The setback requirement on the side or rear yard shall be a minimum of three (3) feet. Recreational and camping vehicles must always be stored in a neat, clean and orderly fashion and the grass and weeds mowed. A property owner who is unable to comply with this restriction based upon the size or configuration of their lot may apply for a variance from the restriction through the board of zoning appeals.

#### **Section 503. Prohibited Uses**

- 1. Mobile Homes
- 2. Junk Yards
- 3. Adult Businesses
- 4. Billboards and other non-accessory signs
- 5. Artificial Pond or Lake

#### **Section 504. Area and Bulk Requirements**

All buildings and uses in any District shall be subject to the applicable portions of the provisions of Article 11 – General Provisions and Article 12 – General Exceptions.

### **R-2 SINGLE FAMILY RESIDENTIAL DISTRICT (NEW)**

#### **Section 505. Intent:**

The R-2 Single Family Residential District (New) is designed to continue the existing single family residential pattern. The intent is to continue the village street grid pattern lined with houses of similar dimensions and character. Businesses, industrial uses and other non-residential traffic generating uses are discouraged from locating on or off a street serving the existing Single Family Residential District. Truck traffic with legitimate destinations (such as

furniture deliveries, moving vans, fire trucks) only shall be permitted inside the Single Family Residential District. Alternate access ways to Ohio State Route 12 or other thoroughfares outside the village must be created to serve non-residential truck traffic and any other traffic resulting from the location of non-agricultural and non-residential in the Village.

**Section 506. Permitted Uses:**

1. One-family detached dwellings, either stick-built or manufactured (see Section 201 Definitions)
2. Publicly owned and operated libraries, parks, parkways and recreational facilities.
3. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

**Section 507. Use Permitted Subject to Special Conditions:**

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

1. Churches and other facilities normally incidental thereto subject to the following conditions:
  - a. Buildings of greater than the maximum height allowed in Article 10 – Schedule of Regulations may be allowed to provide front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceed the maximum height allowed.
2. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit.
3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
4. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
  - a. Private pools must be located in the rear yard and shall not require Planning Commission review and approval.
  - b. There shall be a minimum distance of not less than ten (10) feet between the adjoining property line, or ally right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
  - c. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
  - d. No swimming pool shall be located in an easement.
  - e. For the protection of the general public, all permanent swimming pools designed to remain in place for more than one season's use, shall be completely enclosed by a fence not less than six (6) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed,

then this provision may be waived by the Zoning Inspector upon inspection and approval.

5. Cemeteries which lawfully occupied land at the time of adoption of this Ordinance.
6. Home Businesses, subject to such conditions as the Planning Commission deems necessary to protect the value of adjoining properties.
7. Accessory buildings, structures and uses customarily incident to the above permitted uses.
8. Recreational vehicles and camping vehicles, such as travel trailers, pickup campers, motorized homes, folding tent trailers, boat and boat trailers and any other related camping and recreational equipment may be parked or stored subject to the following conditions:

(A.) Recreational and camping vehicles parked and stored shall not have fixed connections to electricity, water, or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes. With a permit issued by the zoning inspector, individuals shall be permitted to stay within said recreational vehicle for a period not to exceed 14 days in duration in any 180 day period. One additional period not to exceed 14 days in duration may be permitted by the zoning inspector within the same 14 day period. Each permit shall carry a \$15.00 fee.

(B.) If recreational and camping vehicles are parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot. The setback requirement on the side or rear yard shall be a minimum of three (3) feet. Recreational and camping vehicles must always be stored in a neat, clean and orderly fashion and the grass and weeds mowed. A property owner who is unable to comply with this restriction based upon the size or configuration of their lot may apply for a variance from the restriction through the board of zoning appeals.

#### **Section 508. Prohibited Uses**

1. Mobile Homes
2. Junk Yards
3. Adult Businesses
4. Billboards and other non-accessory signs
5. Artificial Pond or Lake

#### **Section 509. Area and Bulk Requirements**

All buildings and uses in any District shall be subject to the applicable portions of the provisions of Article 11 – General Provisions and Article 12 – General Exceptions.



## **ARTICLE 6 – MF – MULTIPLE-FAMILY RESIDENTIAL DISTRICT.**

### **Section 600 Intent**

The MF- Multiple-Family Residential District is designed to provide development guidelines for multiple-family dwelling structures, and related causes, which will generally serve as zones of transition between the nonresidential districts and the Single Family District. The Multiple Family District is to be developed in an architectural manner similar to the existing single family residences in the Village in terms of the residential streetscape rhythm and cadence, and the existing houses' bulk, roof pitch, vehicular access ways and yards.

### **Section 601 Permitted Uses**

In the MF – Multiple-Family Residential District no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

1. Multiple-family dwellings, no higher than two and one-half stories, attached in dwelling unit groups of no more than six (6) dwelling units per structure, each dwelling unit must have a ground floor entry and two on-site parking places which may be in a garage designated for each unit (no communal garages or carports are permitted) or single or double lane driveway at the front or rear of the structures.
2. Convalescent homes or assisted living facilities.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

### **Section 603 – Prohibited Uses**

1. Mobile Homes
2. Junk Yards
3. Adult Businesses
4. Billboards and other non-accessory signs
5. Artificial Pond or Lake

### **Section 604 – Area and Bulk Requirements**

All buildings and uses in any District shall be subject to the applicable portions of the provisions of Article 11 – General Provisions and Article 12 – General Exceptions.

## **ARTICLE 7: B-1 – LOCAL BUSINESS DISTRICT.**

### **Section 700 Intent**

The B-Local Business District is intended to permit those uses as are necessary to satisfy the basic convenience shopping or service needs of persons residing in nearby residential areas. The District is intended to accommodate neighborhood-oriented businesses which can serve as

transitional areas between residential and higher intensity districts. B-District should typically be located at intersections of Major and/or Secondary Thoroughfares, as opposed to being applied in a lineal fashion along major highways. The Local Business District regulations are also designed to provide for the needs of the daytime, in-town work force, as opposed to the expressway district business which are not located near central resident population.

