

Village of Lakeview

Zoning Ordinance

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ZONING ORDINANCE OF LAKEVIEW

AN ORDINANCE OF THE VILLAGE OF LAKEVIEW, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 713, OHIO REVISED CODE, AND FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE; DIVIDING THE VILLAGE INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATING OFFICERS AS PROVIDED HEREINAFTER AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO; AND FOR THE REPEAL. BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LAKEVIEW, STATE OF OHIO: THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF LAKEVIEW, LOGAN COUNTY, OHIO:

ARTICLE I - TITLE, INTERPRETATION, AND ENACTMENT

Section 100 TITLE. This Resolution shall be known and may be cited as the "Zoning Ordinance of the Village of Lakeview, Logan County, Ohio."

Section 110 Provisions of Resolution Declared to be the Minimum Requirements. In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, resolutions or deed restrictions, the most restrictive, or that imposing the higher standards shall govern.

Section 120 Separability Clause. Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 130 Replacement of Existing Resolutions, Effective Date.

All Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE II ESTABLISHMENT OF DISTRICTS

Section 200 DISTRICT TYPES. *The Village is hereby divided into six (6) districts as follows: R-1 Low Density Residential District, R-2 Medium Density Residential District, R-3 High Density Residential District, B-2 Local Business District, B-3 Central Business District,, & M-1 Light Manufacturing District.*

Section 220 LOW DENSITY RESIDENTIAL DISTRICT (R-1). *This district is designated for low density single family residential use. The purpose of this district is to provide land for housing units no to exceed four (4) units per acre. One (1) dwelling unit per lot is permitted.* Centralized water and sewer facilities are required.

Section 230 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2). *This district is designated for medium density single family residential use. The purpose of this district is to provided land for housing units not to exceed six (6) units per acre.* Centralized water and sewer facilities are required.

Section 240 HIGH DENSITY RESIDENTIAL DISTRICT (R-3). *This district is designated for high density single, double and multi family residential use.* Centralized water and sewer facilities are required.

Section 250 LOCAL BUSINESS DISTRICT (B-1). The purpose of the local business district is to provide land for provide land for small retail and personal service establishments offering convenience-type goods and services for the daily needs of the people in the immediate neighborhood or area. Central water and sewer facilities are required.

Section 260CENTRAL BUSINESS DISTRICT (B-3). The purpose of the Central Business District is to provide land for retail, service, office, institutional, commercial, recreational, and cultural facilities that are fully compatible in an intesely developed or developing commercial center and for a logical expansion of the compacted core. Single and multi-family housing is permitted. Manufacturing is permitted as a Conditional Use. Central water and sewer facilities are required.

Section 280 MANUFACTURING DISTRICT (M-1). The purpose of the light manufacturing district is to provide land for manufacturing or industrial establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glaze; *operate within enclosed structures*, and generate little industrial traffic. Central water and sewer facilities are required.

ARTICLE III PROVISION FOR OFFICIAL ZONING MAP

Section 300 OFFICIAL ZONING MAP. The districts established in *Section 200* of this Ordinance are shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted by reference and declared to be part of this Ordinance.

Section 310 IDENTIFICATION OF THE OFFICIAL ZONING MAP. *The Official Zoning Map shall be identified by the signature of the Mayor attested by the Village Clerk, and bearing the seal of this Village, under the following words: "THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP referred to in Section 300 of Ordinance Number 420 of the Village of Lakeview, Ohio," together with the date of the adoption of this Ordinance.*

Section 320 RECORDING CHANGES IN THE OFFICIAL ZONING MAP. *If, in accordance with the provisions of this Ordinance and Chapter 713, Ohio Revised Code, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Village Council by a three-quarters (3/4) vote, with an entry on the Official Zoning Map indicating the ORDINANCE NUMBER AND THE DATE OF ADOPTION.*

Section 330 REPLACEMENT OF THE OFFICIAL ZONING MAP. *In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature and number of changes and additions, the Village Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Village Clerk, and bearing the seal of the Village under the following words: "THIS IS TO CERTIFY THAT THE OFFICIAL ZONING MAP supersedes and replaces the Official Zoning Map adopted as part of Ordinance Number 420 of the Village of Lakeview, Ohio.*

Section 340 PRESERVING RECORDS. *Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map and/or significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.*

Section 350 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

ARTICLE IV DISTRICT REGULATIONS

Section 400 COMPLIANCE WITH REGULATIONS. The regulations for each district set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided; or as otherwise granted by the Board of Zoning Appeals.

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No buildings or other structures shall hereafter be erected or altered:
 - a. to exceed the height or bulk.
 - b. to accommodate or house a greater number of families.
 - c. to occupy a greater percentage of lot area, and
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces.than herein required, or in any other manner contrary to the provisions of this Ordinance;
3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance;
4. *All territory which may hereafter be annexed to the Village shall be administered according to the applicable Township Zoning district Regulations until otherwise classified. Annexed territory without Township or County Zoning shall be considered to be in the R-1 low density residential district until otherwise classified.*

Section 410 SCHEDULE OF DISTRICT REGULATIONS ADOPTED. District regulations shall be as set forth in the Official Schedule of District Regulations, hereby adopted by reference and declared to be a part of this Ordinance, and in Article V of this Ordinance, entitled "Supplementary District Regulations."

Section 420 IDENTIFICATION OF THE SCHEDULE OF DISTRICT REGULATIONS. *The Official Schedule of District Regulations shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village, under the following words:*

"THIS IS TO CERTIFY that this is the Official Schedule of district Regulations referred to in Section 410 and ARTICLE IV of Ordinance Number 420 of the Village of Lakeview, Ohio," together with the date of the adoption or amendment of this Ordinance.

<u>ZONING DISTRICTS</u>	<u>PERMITTED USES</u>	<u>Conditional Uses</u>	<u>Planned Unit Development</u>
(Symbols as used on the Official Zoning Map)	(Accessory uses and essential services are included)	(Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)	-
1	2	3	4
R-1 LOW DENSITY RESIDENTIAL	Single-family dwelling, public & quasi-public uses, family care homes	Non-commercial recreation, home occupation, personal services, public service facility	Residential, public & quasipublic uses individually or in combination
R-2 MEDIUM DENSITY RESIDENTIAL	Single-family dwelling, public & quasi-public uses, family care homes	Multi-family dwelling*, non-commercial recreation, home occupation, personal services, service business, offices, public service facility	Residential, commercial, public & quasipublic uses individually or in combination
R-3 HIGH DENSITY RESIDENTIAL	Single-family dwelling*, Multi-family dwelling, public & quasi-public uses, family care homes	Non-commercial recreation, mobile home park (conformance with ORC 3733.02), group homes, home occupation, public service facility, service business, personal services	Residential, commercial, public & quasipublic uses individually or in combination
B-2 LOCAL BUSINESS	Convenience-type retail, eating * drinking establishments, personal services, service business, offices, public & quasipublic uses, single-family dwelling*, supply yards	Shopping-type retail, commercial recreation, public service facility, light manufacturing & directly related offices and retail sales	Residential, commercial, industrial, public or quasipublic uses individually or in combination
B-3 Central Business	Retail business (all types), service business, offices, printing & publishing, eating & drinking establishments, transient lodgings, commercial recreation, supply yards, public & quasipublic uses, single & multi-family dwelling*	Drive-in business, food processing, public service facility, light manufacturing and directly related offices and retail sales	Residential, commercial, public & quasipublic uses individually or in combination
M-1 Light Manufacturing	Light manufacturing & directly related offices & retail sales, printing & publishing, public & quasipublic uses	Heavy manufacturing and directly related offices and retail sales, wholesale & warehousing, food processing, transport terminals, public service facility, single-family dwelling*	Commercial, industrial, public & quasipublic uses individually or in combination