### **Section 701 Permitted Uses**

In a B-Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Executive, administrative and professional offices
2. Medical offices, including clinics and medical laboratories
3. Retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions, or hardware;
4. Personal service establishments which perform services on the premises such as but no limited to repair shops (watches, radio, television, shoe, etc.) tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry-cleaners.
5. Dry cleaning establishments or pick-up stations dealing directly with the consumer, central dry cleaning plants servicing more than one retail outlet are prohibited.
6. Business establishment which perform services on the premises, such as but not limited to banks, loan companies, insurance offices and real estate offices.
7. Governmental Uses: Those uses which require central location to service the needs of the region using the Business District.
8. Other uses similar to the above uses.
9. Accessory structures and uses customarily incident to the above uses.

### **Section 702 - Required Conditions for all B-District Uses**

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced;
2. All business, servicing, or processing except for off-street parking or loading, shall be conducted within a completely enclosed building.
3. All business, servicing or processing, except for off-street parking, loading and those open air uses shall be conducted within completely enclosed buildings.

### **Section 703 Uses Permitted Subject to Special Conditions**

1. Open air business uses when developed in planned relationship with the B-Business District as follows:

- a. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall be located at the exterior end of the building mass located in the B-Business District.
- b. Recreational space providing children's amusement park and other similar recreation when part of a planned development provided further that such use be located at the exterior end of the building mass located in a B-Business District, but not at the intersection of two major thoroughfares. Such recreation space shall be fenced on all sides of a four (4) foot chain link type fence.
  1. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear or side yard of any Residential District.
  2. Automobile service centers when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, and provided further that a building permit shall not be issued separately for the construction of any automobile service center within the B-Business District.
  3. Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions;
    - a. The storage or display of any materials or products shall meet all setback requirements of a structure.
    - b. All loading and parking shall be provided off-street.
    - c. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
  4. Mortuary establishments when adequate assembly area is provided off-street for vehicles to be used in funeral processions provided further that such assembly shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
  5. Publicly owned buildings, telephone exchange buildings, and public utility offices including transformer stations, substations or gas regulator stations all without storage yards.
  6. Amusement and Entertainment Uses: Commercial recreation, theaters, eating or drinking places including entertainment and other such uses offering entertainment to the users of the Business District.
  7. Public and Quasi-Public Uses: Churches, libraries, hospitals, museums, fraternal organizations, private clubs, lodge halls, and other similar uses servicing the needs of the Business District Users
  8. Other uses which the Planning Commission shall find to be:

- a. Related and reasonably necessary or convenient for the satisfactory and efficient operation of a Business District.
- b. Similar in character to one (1) or more of the use groups indicated above
- c. Of such character that the vehicular traffic generated by such use is similar to one (1) or more of the above permitted uses.

#### **Section 704 Prohibited Uses**

1. Mobile homes
2. Junkyards
3. Adult businesses
4. Billboards and other non-accessory signs

#### **Section 705 – Area and bulk requirements**

All buildings and uses in any District shall be subject to the applicable portions of the provisions of Article 11 – General Provisions and Article 12 – General Exceptions.

### **ARTICLE 8: I – LIGHT INDUSTRIAL DISTRICT**

#### **Section 800 Intent**

The I-Light Industrial Districts are designed so as to accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding Districts. The I-District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location not be permitted. The general goals of this use District include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Village's expected future economy for all types of manufacturing and related uses.
2. To protect any abutting Residential Districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.

4. To protect the most desirable use of land in accordance with a well considered plan.
5. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Village's tax revenue.

### **Section 801 Permitted Uses**

In the I-Industrial District, no building or land shall be used and no building shall be erected except for the following specified uses unless otherwise provided in this Ordinance:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
2. Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting R and MF and B Districts, and on any front yard abutting a public thoroughfare except as otherwise provided in this Code. Walls In the I -District, the extent of such a wall shall not be less than four feet six inches (4' - 6") in height and may, depending upon land usage, be required to be eight (8') feet in height, and shall be subject further to the requirements of Article 10-General Provisions. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height is above set forth.
  - A. Warehousing and wholesale establishments, and trucking facilities.
  - B. The manufacture, compounding, processing, packaging or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery, tool, die, gauge and machine shops.
  - C. The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials; bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
  - D. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - E. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.

- F. Manufacture or assembly of electrical appliances, electronic instrument sand devices, radios and phonographs.
- G. Laboratories – experimental, film or testing.
- H. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- I. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.

- 3. Warehouse, storage and transfer, and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations, water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way and freight terminals.
- 4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare. In the I District, the extent of such fence or all may be determined by the Planning Commission on the basis of usage.
- 5. Trade or industrial schools.
- 6. Other uses of similar character to the above uses.
- 7. Accessory buildings and uses customarily incident to any of the above permitted uses.

### **Section 802 Uses Permitted Subject to Special Conditions**

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject to the review and approval of the Planning Commission.

- 1. Auto engine and body repair, and undercoating shops when completely enclosed.
- 2. Lumber and planing mills when completely enclosed and when located in the interior of the District so that no property line shall form the exterior boundary of the I-District.
- 3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- 4. Commercial kennels.
- 5. Greenhouses.
- 6. Other uses of a similar character to the above uses.
- 7. Artificial Ponds and Lakes

Artificial Ponds and Lakes

Artificial ponds or lakes shall be permitted only in the Light Industrial Districts and only with Planning Commission review and approval.

1. All artificial ponds or lakes shall comply with all requirements of this Integrated Code Ordinance including, but not limited to, setback and yard requirements from main structures.
2. In determining compliance with setbacks and yard requirements, the measurements shall be made as follows:
  - a. For in-ground ponds or lakes or portions thereof, from the edge of the pond or lake bank nearest the road right-of-way or lot line to the road right-of-way or lot line.
  - b. For above-ground ponds or lakes or portions thereof, from the lowest point on the outside of any embankment nearest the road right-of-way or lot line to the road right-of-way or lot line.
3. All artificial ponds or lakes shall be surrounded by a chain link fence of at least six feet (6') in height.