<u>ZONING DISTRICTS</u>			<u>MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED</u> (Principal and Accessory Buildings)	<u>MINIMUM FLOOR AREA</u> (Square Feet)	<u>MAXIMUM HEIGHT OF (DWELLING) BUILDINGS</u>		<u>MINIMUM YARD DIMENSIONS</u> (feet) (Setback measured from the center of the roadway)			
		Frontage (Width) (Feet)					Front	Side Yards		Rear
(Symbols as used on the Official Zoning Map)	With Group or Central Sewage Treatment				Stories	Feet		One Side Yard	Sum of Side Yards	
1	5	6	7	8	9	10	11	12	13	14
R-1 LOW DENSITY RESIDENTIAL		80	25%	1,200	2 1/2	35	35	8	20	40
	10,800									
R-2 MEDIUM DENSITY RESIDENTIAL		60	25%	850**	2 1/2	35	25	4	10	30
	7,000									
R-3 HIGH DENSITY RESIDENTIAL	3,600	90	25%	800**	3	40	25	10	25	30
B-2 LOCAL BUSINESS		none	50%	none	3	40	30	none	none	20
B-3 Central Business		none	100% less off steet loading requirement in column 21	none*	4	50	none	none	none	none, except when adjacent to R- distircts, then not less than 10
M-1 Light Manufacturing	15,000	100	40	none	4	50	50	10	30	40

<u>ZONING DISTRICTS</u> (Symbols as used on the Official Zoning Map)	<u>ACCESSORY BUILDINGS</u>			<u>MINIMUM (MANDATORY) OFF-STREET PARKING SPACE</u>	<u>MINIMUM (MANDATORY) OFF-STREET LOADING SPACE</u>	<u>SIGNS PERMITTED</u>	<u>OTHER PROVISIONS AND REQUIREMENTS</u> (Supplementary regulations, prohibitions, notes, etc.)
	Maximum Height (feet)	Minimum Distance In Feet To					
		Side lot line	Rear lot line				
1	15	16	17	18	19	20	21
R-1 LOW DENSITY RESIDENTIAL	20	5	10	Two spaces for each dwelling (See Section 1130)	none	See Article XII	
R-2 MEDIUM DENSITY RESIDENTIAL	15	2	5	Two spaces for each dwelling (See Section 1130)	none	See Article XII	* R-3 High Density Residential District Regulations apply Dwelling Conversion Permitted **600 sq. ft. for mobile dwelling
R-3 HIGH DENSITY RESIDENTIAL	15	5	10	Two spaces for each dwelling (See Section 1130)	none	See Article XII	* R-2 Medium Density Residential District Regulations apply **600 sq. ft. for mobile dwelling
B-2 LOCAL BUSINESS	15	none	none	(See Section 1130)	One for the first 5,000 sq. ft. Floor area or less and one additional for each additional 10,000 sq. ft. or fraction thereof of ground floor area	See Article XII	Non-residential use can not be conducted close than 20 feet from any residential district. *Refer to R-2 District for single-family dwelling
B-3 Central Business	25	none	none	(See Section 1130)		See Article XII	Multi-family dwellings permitted in downtown overhead business area with minimum sq. ft. as 1 BR - 500, 2 BR - 700, 3 BR - 900. For other multi- family regulations refer to R-3 regulations and for single to R-2
M-1 Light Manufacturing	25	5	10	(See Section 1130)		See Article XII	*Refer to R-2 District Regulations

ARTICLE V SUPPLEMENTARY DISTRICT REGULATIONS

Section 500 CONDITIONAL USES. *The conditional uses shall conform to all requirements of this Ordinance, including additional standards set forth in Section 501 to 504, inclusive, before being permitted in their respective districts. All conditional uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.*

Section 501 REQUIRED PLAN. *A plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a conditional use permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this Ordinance.*

Section 502 EXPIRATION. *A conditional use permit shall be deemed to authorize only one (1) particular conditional use and shall expire if the conditional use shall cease for more than six (6) months for any reason.*

Section 503 EXISTING VIOLATIONS. *No permit shall be issued for a conditional use for a property where there is an existing violation of this Ordinance.*

Section 504 STANDARDS APPLICABLE TO ALL CONDITIONAL USES. *The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing and future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature of height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair its value thereof. In addition, operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing light, that would be the operation of any permitted use.*

Section 510 OFF-STREET PARKING REQUIREMENTS. *Off-street automobile parking spaces shall be provided for every land use on any lot or any time any building or structure is erected, enlarged or increased in capacity in accordance with the following requirements:*

- 1. Each off-street parking space shall have an area of not less than three-hundred (300) square feet including access drives and aisles, and shall be surfaced with a sealed surface pavement (residential owners exempt from this requirement) and maintained in such a manner that no dust will be produced by continuous use;*
- 2. Each off-street parking space shall have an adequate vehicular access to a street or alley;*
- 3. Whenever the number of off-street parking spaces required is determined from the floor area of a specified use, it shall mean the gross floor area of such use;*
- 4. Fractional numbers shall be increased to the next whole number;*
- 5. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature;*
- 6. Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.*

Section 511 NUMBER OF PARKING SPACES REQUIRED. The number of off-street parking spaces required shall be provided and satisfactorily maintained by owner of the property as follows:

<u>Type of Use</u>	<u>Mandatory Parking Spaces (one unit for each)</u>
<i>One-family housing unit</i>	<i>Housing unit</i>
<i>Multi-family housing unit</i>	<i>One-half (1/2) housing unit</i>
<i>Church</i>	<i>Five (5) seats in main auditorium</i>
<i>Grade school</i>	<i>Five (5) seats in auditorium</i>
<i>Library</i>	<i>Three-hundred (300) square feet of floor area</i>
<i>Bowling alley</i>	<i>Bowling seat</i>
<i>Mortuary or funeral home</i>	<i>Fifty (50) square feet of floor area in slumber rooms, parlors or individual funeral service rooms</i>
<i>Retail or business service</i>	<i>Two (2) employees: two-hundred (200) square feet of floor area</i>
<i>Offices, personal or professional services; restaurants</i>	<i>Two-hundred (200) square feet of floor area</i>
<i>Wholesale or warehousing</i>	<i>Three-hundred (300) square feet of floor area</i>
<i>Manufacturing or industrial establishment</i>	<i>Two (2) employees on the maximum shift</i>

Section 512 SCREENING AND LANDSCAPING. Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district by a fence or wall of acceptable design. Such fence or wall shall not be less than three (3) feet or more than five (5) feet in height and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than three (3) feet in height, may be substituted.

Section 513 MINIMUM DISTANCE AND SETBACKS. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any housing unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptable designed screen. If on the same lot with a one-family residence, the parking areas shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

Section 514 JOINT USE. Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Planning Commission shall be filed with the application for a zoning permit.

Section 515 OTHER LOCATIONS. *Parking spaces may be located on a lot other than that containing the principal use provided it is within three-hundred (300) feet of the principal use. Lot farther than three-hundred (300) feet from the principal use may be approved by the Board of Zoning Appeals provided a written agreement approved by the Planning Commission shall be filed with the application for a zoning certificate.*

Section 516 SURFACING. *Any off-street parking area for more than ten (10) vehicles shall be graded for proper drainage and surfaced with acceptable impervious material to provide a durable and dustless surface.*

Section 517 LIGHTING. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises *in any residential district.*

Section 518 DISABLED AND JUNK VEHICLES. *The following regulations shall pertain to disabled or junk vehicles within the Village:*

- 1. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle or any vehicle that does not have secured to it the full number of a current license plate as required by the laws of the State of Ohio on any street or highway within the Village of Lakeview, Ohio.*
- 2. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle or any vehicle that does not have secured to it the full number of a current license plate as required by the laws of the State of Ohio on any private property or other public property within the Village of Lakeview, Ohio.*
- 3. No person in charge or control of any property within the Village of Lakeview, Ohio, whether the owner, tenant, the occupant, the lessee, or otherwise shall allow any partially dismantled or fully dismantled or non-operating or wrecked or junked or discarded vehicle or vehicle which does not have secured to it the full number of current license plates required by the laws of the State of Ohio to remain on such property for longer than fifteen (15) days, except that this section does not apply to any such vehicle that is stored completely within an enclosed building or garage or is otherwise specifically permitted pursuant to any zoning ordinance of the Village.*
- 4. The Logan County Sheriff's Office as the law enforcement for the Village is hereby authorized to remove or have removed any vehicle left at any place within the Village which reasonably appears to be in violation of this section or which is lost, stolen, or unclaimed.*
- 5. A violation of this ordinance or Section 518 shall be a minor misdemeanor upon the first offense and shall be subject to a fine set by the Village of Lakeview Council.*
- 6. A second violation within one (1) year of the first violation shall be deemed a fourth degree misdemeanor and shall be subject to the same penalties as any fourth degree misdemeanor under the laws of the State of Ohio.*

7. *The following definitions shall apply in the interpretation and enforcement of this section:*
 - A. *A “person” may include any individual, any partnership, any corporation or other business entity or organization.*
 - B. *“Vehicle” means any machine propelled by power other than human power which is designed to travel along the ground by use of wheels, treads, runners, slides or other form and which shall transport persons or property including, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, or wagons.*
 - C. *References to “property” means any real property located within the Village of Lakeview, Ohio.*
8. *Section 518 shall be administered and enforced by the Village of Lakeview Weed and Litter Committee.*

Section 519 OFF-STREET LOADING REQUIREMENTS. *In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of five-thousand (5,000) square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail, wholesale, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space, plus one (1) additional loading space for each ten-thousand (10,000) square feet, or major fraction thereof, of gross floor area in accordance with the following requirements:*

- 1. Each loading space shall not be less than twelve (12) feet in width, fifteen (15) feet in height, and fifty (50) feet in length for tandem trailers, or thirty (30) feet for two-axle trucks.*
- 2. Subject to the limitations of Section 501 of this Ordinance, such space may occupy all or any part of any required yard space.*

Section 520 SPECIAL PROVISIONS FOR RESIDENTIAL USES. *The regulations applicable to residential uses shall be supplemented by the provisions of Section 521 to 522, inclusive.*

Section 521 DETERMINING MINIMUM FLOOR AREA FOR HOUSING UNITS. *The minimum floor area per family in housing units shall include only the area used for living quarters. Utility rooms, garages, carports, porches, laundry areas and basements are to be excluded.*

Section 522 CONVERSION OF DWELLINGS TO MORE UNITS. *In R-2 and R-3 districts a residence may be converted to accommodate an increased number of dwelling units provided:*

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district in which the dwelling is located.
2. The lot area per family shall equal the lot area requirements for new structures in that district.
3. The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.

Section 523 PRIVATE SWIMMING POOLS. *A private swimming pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.*

1. **Permanent Pools:** *Defined as in-ground pools and above-ground pools installed year round. A permit is required for permanent pools. A six (6) foot fence is required around the pool or entire yard within twenty four (24) hours of filling the pool with water. Above ground pools may be used as a barrier, with additional two (2) foot of fencing on top of and around the entire structure with ladders or steps used to access the pool shall be capable of being secured, locked, or removed to prevent access. Permanent pools must be in the rear yard and placed at least ten (10) feet from any property line.*
2. **Portable Pools:** *Defined as pools that have the capacity to hold at least eighteen (18) inches of water that may be readily disassembled for storage and is not permanently affixed to plumbing or electrical service. A permit is not required for portable pools. Portable pools must be in the rear yard and placed at least ten (10) feet from any property line. Portable pools shall only be set up from April 1 thru October 31.*
3. **"Kiddie" Pools:** *Defined as any pool with a water capacity of eighteen (18) inches or less is exempt from the swimming pool regulations. Pools that have a capacity of greater than eighteen (18) inches are not exempt, even if they are only filled to a height of eighteen (18) inches. If the capacity of the pool is greater than eighteen (18) inches, the requirements of Section 523 above apply.*

Section 525 SETBACK REQUIREMENTS FOR CORNER BUILDINGS. On a corner lot the main building and its accessory structures shall be set back the same distance from all street right-of-way lines as required for the front setback in the district in which such structures are located.

Section 530 SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES. No land or building in any district shall be used or occupied in any manner so as to create dangerous,

injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding areas or adjoining premises, provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the performance requirements in Sections 531 to 539, inclusive.

Section 531 FIRE HAZARDS. Any activity involving the use or storage of flammable chemicals, petroleum products, or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 532 ELECTRICAL DISTURBANCE. No activity shall emit electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

Section 533 NOISE. *Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes are exempt from this requirement.*

Section 536 ODORS. *No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.*

Section 537 AIR POLLUTION. *No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.*

Section 539 EROSION. No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties.

Section 550 SUPPLEMENTARY DISTRICT REGULATIONS. *Supplementary regulations apply to several districts or a set of districts and are set forth in Sections 551 to 560, inclusive.*

Section 551 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS. Nonresidential buildings or uses shall not be located in nor conducted *closer than forty (40) feet* to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Officer is provided. *Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.*

Section 552 EXCEPTIONS TO HEIGHT REGULATIONS. The height limitations contained in the Official Schedule of District Regulations, Section 410, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 553 ARCHITECTURAL PROJECTIONS. Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

Section 554 VISIBILITY AT INTERSECTIONS *IN RESIDENTIAL DISTRICTS*. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two- and one-half (2-1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

Section 555 FENCES, WALLS AND HEDGES.