#### **Section 803 Prohibited uses.**

1. Mobile homes
2. Junkyards
3. Adult businesses
4. Billboards and other non-accessory signs.

#### **Section 804 Area and Bulk Requirements**

All buildings and uses in any District shall be subject to the applicable portions of the provisions of Article 11-General Provisions and Article 12 – General Exceptions.

#### **Section 1000 Notes to Schedule of Regulations**

- (a) See Section 1102 regarding exceptions to height limitations for farm buildings.
- (b) All new structures must connect to the central sanitary sewer and water systems, or go without these utilities entirely.
- (c) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the District in which the property is located and all regulations applicable to a front yard shall apply.
- (d) In no instance shall the distance between buildings be less than thirty (30) feet.
- (e) Off-street parking in the Residential Districts shall be permitted in a required side yard setback on paved driveways; parking in front yards in the Residential District (R and MF) is prohibited.

(f) Off-street parking shall be permitted to occupy a portion of the required front yard in non-Residential Districts provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Land Use Plan Map.

(g) No side yards are required along interior side lot lines of the District, except as otherwise specified in the Building Code; provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten (10) feet shall be provided. Off-street parking shall be permitted within a required side yard, except that on corner lots there shall maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the parking area and the street right-of-way line.

On a corner lot of which has a common lot line with Residential District, there shall be provided a setback of twenty (20) feet on the side or residential street.

(h) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.

(i) The Planning Commission may permit structures higher than the maximum height standards, provided that all yard setbacks are increased to equal the height of the proposed structures.

(j) Off-street parking for visitors in non-Residential Districts, over and above the number of spaces required, may be permitted in the required front yard, provided that such off-street parking is not located within twenty (20) feet of the front lot line.

(k) Off-street parking shall be permitted in a required side yard setback. Along interior side lot lines of the district, side yards shall be equal to at least the height of the average of the various heights of the industrial masses (excluding towers, chimneys, stacks and the like) immediately abutting upon and adjacent to such side yard.

(l) No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater, to the outer perimeter (property line) of the District when said property line abuts any Residential District.

(m) All storage shall be in the rear yard and be completely screened with an obscuring wall or greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.



# ARTICLE XI - SCHEDULE OF REGULATIONS

## SECTION 1100. SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT

Zoning District	Minimum Lot Size Per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback (per lot in feet)			Minimum Floor Area Per Unit (Sq. Feet)	Maximum % of Lot Area Covered by All Buildings
	Area in Square Feet or Acres	Width in Feet	In Stories	In Feet	Minimum Yard Setback (per lot in feet)				
					Front	Rear			
							Each Side		
R-1 One Family Res. (Old)	7,200 (a,b)	60(b)	2	25	25(c)	8(c,d)	35(c)	1,000	40%
R-2 One Family Res. (New)	13,280 (a,b)	60(b)	2	45	35(c)	10(c,d)	35(c)	1,200	35%
MF-Mult. Family Res.	13,280 (a,b)	60	2	45	35(c)	10(c,d)	35(c)	1,200	35%
B-1 General Business	n/a	n/a	n/a	30(k)	30(g)	(h,j)	20(i)	n/a	n/a
I-1 Light Industrial	n/a	n/a	n/a	40	40(l)	40 (j,m)	(n,o)	n/a	n/a

## **ARTICLE 1100. GENERAL PROVISIONS**

### **Section 1100 Conflicting Regulations**

Whenever any provision of this Integrated Code Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Integrated Code Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Integrated Code Ordinance, then the provisions of such ordinance shall govern.

### **Section 1101 Scope**

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained for any buildings, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

### **Section 1102 Nonconformance**

#### **1. Intent**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed.

It is recognized that there exists within the Districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from the off the premises, or by addition of other uses of a nature which would not be permitted generally in the District involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently

carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

## **2. Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

## **3. Nonconforming Uses of Structures and Land**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would be permitted in the District under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change,

the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

#### **4. Change of Tenancy or Ownership**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures or of structures and land in combination.

#### **Section 1103 - Accessory Buildings and Uses**

Accessory buildings and uses, except as otherwise permitted in this integrated Code Ordinance, shall be subject to the following regulations:

Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Integrated Code Ordinance applicable to the main building.

Accessory buildings and uses shall not be erected in any minimum side yard setback nor any front yard.

An accessory building shall not occupy more than twenty-five percent (25%) of a required rear yard, provided that in a Residential District the accessory building shall not exceed the ground floor area of the main building, nor shall accessory buildings be located closer than five (5) feet to both the rear lot line and side lot lines.

No detached accessory building shall be located closer than ten (10) feet to any main building.

No detached accessory building in an R or MF District shall exceed one (1) story of fourteen (14) feet in height nor exceed the height of the main building on the premises.

Accessory buildings in all other Districts may be constructed to equal the permitted maximum height of permitted use structures in said Districts, subject to Planning Commission review and approval if the permitted use structure exceeds one (1) story or fourteen (14) feet in height.

When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right of way.

The parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile home parks shall be expressly prohibited except that the Zoning Inspector may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks. All trailer vehicles stored on individual lots shall respect the requirements of this Section applicable to the accessory buildings, insofar as distance from principal structures are concerned, except that they may be closer than ten (10') feet to any main building. All trailer vehicles parked or stored, shall not be connected to sanitary facilities and shall not be occupied.

#### **Section 1104. Off-Street Parking Requirements**

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed:

1. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking stripe, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of this Code.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use..
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception.
8. The storage of the following is prohibited: merchandise, motor vehicles for sale, trucks.
9. The repair of vehicles shall be limited to a period of 14 days.

10. For those uses not specifically mentioned, the requirement for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

- A. Residential: R-Single Family and MF-Multifamily: two (2) for each dwelling unit.
- B. Homes for the Aged and Convalescent Homes: One (1) for each four (4) beds.