Fences, walls and hedges are permitted in all districts, subject to the following conditions: Fences shall be permitted in any yard. Walls shall not be located in the front yard. Furthermore, no wall shall project past the front building line of any principally permitted or conditionally permitted structure. Hedges may be permitted in the required front yard. If no structure exists on said residential property, no fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater. No fence, wall, or hedge shall be closer than (3) feet to any right-of-way line. Fences, walls, and hedges shall not exceed (4) feet in height in the front yard or (6) feet in height for other yards for residential uses unless such fence, wall, or hedge is used for screening purposes in which case its height shall not exceed (6) feet or be less than (4) feet. Fences, walls, and hedges shall not exceed (8) feet in height for non-residential uses. Fences shall not contain an electric charge. Barbed wire shall be permitted only in the M-1 manufacturing district and only on the top of a perimeter fence. No fence, wall, or hedge shall violate the sight distance requirements found in Section 554. Fences should be located twelve (12) inches from any property line. The sharing of any fence with any adjoining property owner shall be agreed upon in writing by both property owners and shall accompany the zoning permit application. Posts are to be placed on the applicants side on any fence erected or installed. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of (3) feet, and no hedge or vegetation shall be permitted which materially impedes vision across such yard between the height of (3) feet and (10) feet. No fences or hedges shall be constructed on any property line. All fences and hedges must be a minimum of twelve (12) inches inside of the property line. Any shared fencing must be agreed upon by all parties in a letter submitted to the zoning inspector. A zoning permit is required from the Village for the erection or installation of all fences and walls.

Section 556 ERECTION OF MORE THAN ONE (1) PRINCIPAL STRUCTURE ON A LOT. *In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. Accessory buildings, such as a garage, may be located in the rear or side yard, provided that yard and other requirements of this Ordinance are met.*

Section 557 PARKING AND STORAGE OF CERTAIN VEHICLES. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. *However, (1) travel trailer may be stored in the rear or side yard if they have a current license. More than one travel trailer with a current license may be stored on a property being used for business at the discretion of the Zoning Inspector.*

A permit shall be required for an licensed recreational vehicle that is occupied in the village for a period not to exceed fourteen (14) days. Property owner is responsible for obtaining permit. Not more than two (2) permits per year shall be issued per residence.

Section 558 EFFECTIVE SCREENING OF JUNK STORAGE AND SALES. *Junk storage and sales shall be effectively screened on all sides by means of walls, fences, or plantings. Wall or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening.*

Section 559 TEMPORARY BUILDINGS. Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a special permit authorized by *the Board of Zoning Appeals.*

Section 560 OPEN STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT. *The open storage and display of material and equipment incident to permitted or conditional uses in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or plantings. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.*

Section 561 INSTALLATION OF A "DISH TYPE ANTENNA." No firm, person or corporation shall erect a dish type antenna in the Village of Lakeview without an approved zoning permit from the Zoning Officer.

Section 562 APPLICATION FOR PERMIT; PLANS. An occupant or renter must have permission from the owners of the lot, premises or parcel of land within the Village to construct or erect a "dish type antenna." The Zoning Officer shall consider an application, provided the applicant submits a written application form, to be supplied by the Zoning Officer, with a plan of the lot or parcel showing the location of the proposed "dish type antenna" and the location of all buildings on the subject lot or parcel. and two (2) complete sets of construction plans, specifications and elevations of the proposed location with sufficient detail to show the method of assembly and construction. The plans will give the complete name and address of the property owner and the complete name and address of the individual who prepared the plans and specifications. The application shall show the complete name and address of the property owners, the occupant of the premises and the contractor or other persons who will make the installation. In addition, the application will show the name and address of all adjacent property owners.

Section 564 "DISH TYPE ANTENNA" SUPPORT STRUCTURES.

1. Only a concrete base or caissons, depending on soil conditions, shall be employed in line with grade.
2. The structure shall be designed to withstand wind force of up to eighty-five (85) miles per hour in a manner conforming with good engineering practices.
3. All connecting wiring or cable must be underground.
4. If guy wires are required, they must be confined within the screened area.
5. Installation must equal or exceed all generally accepted electrical engineering and construction practices.

Section 565 SIZE. The maximum diameter of an "dish type antenna" shall not exceed ten (10) feet.

Section 566 HEIGHT. The maximum height of any "dish type antenna" shall not exceed fifteen (15) feet. Any "dish type antenna" four (4) feet or smaller in diameter is excluded from the maximum.

Section 575 Telecommunications Towers.

Pursuant to the Telecommunications Act of 1996, and the Lakeview Village Council being duly notified of the person's intent to construct a telecommunications tower in an area zoned for residential use (R-1, R-2, and R-3 Residential Districts); public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

- 1) *The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communications Commission, Federal Aviation Administration, Ohio Department of Transportation; Ohio Building Basic Code).*
- 2) *Applicant is required to show cost of construction at this time;*
- 3) *The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by the Ohio Revised Code;*
- 4) *The applicant must demonstrate at the time of application that no other existing towers are feasible for co-location, and that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why co-location is not possible and why a tower at this proposed site is technically necessary;*
- 5) *All underground installation shall be trenched and not plowed in. Damage to anything must be repaired, and ground restored to original condition;*
- 6) *Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing;*
- 7) *Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance equal to the height of the tower plus fifty (50) feet;*
- 8) *Setbacks from all streets and private buildings and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance equal to the height of the tower plus fifty (50) feet;*
- 9) *Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance equal to the height of the tower plus fifty (50) feet;*
- 10) *Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery, or other screening materials.*
- 11) *The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations;*
- 12) *Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design that would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present;*
- 13) *No advertising or illumination other than that required by law may be located on the structure or on the required screening;*

- 14) *An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the zoning office every five (5) years, which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Logan County Building Regulations Department and Lakeview Zoning Inspector. Based upon results of an inspection, the Village Council may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal;*
- 15) *The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios except for emergency purposes;*
- 16) *A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the accessory building and fence saying, "Danger – High Voltage." The operator must also post "No Trespassing" signs.*
- 17) *Lot shall be mowed and maintained to control weeds;*
- 18) *Performance Bond. For each telecommunication tower, the owner or operator shall provide to the Village a surety bond or a bank letter of credit so as to assure the Village that the terms and conditions of Section 575 are performed and complied with, including necessary repairs, repairs to public highways and roads, and the costs and expenses of removal in the event of abandonment; Bond shall equal anticipated demolition, and debris removal cost; the Village of Lakeview may draw upon the performance bond to recover any costs, damages or expenses incurred by the Village that may arise out of the violations of Section 575 or the abandonment or discontinuance of the tower.*

Section 580 General Conditions for Adult Entertainment Use.

Adult Entertainment Facilities are conditionally permitted within the M-1 Manufacturing District only, and subject to conditions set forth in the Zoning Resolution Section 580 and paragraphs 1-9 hereafter set forth.

1. *No adult entertainment facility shall be established within one thousand five hundred (1,500) feet of any areas zoned for residential use.*
2. *No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library, or teaching facility is attended by persons under eighteen (18) years of age.*
3. *No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.*

4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
6. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within M-1 Manufacturing District.

Section 590 Junk and Abandoned Vehicles. No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk, and weeds or tall grass measuring over twelve (12) inches, shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Village or general public. Section 590 shall be administered and enforced by the Village of Lakeview Weed and Litter Committee. (Also, see definitions).

Section 591 Grass and Weed Control. Noxious weeds and grass must be mowed regularly in lots up to three hundred (300) feet deep measured from the road right-of-way from March 1 to October 31 to prevent weeds/grass from exceeding twelve (12) inches in height or maturing to seed. Owners of properties that do not comply will receive a notice from the Village to cut or mow the weeds/grass within ten (10) days. If the owner fails to do this, the Village will hire a private contractor to do the work at the owner's expense. Section 591 shall be administered and enforced by the Village of Lakeview Weed and Litter Committee.

Section 593 Driveway Permits Required. The installation of a Driveway, or any addition or moving of a driveway, shall require a permit issued from the Zoning Inspector.

Section 595 Keeping of Livestock and/or Poultry. It shall be unlawful for any person, partnership, farm or corporation to possess or harbor any livestock or poultry within the

corporation limits of the Village of Lakeview. This section shall not apply to any traveling circus or zoo or similar exhibition.

ARTICLE VI PLANNED UNIT DEVELOPMENT

Section 600 PURPOSE OF PLANNED UNIT DEVELOPMENT. Planned development of land may be permitted in any district to encourage and provide a means for effectuating a more desirable physical development pattern than would be possible through the strict application of the density and dimensional requirements of this Ordinance.

*Section 601 PERMITTED USES. Only those uses permitted or conditionally permitted in each district or interpreted to be included under Sections 200 to 290, inclusive, the Official Schedule of district Regulations, Section 410 of this Ordinance may be proposed for development under the planned development approach. Compatible residential, commercial, industrial, public and quasi-public uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect or disregard adjacent property, public health, safety, morals and general welfare, *and provided further that in a residential-commercial-industrial or residential-commercial development the amount of land devoted to commercial and/or industrial usage shall not exceed fifty (50) percent of the total land area of the development. A variety of housing and building types is encouraged by permitting an increased number of families per acre and by allowing reductions in lot dimensions, yards, building setbacks and area requirements.**

Section 602 GENERAL REQUIREMENTS. The gross area of the tract to be developed under the planned unit development approach shall comprise not less than ten (10) acres. The minimum lot size shall not be less than seventy (70) percent of the lot area per family or use required in the district in which it would otherwise be located. A minimum of ten (10) percent of the land developed in a planned unit development project shall be reserved for open space and similar uses. Lot widths and required yards may be reduced to eighty (80) percent of the requirement of this Ordinance.

Section 603 DISPOSITION OF OPEN SPACE. The amount of open space reserved under a planned unit development shall either be held in corporate ownership by owners of the project area building sites for the use of each owner who buys property within the development or be dedicated to the Village and retained as open space for parks, recreation, and related uses. All land dedicated to the Village must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for open space dedication to the Village unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission.

Section 604 RESIDENTIAL LOT LOCATION. Every property subdivided under the planned unit development shall be designed to abut upon open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used there shall be no more than five (5) town house units in any contiguous group. A variety of building setbacks, color and building materials for contiguous town house units is encouraged.

Section 605 DIVERSIFICATION OF LOT SIZES. A diversification of lot sizes may be permitted within a district without additional dedication or creation of open space, provided the overall density of the project area is not increased and provided further the net residential area per family is not reduced below the minimum requirements of Section 602.

Section 606 REDUCTION OF PLANNED UNIT DEVELOPMENT AREA. The minimum tract size to be developed under the planned unit development may be reduced fifty (50) percent where the proposed development is to contain only residential, commercial or industrial development; not a mixture of uses.

Section 607 HEIGHT REQUIREMENTS. For each foot of building height over the maximum height regulations specified in the Official Schedule of District Regulations, Section 410, the distance between such building and the side and rear property lines of the planned unit development project area shall be increased by one (1) foot in addition to the side and rear yard required in the district, provided that this additional setback shall not be considered part of the side and rear yards.

Section 608 COMMERCIAL PLANNED UNIT DEVELOPMENT REQUIREMENTS. Planned unit development of related commercial establishments is encouraged by varying the setback and area requirements. Open space gained through the varying of setback and area requirements is to be used to the development of open plazas, pedestrian malls, tot lots and other public spaces and uses with adequate arrangement, design and planting.

Section 609 COMMERCIAL PROJECTS, SIDE YARDS AND REAR YARDS. Side yards of thirty (30) feet and a rear yard of forty (40) feet shall be required if the project is to be located adjacent to any residential district of planned residential unit development.

Section 610 ARRANGEMENT OF COMMERCIAL USES. The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments in the planned commercial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading and service areas shall be provided in accordance with Sections 510 to 519, inclusive. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of a residential district. All areas designated for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

Section 611 INDUSTRIAL PLANNED UNIT DEVELOPMENT REQUIREMENTS. Planned unit development of industrial establishments is encouraged by varying the setback

and other requirements, if it can be shown that the development results in a more efficient and desirable use of space.

Section 612 INDUSTRIAL PROJECT. Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential district or planned residential unit development.

Section 613 ARRANGEMENT OF INDUSTRIAL USES. The location and arrangement of structures, parking, access drives, outdoor lighting, signs, storage areas and other uses and developments in the planned industrial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading and service areas shall be provided in accordance with Sections 510 to 519, inclusive.

Section 614 PROCEDURE TO SECURE APPROVAL OF PLANNED UNIT DEVELOPMENT. The procedure in Sections 615 to 621, inclusive, shall be met before approval to develop land under the planned unit development is granted by the Planning Commission and the Board of Zoning Appeals.

Section 615 PRELIMINARY DEVELOPMENT PLAN. Three (3) copies of a preliminary development plan shall be submitted to the Planning Commission for an approval in principle of the land uses proposed and their interrelationship. Approval in principle shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility. Any preliminary development plan and text shall be prepared and endorsed by a licensed architect and shall include the following information presented in a general, schematic fashion:

- 1. Proposed location and size of the planned development;*
- 2. Proposed land uses, population densities and building intensities;*
- 3. Proposed parks, playgrounds, school sites and other open spaces;*
- 4. Relation to existing and future land use in surrounding area;*
- 5. Proposed provision of water, sanitary sewers and surface drainage;*
- 6. Proposed traffic circulation pattern, indicating both public and private streets and access points to public right-of-ways;*

7. *A market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;*
8. *Proposed schedule of site development; and*
9. *Evidence that the applicant has sufficient control over the land to carry out the proposed development plan within five (5) years.*

Section 616 PRELIMINARY DEVELOPMENT PLAN REVIEW. The Planning Commission shall review the preliminary development plan to determine whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Planning Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a detailed development plan.

Section 617 DETAILED DEVELOPMENT PLAN. The detailed development plan shall be submitted in five (5) copies and shall contain the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall include a licensed architect, registered land surveyor and registered civil engineer:

1. *A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including specimen trees, structures, streets, easements, utility lines, and land uses.*
2. *A detailed development plan which shall be in conformance with the approved preliminary plan, showing, as appropriate, all the information required on the preliminary development plan; the approximate location and sizes of lots, the approximate location and proposed density of dwelling units; nonresidential building intensity; and land use considered suitable for adjacent properties.*
3. *A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and street scapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated*

nonresidential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning district or other Ordinances governing development.