B. Institutional

- 1. Churches: One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
- 2. Private Clubs or Lodge Halls
- 3. Private swimming pool clubs, tennis clubs or other similar uses: One (1) for each seventy-five (75) square feet of water area, and three (3) spaces per tennis court.
- 4. Golf courses, except for miniature or "Par 3" courses: Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use such as a restaurant or bar.
- 5. Stadium, sports arena or other similar place of outdoor assembly: One (1) for each three (3) seats or six (6) feet of benches.
- 6. Theaters and auditoriums: One (1) for each three (3) seats plus one for (1) for each two (2) employees.

C. Business, Expressway, Industrial

- 1. Planned Commercial or Shopping Center: One (1) for each two hundred (200) square feet of floor area.
- 2. Auto Wash (Automatic) One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20)
- 3. Auto Wash (Self Service or Coin Operated): Three (3) each for each washing stall in addition to the stall itself.
- 4. Beauty Parlor or Barber Shop: Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.
- 5. Bowling Alleys: Five (5) for each one (1) bowling lane plus necessary uses.
- 6. Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls and Assembly Halls Without Fixed Seats: One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

7. Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments; One (1) for each one hundred (100) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
8. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair and Other Similar Uses: One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
9. Gasoline Service Stations: One (1) for each one hundred and fifty (150) square feet of floor space.
10. Laundromats and Coin Operated Dry Cleaners: One (1) for each five (5) washing and/or dry cleaning machines.
11. Mortuary Establishments: One (1) for each seventy-five (75) square feet of floor space.
12. Motel, Hotel or other Commercial Lodging Establishments: One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
13. Motor Vehicular Sales and Service Establishments: One (1) for each four hundred (400) square feet of floor space of sales room and one (1) for each one hundred and fifty (150) square feet of floor space.
14. Retail Stores Except as Otherwise Specified herein: One (1) for each one hundred and fifty (150) square feet of floor space.
15. Banks: one (1) for each one hundred and fifty (150) square feet of floor space.
16. Professional Offices or Doctors, Dentists or Similar Professions: One (1) for each seventy-five (75) square feet of floor space.
17. Industrial or Research Establishments, and Related Accessory Offices: Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
18. Warehouses and Wholesale Establishments and Related Accessory Offices: Five (5) plus one (1) for every one (1) employee in the largest working shift.

#### **Section 1105: Off –Street Parking Standards**

Whenever the off-street parking requirements in Section 1104 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Inspector.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.
5. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than Residential use shall be at least twenty-five (25) feet distant from the adjacent property located in any Residential district.
6. The off-street parking area shall be provided with a continuous and obscuring fence or hedge not less than four feet six inches 4'6" measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a Residential District. When a front yard setback is required, all land in the front property line or street right of way line shall be kept free from refuse and debris and shall be landscaped. The ground area shall be planted and kept in a lawn. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.
7. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Village Engineer.
8. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
9. The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.

### **Section 1106 Off-Street Loading Areas**

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All spaces shall be provided as required in Article 10: Schedule of Regulations, under Minimum Rear Yards, except as hereinafter provided for the Industrial District.
2. Within in Industrial District, all spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having a dustless surface. All spaces in the I District shall be provided in the following ratio of spaces to floor area:



Gross Floor Area (In Square Feet)	Loading and Unloading Space Required
0 - 1,400	None
1,401 – 20,000	One (1) space
20,001 – 100,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (30,001) square feet.
100,001 – and over	Five (5) spaces

3. All loading and unloading in the Industrial District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with the Industrial District across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least forty (40) feet.

#### **Section 1107 Uses Not Otherwise Noted**

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Village under the conditions specified, and after Public Hearing, and after a recommendation has been received from the Planning Commission. In every case, the uses hereinafter referred to shall be specifically prohibited from the Residential Districts, unless otherwise specified.

These uses require special considerations since they service an area larger than the Village or require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this Section is as follows:

1. Outdoor Theaters - Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I, E and B Districts only.

Outdoor theaters shall further be subject to the following conditions:

- A. The proposed internal design shall receive approval from the Zoning Inspector and the County Engineer as to adequacy of drainage, lighting and other technical aspects.
- B. Outdoor theaters shall abut a Major Thoroughfare and points of ingress and egress shall be available only from such Thoroughfare.
- C. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- D. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent Major Thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the

premises of the outdoor theater site.

2. Commercial Television and Radio Towers and Public Utility Microwaves and Public Utility TV Transmitting Towers - Radio and television towers, public utility microwaves and public utility TV transmitting towers, and their attendant facilities shall be permitted in A, I and B Districts provided said use shall be located centrally on a continuous parcel of not less than one and one-half (1½) times the height of the tower measured from the base of said tower to all points on each property line.

### **Section 1108 - Landscaping**

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a Certificate of Occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

#### **1. Plant Material Spacing**

- A. Plant materials, to exclude flowers, shall not be placed closer than four (4) feet from the fence line or property line.
- B. Where plant materials are placed in two (2) or more rows. Plantings shall be staggered in rows.
- C. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall not be less than five (5) feet in height.
- D. Narrow evergreens shall be planted not more than six (6) feet on centers and shall not be less than three (3) feet in height.
- E. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
- F. Large deciduous shrubs shall be planted not more than four (4) feet on centers and shall not be less than six (6) feet in height.
- G. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.

### **Section 1109 - Signs**

- 1. The following conditions shall apply to all signs erected or located in any use district.
  - A. All signs shall conform to all applicable codes and ordinances of the Village and where required, shall be approved by the Zoning Inspector, and a Certificate issued.
  - B. No sign except those established and maintained by the Village, County, State or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
  - C. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned

commercial or shopping center development involving five (5) acres or more under one ownership, the Board of Zoning Appeals may modify the height limitation. The Board shall, however, respect all yards and setbacks in modifying the height requirements.