- 4. Engineering feasibility studies and plans showing, as necessary, water, sewer and other utility installations; waste disposal facilities; surface drainage; street improvements, and nature and extent of earth work required for site preparation and development.*
- 5. Site plan, showing buildings(s), various functional use areas, circulation, and their relationship.*
- 6. Preliminary building plans, including floor plans and exterior elevations.*
- 7. Landscaping plans, and*
- 8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.*

Section 618 BASIS OF APPROVAL. *The Planning Commission may recommend that the Board of Zoning Appeals, after a public hearing, approve the detailed development plan, provided the Planning Commission finds that the facts submitted with the application and presented at the hearings establish that:*

- 1. The proposed development can be completed within five (5) years of the date of approval.*
- 2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial*

effect which could not be achieved under standard district regulations.

3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned development.
4. Any proposed commercial development can be justified *economically at the locations proposed to provide for adequate commercial facilities of the types proposed.*
5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the detailed development plan, *in accord with the planned unit development and the adopted policy of the Planning Commission and the Village Council.*
6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
7. *The planned unit development is in general conformance with the comprehensive plan of the Village, and*
8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

Section 619 ACTION OF THE PLANNING COMMISSION AND BOARD OF ZONING APPEALS. *The Planning Commission shall deny the detailed development plan if, from the facts presented, the Planning Commission is unable to make the necessary findings. The Planning Commission shall certify to the Board of Zoning Appeals the approval, approval with specific amendments, or disapproval of the detailed development plan within thirty (30) days of the date of submission of said plan. If the Board of Zoning Appeals finds that the proposed planned unit development is consistent with the intent and purpose of this Ordinance after a public hearing, it may authorize the Zoning Officer to issue a zoning certificate permitting the planned unit development.*

Section 620 APPROVAL PERIOD. *The zoning certificate for a planned unit development shall be for a period of five (5) years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five (5) years after approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the Planning Commission and*

the Board of Zoning Appeals find that such extension or modification is not in conflict with the public interest.

Section 621 OTHER REQUIREMENTS. Underground utilities, including telephone and electric systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

ARTICLE VII RESERVED FOR FUTURE USE

ARTICLE VIII SIGNS AND ADVERTISING

Section 800 SIGN DEFINED AND REGULATED. Any device or display designated to inform or attract the attention of persons not on the premises on which the sign is located. No sign or advertising structure of any classification shall be permitted in any district except as provided in Sections 801 to 839, inclusive.

Section 801 OUTDOOR ADVERTISING STRUCTURES DEFINED. Any outdoor display for the purpose of advertisement, notice, or announcement located apart from the premises or product referred to in the display.

Section 802 MEASUREMENT OF AREA. The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area. *Note: If both sides of the sign contain advertising matter, then both sides are included in the computation.*

Section 803 GENERAL PROVISIONS. Permits for all signs and outdoor advertising structures shall be granted by the Zoning Officer in accordance with the requirements set forth in Sections 804 to 839, inclusive, except that no permit shall be required for any sign containing less than six (6) square feet of advertising area or advertising the sale, rent or lease of the premises on which the sign is located.

Section 804 LOCATION AND AREA OF ADVERTISING SIGNS. Signs not exceeding twelve (12) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property, except that the maximum size of such a sign in any residential district shall not exceed six (6) square feet.

Section 805 AREA OF ANNOUNCEMENT AND PROFESSIONAL SIGNS. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four (4) square feet in area in a residential district and not more than six (6) square feet in other districts.

Section 806 SIGNS FOR PUBLIC OR QUASI-PUBLIC PURPOSES. Bulletin boards and signs for a church, school, community, or other public or quasi-public institutional building *shall be permitted, provided the area of such bulletin board or sign shall not exceed fifteen (15) square feet and which shall be located on the premises of such institution.*

Section 807 WALL SIGNS. Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not *exceed fifteen (15) square feet.*

Section 808 USE OF BUILDING WALLS FOR SIGNS. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

Section 809 AWNINGS WITH SIGNS.

1. Permanent type awnings that are a part of the building structure with no posts or supports shall be a minimum height of eight (8) feet.
2. Roll down awnings attached to buildings are permitted, if kept at a minimum height of seven (7) feet when rolled down. They shall also be maintained in a good state of repair.
3. Signs, when a part of the awning (permanent or roll down), are permitted. The size of such signs is covered in Sections 819-826.

Section 810 TEMPORARY SIGNS. Temporary signs not exceeding in the *aggregate fifty (50) square feet*, announcing special public or institutional events or the erection of a building, the architect, the builders, contractors, etc. may be erected for a period of sixty (60) days plus the construction period.

Section 811 SIGNS AND PUBLIC RIGHT-OF-WAYS. *No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.*

Section 812 SIGNS PLACED ON VEHICLES OR TRAILERS. *No sign shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign (This does not apply to allowed portable signs or letters on buses, taxis, or vehicles operating during the normal course of business).*

Section 813 BUSINESS DISPLAYS AND ADVERTISING. *In any commercial or industrial district, each business shall be permitted advertising signs or merchandise that may be displayed in front of the particular business handling the merchandise displayed on the sidewalk. A minimum of forty eight (48) inches of unobstructed right of way for pedestrian traffic must be left between the display and any object along the curb (light pole, fire hydrant, trash receptacle, etc.). Display means items for sale lined or hung along the building on the street front. Advertising means a temporary sandwich or banner sign, not to exceed twelve (12) square feet (See Section 802), set at least two (2) feet from the curb (leaving a minimum of four (4) feet for sidewalk thoroughfare).*

Section 814 GOVERNMENT FLAGS AND INSIGNIA. *Flags and insignia of any government, except when displayed in connection with commercial promotion, shall be permitted on any property.*

Section 815 SIGNS REQUIRED BY GOVERNMENTAL BODIES. *Legal notices, identification, information or directional signs erected or required by governmental bodies shall be permitted on any property.*

Section 816 ELECTRICALLY ILLUMINATED SIGNS. *All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code (or the local electric code in effect).*

Section 817 MARKING OF SIGNS. All signs hereafter hung or erected shall be plainly marked with the name of the person, firm or corporation hanging or erecting such sign.

Section 818 ATTACHMENT OF SIGNS. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.

Section 819 INSPECTION OF ELECTRICAL SIGNS. No electrical sign of any description shall hereafter be erected without having first been inspected on the ground and approved by the Zoning Officer or his authorized agent. It shall be the duty of the erector of such sign to notify the Zoning Officer when such sign is ready for aforesaid ground inspection.

Section 820 MAINTENANCE OF SIGNS. Should any sign be or become insecure or in danger of falling or otherwise unsafe, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Officer proceed at once to put such sign in a safe and secure condition or remove the sign.

Section 821 SIGNS INSTALLED IN VIOLATION OF REQUIREMENTS. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Ordinance.