- D. All directional signs required for the purpose of orientation, when established by the Village, County, State or Federal governments.
- E. Accessory signs shall be permitted in any use district except R. and MF.
- F. Nonaccessory signs shall be permitted only in the Expressway district; except that nonaccessory signs pertaining to real estate development located within the Village and designed to promote the sale of lots or homes within a subdivision located within the Village may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all applicable codes and ordinances of the Village, approved by the Zoning Inspector and a temporary Certificate issued.
- G. Signs used for advertising land or buildings for rent. Lease and /or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
- H. Freestanding accessory signs may be located in the required front yard except as otherwise provided herein.

2. In addition to #1 above, the following requirements shall apply to signs in the various use districts as follows:

#### USE DISTRICTS

#### REQUIREMENTS

R, and MF Districts

For each dwelling unit, one (1) nameplate, (A, R, and MF) not exceeding two (2) square feet in area, indicating name of occupant.

For structures other than dwelling units, one (1) identification sign not exceeding eighteen (18) square feet in area.

MF

For rental and/or management offices, one (1) identification sign not exceeding six (6) square feet in area.

In the MF District, signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent R – Residential district.

B	No sign shall project beyond or overhang wall, or any permanent architectural feature, by more than one (1) foot.
B and I	<p>Freestanding signs shall not exceed three hundred (300) square feet in area and shall not exceed forty (40) feet in height. Freestanding accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent Residential District.</p> <p>Freestanding accessory signs or Districts advertising pylons shall not be placed closer than two (200) feet to any adjacent Residential District.</p>
I	<p>Nonaccessory signs shall be permitted but Districts shall be spaced no closer than one thousand (1,000) feet between signs on the same side of the right-of-way.</p> <p>Freestanding, nonaccessory signs, are allowed but shall comply with all requirements of Article 10: schedule of regulations of this Code.</p>

### **Section 1110 - Exterior Lighting**

1. All outdoor lighting in all use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent Residential Districts or adjacent residents.
2. All outdoor lighting in all use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in nonresidential Districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

### **Section 1111 - Corner Clearance**

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the

intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

## Section 1112 - Walls

1. For those use Districts and uses listed below, there shall be provided and maintained in those sides abutting or adjacent to a Residential District, an obscuring wall as required below (except as otherwise required in Subsection "4" of this Section 1813):

USE	REQUIREMENTS
(a.) Off-street Parking area	4'6" high wall
(b) B	4'6" high wall
(c) I Districts Storage Areas Loading or Unloading areas And Service areas	4'6" – 8' high wall or fence (Height shall provide the most complete obscuring possible)
(d) Auto Wash or Drive-in Restaurants	6'0" high wall
(e) Utility Buildings Stations and/or Substations	6'0" high wall

2. Required walls shall be located on the lot line except where underground utilities interfered and except in instances where this Integrated Code Ordinance requires conformance with front yard setback lines in abutting the Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirements if in specific cases it would not serve the purposes of screening the parking area effectively.

3. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Integrated Code Ordinance and except such openings as my approved the Planning Commission. All walls herein required shall be constructed of materials approved by the Planning Commission to be durable, weather resistant, rust proof and easily maintained, and wood or wood products shall be specifically excluded.

Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Planning Commission.

Wall faces abutting a Residential District shall be either face brick or comparable decorative materials as may be approved by the Planning Commission.

The Planning Commission may permit the substitution of a landscaped screen in lieu of a masonry wall or fence, provided such screen consists of evergreen plant materials not less than four (4) feet in heights, and arranged so as to provide the most effective visual screening possible. Proper maintenance of all screening devices shall be provided by the property to which they are appurtenant.

4. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting Residential District shall not be required when such areas are located more than two hundred (200) feet distant from such abutting Residential District.

5. The Board of Zoning Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4'6") in height.

In consideration of requests to waive wall requirements between Nonresidential Districts and Residential Districts, the Board shall refer the requests to the Planning Commission for a determination as to whether or not the Residential District is considered to be an area in transition and will become nonresidential in the future. In such cases as the Planning Commission determines the Residential District to be a future nonresidential area, the board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting the subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

### **Section 1113 - Fences**

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all Residential Districts which enclose property and/or within a required side or rear yard, are subject to approval by the Planning Commission and shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater – except decorative split rail or iron-type fences which may be located in the front yard. Except where easements exist, such side and rear yard fences may be located inside a side or rear lot line.

2. Fences on lots in recorded subdivisions shall not contain barbed wire, electric current or charge of electricity.

3. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.

### **Section 1114 - Site Plan Review**

1. A Site Plan shall be submitted to the Planning Commission for approval of any development other than single-family dwellings.

2. Every Site Plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance, and shall be in such form as the Planning Commission shall prescribe in its rules.

Site Plans shall be submitted to the Planning Commission at least fourteen (14) days in advance of the next regularly scheduled Commission meeting. Unless the applicant agrees to an extension of time in writing, the Planning Commission shall take one (1) of the following courses of action at such meeting:

- a. Approval, in which case the Zoning Inspector may issue a Zoning Certificate.
- b. Conditional Approval, setting forth, in writing, the conditions upon which approval is granted. In the case of the Conditional Approval, the applicant shall submit to the Zoning Inspector a revised Site Plan showing any and all requirements of the Commission. If the Zoning Inspector determines that all conditions have been satisfied on the amended Site Plan, a Zoning Certificate may be issued.
- c. Disapproval, in which case no Zoning Certificate may be issued, and a new Site Plan must be prepared for consideration by the Commission.

3. The following information shall be included on the Site Plan.

- a. A scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1"=100' if three (3) acres or more.
- b. Date, north point scale.
- c. The dimensions of all lot and property lines, showing the relationship for the subject property to abutting properties.
- d. The location of all existing and proposed structures on the subject property and all existing structures and their current use and zoning district within one hundred (100) feet of the subject property.
- e. The location of all existing and proposed drives and parking areas, including the proposed parking layout.
- f. The location and right-of-way widths of all abutting streets and alleys.
- g. The names, addresses and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation for the Site Plan.
- h. The existing and proposed drainage and watershed conditions.