Section 822 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS. In a commercial or industrial district, each business shall be permitted two (2) flat or wall signs on different frontages. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building.

Section 823 FREE-STANDING SIGNS. Free-standing signs not over thirty (30) feet in height, having a maximum total sign area of one-hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one (1) free-standing sign for each building, regardless of the number of business conducted in said building.

Section 824 ATTACHMENTS TO WALL SIGNS. Every wall sign projecting out from the face of the building shall be securely attached to the building wall, structure, or suitable metal posts located within the lot lines by iron or metal anchors, bolts, supports, chains, stranded cables or steel rods. No such sign shall project into the street right-of-way or be supported from a street, road or sidewalk.

Section 825 POLE SIGNS. Pole signs of symbolical design shall be permitted for business establishments, provided no part of such sign shall project into the right-of-way of any street or highway; the maximum area of any face of such sign shall not exceed thirty (30) square

feet; and the pole support of the sign shall not be less than fifty (50) feet from any lot in any residential district.

Section 826 AREA OF BUSINESS ADVERTISING SIGNS. *The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one- and one-half (1-1/2) square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of one-hundred (100) square feet. For the purposes of this section, width shall be measured along the building face nearest and parallel to the street line. In the case of a corner lot, signs may be erected on both frontages. However, the frontage that the sign is placed on, determines the maximum area of the sign.*

Section 827 ROOF SIGNS. *No sign shall be placed on the roof of any building.*

Section 828 POLITICAL SIGNS. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within *two (2) weeks* following election day.

Section 829 SIGN SETBACK REQUIREMENTS. *Except as provided in this Ordinance, signs and outdoor advertising structures, where permitted, shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the modifications in Sections 830 to 833, inclusive.*

Section 830 INCREASED SETBACKS. For every square foot by which each sign or outdoor advertising structure exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but not exceed one-hundred (100) feet.

Section 831 SETBACKS AT THE INTERSECTION OF HIGHWAYS. *At the intersection of a state, federal or major local highway with a major or collector street, the setback of any sign or outdoor advertising structure shall not be less than fifty (50) feet from the established right-of-way of each highway or street.*

Section 832 SETBACKS FOR PUBLIC AND QUASI-PUBLIC SIGNS. Real estate signs and bulletin boards for a church, school or any other public or quasi-public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Section 833 SPECIAL YARD PROVISIONS. Signs and advertising structures, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, *except that no sign or advertising structure shall be erected or placed closer than within fifty (50) feet to a side or rear lot line in any residential district.*

Section 834 ILLUMINATION. All signs and advertising structures, except as hereinafter modified, may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

Section 835 SUBDIVISION SIGNS. Upon application to the Zoning Officer, a permit may be issued as a conditional use in accordance with this Ordinance allowing a land-sales sign, provided that the sign shall not be illuminated; the sign shall advertise the sale or development of a recorded lot subdivision; the sign shall be erected only upon the property for sale or being developed and shall be set back from the street right-of-way at least one (1) foot for each square foot of sign area; the sign shall not be in excess of thirty (30) square feet; not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership, provided that not more than two (2) such signs may be permitted in any single development; and a permit for the erection, construction or maintenance of said sign shall expire within one (1) year.

Section 836 SIGN PERMITS REQUIRED. A permit shall be required for the erection of signs regulated in this Ordinance, except that no permit shall be required for temporary real estate signs with an area of twelve (12) square feet or less for the sale or lease of property and for small announcement signs with an area of less than four (4) square feet. Announcement signs shall be removed by the person or persons responsible for posting same within thirty (30) days after erection.

Section 837 DRAWINGS AND SPECIFICATIONS. Clear drawings and specifications shall be made of the proposed sign indicating the location, quality of material, full dimensions in figures, supports, manner of erecting, manner of fastening the sign to the structure, number and the weight of the sign. Such plans to be made on blanks furnished by the Zoning Officer, signed by the owner or tenant of property for which sign is to be used and by the erecting contractor.

Section 838 SIGNS INTERFERING WITH TRAFFIC CONTROL OR MOVEMENT PROHIBITED. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interfered with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information of a type that cannot be mistaken for traffic control devices.

Section 839 EXEMPTIONS. *Public notice by governmental bodies, traffic control signs and other official signs and notices are exempt from the provisions of this Ordinance.*

Section 840 OFF PREMISES SIGNS. *No off premises signs shall be permitted within the Village of Lakeview, in either residential, business or on commercial property.*

ARTICLE IX NONCONFORMING USES

Section 900 INTENT. Within the districts established by this Ordinance or future amendments that may later be adopted there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or discontinued. 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.

Section 901 INCOMPATIBILITY OF NONCONFORMING USES. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be generally prohibited in the district in which such use is located.

Section 902 AVOIDANCE OF UNDUE HARDSHIP. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction, was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

Section 903 SINGLE NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at effective date of adoption or amendment of this Ordinance notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. ***This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of yard requirements shall be obtained only through action of the Board of Zoning Appeals.***

Section 904 NONCONFORMING LOTS OF RECORD IN COMBINATION. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area

requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

Section 905 NONCONFORMING USES OF LAND. Where, at the time of adoption of this Ordinance lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

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

Section 906 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, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. *Nothing in this Ordinance shall prevent the reconstruction of a building or structure wholly or partly destroyed by fire, flood, explosion, wind, etc., provided such reconstruction is begun within six (6) months and completed within two (2) years.*
3. 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.

Section 907 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If a lawful use involving individual structures, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed 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:

1. 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.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a conditional use, be changed to another nonconforming use provided that the Board of Zoning Appeals 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 appropriate conditions and safeguards in accord with provisions of this Ordinance.
4. 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, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination is voluntarily discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the

structure shall eliminate the non-conforming status of the land.

Section 908 REPAIRS AND MAINTENANCE. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 909 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES. Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a non-conforming use in such district, but shall, without further action, be considered a conforming use.

ARTICLE V - ADMINISTRATION

Section 1000 OFFICE OF ZONING OFFICER CREATED. A Zoning Officer designated by the Mayor *with the consent of the Village Council* shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Mayor may direct.

Section 1001 DUTIES OF ZONING OFFICER. For the purpose of this Ordinance, the Zoning Officer shall have the following duties:

1. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation(s) ordering the action necessary to correct such violation.
2. Order discontinuance of illegal uses of land, building, or structures.
3. Order removal of illegal buildings or structures or illegal additions or structural alterations.
4. Order discontinuance of any illegal work being done.
5. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

Section 1010 PROCEEDINGS OF PLANNING COMMISSION. The Planning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairperson and at such other times as the Planning Commission may determine. All meetings shall be open to the public. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Planning Commission.

Section 1020 BOARD OF ZONING APPEALS CREATED. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor *with the consent of the Village Council* each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the Village. Members of the Board may be removed from office by the Village Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor *with the consent of the Village Council* for the unexpired term of the member affected.

Section 1021 PROCEEDINGS OF THE BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

Section 1022 DUTIES OF THE BOARD OF ZONING APPEALS. In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, 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 the powers of the Zoning Officer from whom the appeal is taken. The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in the application of this Ordinance. For the purpose of this Ordinance, the Board of Zoning Appeals has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Officer.
2. To authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in **Article IX** and such additional safeguards as will uphold the intent of this Ordinance.