4. In the process of reviewing the Site Plan, the Planning Commission shall consider:

- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
- b. The traffic generation in circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
  - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

- (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- c. The proposed method of surface drainage control, including the methods for storm water detention and erosion prevention.
- d. The Planning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- e. In those instances wherein the Planning Commission finds that the excessive number of ingress and/or egress points may occur with relation to Major or Secondary Thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the Planning Commission may require marginal access drives.

### **Section 1115 - Frontage on a Public Street**

No lot shall be used for any purpose permitted by this Ordinance unless said lot abuts a public street or duly recorded easement of access, unless otherwise provided for in this Ordinance.

1. Application: This Section shall apply to all areas of special flood hazard within the jurisdiction of Village of Arcadia, Hancock County, Ohio. The areas of special flood hazard shall be those areas identified as such in the most recent Flood Insurance Study involving all or any portion of the Village of Arcadia as conducted or produced by the Federal Emergency Management Agency (FEMA) and shall include the most recent Floodway Maps and Flood Insurance Rate Maps and any revisions thereto as published by the Federal Emergency Management Agency which are hereby adopted by reference and declared to be a part of this Ordinance.
2. Compliance: No structure shall be permitted within a flood hazard area without full compliance with this Section and all other provisions of this Integrated Code Ordinance.
3. Definitions: The words defined below are defined solely for the purposes of this Section on flood area controls. All words not defined below shall be given the meaning they have in common usage.

a. Area of Special Flood Hazard: The land and the flood plain within the Village of Arcadia subject to a one percent (1%) or greater chance of flooding in any given year.

b. Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100 year flood.

c. Certificate of Elevation: The actual elevation in relation to mean sea level of the lowest floor elevation, including basement, of all new or substantially improved structures.

d. Floodway: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated by the Federal Emergency Management Agency Report.



e. Substantial Improvement: Any repair, reconstruction, addition, or improvement of a structure, the cost of which exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or before any damage occurred. With regard to additions, it shall be considered a substantial improvement when the first floor area of the addition is twenty-five (25%) percent or more of the first floor area of the building or structure being added to.

4. Application for Certificates: Any application for a Zoning Certificate or Compliance Certificate involving lands located within a flood hazard area shall include but not be limited to, plans drawn to scale showing the nature, location, dimensions and elevations of the area in question and the location, dimensions, and elevations of existing and proposed structures, existing and proposed fill, the storage of materials, and existing and proposed drainage. All elevations and dimensions shown on any plan or plat submitted with the application shall be certified on the plat or plan as correct by a licensed or registered surveyor or engineer. The following information shall also be presented with the application.

- a. Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures.
- b. Elevation in relation to mean sea level to which any proposed structure will be flood proofed.
- c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria set forth in the following paragraph 5.
- d. A Description of the extent to which any water course will be altered or relocated as a result of proposed development.

5. Requirements: In all areas of special flood hazards, the following requirements shall apply:

- a. All new construction and substantial improvements shall be designated in a manner to assure the flood storage capacity of the Flood Plain area shall not be diminished. In furtherance of this objective the cubic content of all materials brought onto a development site shall be balanced by an equivalent cubic content leaving such site and documentation confirming such balance shall accompany all development plans.
- b. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- c. All mobile homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to the ground anchors.
- d. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage as approved by the Village of Arcadia, Hancock County, Ohio.

- e. All new and replacement water supply systems, sanitary sewage systems, and individual waste water treatment systems shall be designed to minimize or eliminate infiltration or inflow of flood waters into the systems and discharge from the systems into flood waters and to avoid impairment to them or contamination to them or from them during flooding.
- f. All subdivision proposals shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage and danger to the public; and shall have adequate drainage provided to reduce exposure to flood damage. Base flood elevation data shall be provided for subdivision proposals which contain at least fifty (50) lots or five (5) acres, whichever is less.

6. Requirements Where Base Flood Elevation Data is Provided: In all areas of special flood or where hazards where base flood elevation data has been provided as set forth in this Section, any other base flood elevation and floodway data is available from a Federal, State or other source, the following requirements shall be met:

- a. All new construction and substantial improvement of any residential structure shall have the lowest floor, including basements, elevated to or above the base flood elevation.
- b. All new construction and substantial improvement of any business, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:
  - (1) Be flood proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water.
  - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy in compliance with flood proofing regulations approved by the Village of Arcadia or Hancock County Engineering Departments.
  - (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.
- c. An exemption to the elevation or dry flood proofing standards may be granted for accessory structures such as sheds and detached garages containing five hundred seventy-six (576) square feet or less in gross floor area. Such structures must meet the encroachment provisions of this Section and shall;
  - (1) Not be used for human habitation.
  - (2) Be designed to have low flood damage.
  - (3) Be constructed and placed on the building site so as to offer the minimum resistance to the flow of the flood waters.
  - (4) Be fully anchored to prevent flotation.
  - (5) Have electrical, heating and other service facilities or equipment elevated or flood proofed.

d. All new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts, or which contain a crawl space may enclose the area below the base flood elevation provided areas below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.

7. Floodway Requirements: Floodways, as identified in the Flood Insurance Study for Hancock County, Ohio or identified in other sources of flood information as specified in related Flood Insurance Rate Maps dated August 5, 1991, are subject to the following provisions:

- a. All encroachments, including fill or new construction or substantial improvements or other development is prohibited unless a technical evaluation demonstrates that proposed encroachments will not result in any increase in flood levels during the occurrence of a base flood discharge.
- b. If the preceding subsection 7, a. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

8. Appeals and Applications for Variances: Appeals and applications for variances from decisions involving applications of this Section may be had or taken as otherwise provided in this Ordinance.

### **Section 1117 - Drainage**

In any District and in connection with any use or structure, the owner, lessee, or user shall provide drainage as the Zoning Inspector shall prescribe. Insofar as possible, all surface waters and drainage shall be disposed of on the owner's, lessee's or user's own property, and if not such waters shall be disposed of so as not to adversely effect the neighboring or adjacent property.

This provision shall not apply to the installation of agricultural field drainage tile.

If the property of others must be crossed in order to comply with this Section, the owner, lessee, or user shall be responsible for all damage caused thereby and for securing any permission from the owners, and shall not connect to, or interfere with, existing drainage systems on the property of others, unless it is with the approval of the Zoning Inspector.

### **Section 1118 - Artificial Ponds and Lakes**

Artificial ponds or lakes shall be permitted only in the Light Industrial Districts and only with Planning Commission review and approval.

1. All artificial ponds or lakes shall comply with all requirements of this Integrated Code Ordinance including, but not limited to, setback and yard requirements from main structures.
2. In determining compliance with setbacks and yard requirements, the measurements shall be made as follows:
  - a. For in-ground ponds or lakes or portions thereof, from the edge of the pond or lake bank nearest the road right-of-way or lot line to the road right-of-way or lot line.
  - b. For above-ground ponds or lakes or portions thereof, from the lowest point on the outside of any embankment nearest the road right-of-way or lot line to the road right-of-way or lot line.
3. All artificial ponds or lakes shall be surrounded by a chain link fence of at least six feet (6') in height.

## **ARTICLE 12: GENERAL EXCEPTIONS**

The regulations in this Integrated Code Ordinance shall be subject to the following interpretations and exceptions.

### **Section 1200 - Essential Services**

Essential services serving the Village shall be permitted as authorized and regulated by law and other Ordinances of the Village. Overhead or underground lines and necessary towers and poles to be erected to service primarily those areas beyond the Village shall receive the review and approval, after Public Hearing, of the Board of Zoning Appeals. Such review by the Board of Zoning Appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and, further, shall consider injurious effects on adjacent property as well as the orderly appearance of the Village.

### **Section 1201 - Height Limit**

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers, provided, however, that the Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

### **Section 1202 - Lot Area**

Any lot existing on the effective date of this Ordinance may be used for any principal use permitted (other than conditional uses for which special lot area requirements are specified in this Ordinance) in the district in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be established provided that all requirements other than lot area and width prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

### **Section 1203 - Access Through Yards**

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing like function and not in excess nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

## **ARTICLE 13: ADMINISTRATION AND ENFORCEMENT**

### **Section 1300 - Enforcement**

The provisions of this Integrated Code Ordinance shall be administered and enforced by the Zoning Inspector or by such deputies of his/her department as the Zoning Inspector may delegate to enforce the provisions of this Ordinance.

### **Section 1301 - Duties of Zoning Inspector**

The Zoning Inspector shall have the power to grant Zoning Compliance and Occupancy Certificates, to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Inspector to approve any plans or issue any Zoning Certificates or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Inspector shall not refuse to issue a Zoning Certificate when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said Certificate.

### **Section 1302 - Plot Plan**

The Zoning Inspector shall require that all applications for Zoning Certificates shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

## **Section 1303 - Zoning Certificates**

That following shall apply in the issuance of any Zoning Certificate:

1. Zoning Certificates Not To Be Issued - No Zoning Certificate shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
2. Certificates For New Use Of Land – No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
3. Certificates for New Use of Buildings – No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
4. Zoning Certificates Required – No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a Zoning Certificate shall have been first issued for such work. The terms “altered” and “repaired” shall include any changes in structural footprint, type, class or kind of occupancy, or other changes affecting or regulated by the Hancock County or State of Ohio Building Codes or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
5. Zoning Certificate Expiration – Zoning Certificates shall expire at the end of one (1) year from the date of issuance unless the construction or use has commenced within that period of time. Where construction is being diligently carried on, the Zoning Inspector may issue one (1) twelve (12) month extension of the expiration date.
6. Farm Buildings Excepted – Zoning Certificates shall not be required for barns, sheds, and outbuildings incidental to agricultural uses. Such buildings shall, however, conform to yard requirements established in Section 1800. Compliance Certificates shall be required for dwellings accessory to farming operations.

## **Section 1304 - Compliance Certificate**

1. Although buildings, structures and uses for agricultural purposes, public utility purposes, and essential service purposes are permitted in all use Districts, it shall be unlawful to hereafter erect, alter, move, change, convert, or enlarge such buildings or structures until such proposed work has been determined to comply with all requirements of this Ordinance and a Compliance Certificate has been issued therefore.
2. No Compliance Certificate shall be issued for a building, structure, land, or part thereof which is not in accordance with the provisions of this Ordinance.
3. A record of all Compliance Certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the property involved.

### **Section 1305 - Footer Inspection**

So that property owners may be protected from potential errors in the location of buildings, the Zoning Inspector or his/her representative shall inspect the excavation for structural footers before any concrete is installed. It shall be the responsibility of the property owner to notify the Zoning Inspector at least twenty-four (24) hours prior to pouring concrete, and to provide appropriate evidence of the location of lot lines. If an inspection has not been made within twenty-four (24) hours of the Zoning Inspector's notice from the property owner, the inspection shall be considered approved, and pouring of concrete may commence.

### **Section 1306 - Final Inspection**

The holder of every Zoning Certificate and Compliance Certificate for the construction, erection, alteration, repair or moving of any building, structure, land or part thereof, shall notify the Zoning Inspector immediately upon completion of the work authorized by such Certificate for final inspection.

### **Section 1307 - Certificate of Occupancy**

No land, building, or part thereof, shall be occupied by or for any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any Certificate:

1. **Certificates Not To Be Issued** – No Certificates of Occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
2. **Certificates Required** – No building or structure (except farm buildings) or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building structure.
3. **Certificates For Existing Buildings** – Certificates of Occupancy shall be issued for buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
4. **Record of Certificates** – A record of all Certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
5. **Certificates for Dwelling Accessory Buildings** – Building or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
6. **Application for Certificates** – Application for Certificates of Occupancy shall be made in writing to the Zoning Inspector on forms furnished by that Department, and such Certificates shall be issued within five (5) days after receipt of such Application, if

it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

#### **Section 1308 - Fees**

Fees for Site Plan review, zoning map amendment and variance applications, inspections and the issuance of Certificates or copies thereof required or assessed under the provisions of this Ordinance may be collected by the Zoning Inspector in advance of issuance. The amount of such fees shall be established by the Village Council and shall cover the cost of inspection and supervisions resulting from enforcement of this Ordinance.

### **ARTICLE 14: PLANNING COMMISSION**

The Village Planning Commission is hereby established. The Planning Commission shall have all of the Powers and duties specified under the laws of the State of Ohio.

### **ARTICLE 15: BOARD OF ZONING APPEALS**

#### **Section 1500 - Creation and Membership**

There is hereby established a Board of Zoning Appeals which shall consist of five (5) residents appointed by the Village Mayor. The Board of Zoning Appeals, by a majority vote of their members, shall choose a successor to fill any vacancy. The five (5) residents first appointed shall serve for terms of one (1) two (2), three (3) and five (5) years respectively; thereafter appointments shall be for five (5) year terms, beginning January 1<sup>st</sup>. Each member shall serve until his/her successor is appointed and qualified.

The Board shall organize annually to elect a Chairman, a Vice-Chairman and Secretary. It shall further adopt rules for its own government not inconsistent with law or with any other ordinances of the Village to carry into effect the provisions of this Ordinance.

#### **Section 1501 - Meetings**

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Zoning Inspector, or his/her representatives shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three (3) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.



## **Section 1502 - Appeal**

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by an officer, department, board or bureau affected by a decision of the Zoning Inspector. Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

## **Section 1503 - Fees**

The Village Council may from time to time prescribe and amend by ordinance a reasonable Schedule of Fees to be charged to applicants for appeals to the Board of Zoning Appeals.

## **Section 1504 - Jurisdiction**

The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special approval Certificate and to authorize a variance as defined in this Section and in Section 201 Definitions. Said powers include:

1. Administrative Review – To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, certificate, decisions or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
2. Variance – To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance, where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.
3. Exceptions and Special Approvals – To hear and decide in accordance with the provisions of this Ordinance requires for exceptions, for interpretations of the Zoning Map and for decisions on special approval situations on which this Ordinance specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the

character of the zoning district in question and otherwise promote the purpose of this Ordinance, including the following:

- A. Interpret the provision of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- B. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
- C. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development of physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- D. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Village and for periods not to exceed six (6) months in developed sections.
- E. Permit, upon proper application, the following charter of temporary use, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.

The Board of Zoning Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- 1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
- 2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- 3. All setbacks, land coverage, off-street parking. Lighting and other requirements to be considered in protecting the public health, safety, peace, orals, comfort, convenience and general welfare of the inhabitants of the Village of Arcadia, shall be made at the discretion of the Board of Zoning Appeals.
- 4. In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- 5. The use shall be in harmony with the general character of the district.
- 6. No temporary use permit shall be grated without first giving notice to owners of adjacent property of the time and place a public hearing is to

be held, as further provided for in this Ordinance. Further, the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

4. In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to the adjacent property, or unreasonable increase the congestion in public streets, or increase the danger of established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Village of Arcadia. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

#### **Section 1505 - Orders:**

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the orders, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Zoning Inspector from whom the appeal is taken.

#### **Section 1506 - Miscellaneous:**

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

### **ARTICLE 16 – CHANGES AND AMENDMENTS**

#### **Section 1600 – General**

Wherever the public necessity, convenience, general welfare or good zoning practice require, the Village Council by Ordinance and subject to the procedure provided by law, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof.

## **Section 1601 – Fees**

At the time an application for a change in the Zoning Ordinance or Map is filed with the Planning Commission, such application shall be accompanied by a fee. The amount of such fee shall be established by the Village Council and shall be sufficient to defray the administrative costs involved in processing the amendment request.

## **ARTICLE 17 – INTERPRETATION**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or Ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits the provisions of this Ordinance shall control.

## **ARTICLE 18 – VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be necessary to the preservation or protection of public health, safety and welfare.

## **ARTICLE 19 – ENFORCEMENT, PENALTIES AND OTHER REMEDIES**

### **Section 1900 – Violations**

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Two Hundred Fifty and 00/100 Dollars (\$250.00).

### **Section 1901 – Public Nuisance Per Se**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

## **Section 1902 – Fees**

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

## **Section 1903 – Each Day a Separate Offense**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

## **Section 1904 – Rights and Remedies are Cumulative**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

## **ARTICLE 20 – SEVERANCE CLAUSE**

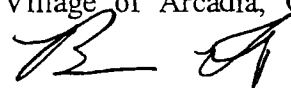
Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or part hereof, other than the part so declared to be unconstitutional or invalid.

## **ARTICLE 21 – EFFECTIVE DATE**

Public hearing having been held hereon, the provisions of this Ordinance are hereby given effect.

1. Date of Public Hearing: July 8, 2008
2. Place Public Hearing Held: Community Park Building
3. Date of Adoption by Village Council: August 12, 2008
4. Date Ordinance Shall Take Effect: August 12, 2008

Passed in Regular Session of the Council of the Village of Arcadia, Ohio, this 12<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

Donna R. King/Heck  
Clerk of Council

Thomas A. Russell  
President of Council

### CERTIFICATE

The undersigned, Clerk of the Council of the Village of Arcadia, Ohio, hereby certifies that on the 12<sup>th</sup> day of Sept 2008, she did post a copy of the foregoing Ordinance at the following designated public places, and that said copies did remain as posted for a period of fifteen days.

1. Town Hall Bulletin Board.
2. KSA Salon
3. Arcadia Superette
4. U.S. Post Office
5. Kathy's Korner Restaurant

Date 9-12-08

Donna R. King/Heck  
Clerk of Council