Section 1030 DUTIES OF ZONING OFFICER, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Officer, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance

the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law; approving or rejecting planned unit development projects and of establishing a schedule of fees and charges as stated in *Section 1160* of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board of Zoning Appeals to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board of Zoning Appeal's written decision.

Section 1040 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES. Appeals and variances shall conform to the procedures and requirements of *Sections 1041 to 1049*, inclusive, of this Ordinance. As specified in *Section 1022*, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 1041 APPEALS. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Officer. Such appeal shall be taken within thirty (30) days after the decision by filing, with the Zoning Officer and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Officer shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

Section 1042 STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Officer from whom the appeal is taken on due cause shown.

Section 1043 VARIANCES. The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

Section 1044 APPLICATION AND STANDARDS FOR VARIANCES. A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Officer and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants.
2. Legal description of property.
3. Description of nature of variance requested.
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - c. That special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board of Zoning Appeals makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection four (4) of this section have been met by the applicant.

Section 1045 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 1150 of this Ordinance.

Section 1046 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Officer or an applicant.

Section 1047 NOTICE OF PUBLIC HEARING IN NEWSPAPER. Before holding the public hearing required in Section 1046, notice of such hearing shall be given in one (1) newspaper of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 1048 NOTICE TO PARTIES OF INTEREST. Before holding the public hearing required in Section 1046, written notice of such hearing shall be mailed by the Chairperson of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1047. Parties of interest shall include, but not be limited to, property owners contiguous to and directly across the road (street) from the parcel(s) in question.

Section 1049 ACTION BY BOARD OF ZONING APPEALS. Within thirty (30) days after the public hearing required in Section 1046, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 1045, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 1030.

Section 1060 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS. Conditional uses shall conform to the procedures and requirements of Section 1061 to 1067, inclusive, of this Ordinance.

Section 1061 GENERAL. It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article IV shall follow the procedures and requirements set forth in Sections 1062 to 1067, inclusive.

Section 1062 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT. An application for conditional use permit shall be filed with the Chairperson of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Description of existing use.

4. Zoning district.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes, and on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

Section 1063 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article IV and appears on the Official Schedule of District Regulations adopted by Section 410 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific planning objectives of the Village's Zoning Ordinance.
3. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies

responsible for the establishment of the proposed use shall be able to provide adequately any such services.

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

Section 1064 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS. In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Section 1150 of this Ordinance.

Section 1065 PROCEDURE FOR HEARING, NOTICE. Upon receipt of the application for a conditional use permit specified in Section 1062, the Board of Zoning Appeals shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties of interest according to the procedures specified in Section 1046 to 1048, inclusive.

Section 1066 ACTION BY THE BOARD OF ZONING APPEALS. Within thirty (30) days after the public hearing required in Section 1065, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 1064, or disapprove the application as presented. If the application is approved or approved with modifications, the Board of Zoning Appeals shall direct the Zoning Officer to issue a conditional use permit listing the specific conditions specified by the Board of Zoning Appeals for approval. If the application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas. Appeals from Board of Zoning Appeals' decisions shall be made in the manner specified in Section 1030.

Section 1067 EXPIRATION OF CONDITIONAL USE PERMIT. A conditional use permit shall be deemed to authorize only one (1) particular conditional use and shall expire if the conditional use shall cease for more than *six (6) months for any reason.*

ARTICLE XI ENFORCEMENT

Section 1100 ZONING PERMITS REQUIRED. No building, or other structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use with a permit therefore, issued by the Zoning Officer. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Officer received a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance or from Village Council approving a Planned Unit Development District, as provided by this Ordinance.

Section 1101 CONTENTS OF APPLICATION FOR ZONING PERMIT. The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within **six (6) months** or substantially completed within two- and one-half (2-1/2) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

Section 1102 APPROVAL OF ZONING PERMIT. Within thirty (30) days after the receipt of an application, the Zoning Officer shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within **six (6) months**. One (1) copy of the plans shall be returned to the

applicant by the Zoning Officer, after the Zoning Officer shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

Section 1103 SUBMISSION TO DIRECTOR OF TRANSPORTATION. Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Officer shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one-hundred-twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Officer that he shall proceed to acquire the land needed, then the Zoning Officer shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Officer that acquisition at this time is not in the public interest or upon the expiration of the one-hundred-twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Officer shall, if the application is in conformance with all provisions of this Ordinance, issue the zoning permit.

Section 1104 EXPIRATION OF ZONING PERMIT. If the work described in any zoning permit has not begun *within six (6) months from the date of issuance thereof*, said permit shall expire; it shall be revoked by the Zoning Officer; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two- and one-half (2-1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

Section 1105 CERTIFICATE OF OCCUPANCY. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use of structure until a certificate of occupancy shall have been issued therefore by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Section 1106 TEMPORARY CERTIFICATE OF OCCUPANCY. A temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Section 1107 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY. The Zoning Officer shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

Section 1120 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY. Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Ordinance and punishable under Section 1150 of this Ordinance.

Section 1130 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES. Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Ordinance and punishable as provided in Section 1150 of this Ordinance.

Section 1140 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

Section 1150 PENALTIES FOR VIOLATION. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one-hundred (100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 1160 SCHEDULE OF FEES, CHARGES, AND EXPENSES. The Village Council shall, by Ordinance, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Officer, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XII AMENDMENTS

Section 1200 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES. This Ordinance may be amended utilizing the procedures specified in Section 1201 to 1214, inclusive, of this Ordinance.

Section 1201 GENERAL. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Village Council may by Ordinance after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

Section 1202 INITIATION OF ZONING AMENDMENTS. Amendments to this Ordinance may be initiated in one of the following ways:

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

Section 1203 CONTENTS OF APPLICATION. Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Section 300 shall contain at least the following information:

1. Name, address, and phone number of applicant.
2. Present use.
3. Present zoning district.
4. Proposed use.
5. Proposed zoning district.
6. A vicinity map at a scale approved by the Zoning Officer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Officer may require.
7. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the road from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten

(10) parcels are to be rezoned.

8. A fee as established by the Village Council, according to Section 1160.

Section 1204 TRANSMITTAL TO PLANNING COMMISSION. Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Planning Commission.

Section 1205 SUBMISSION TO DIRECTOR OF TRANSPORTATION. Before any zoning amendment is approved affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Planning Commission may proceed as required by law, however, the Village Council shall not approve the amendment for one-hundred-twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of the one-hundred-twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

Section 1206 RECOMMENDATION BY THE PLANNING COMMISSION. Within *forty (40) days* from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 1207 PUBLIC HEARING BY THE PLANNING COMMISSION. *If in the opinion of the majority of the Planning Commission the proposed amendment requires a public hearing by the Planning Commission, the hearing will be scheduled at the next regular meeting date of the Planning Commission, but not later than **thirty (30)** days after receipts of the proposed amendment.*

Section 1208 NOTICE OF PUBLIC HEARING IN NEWSPAPER. *Notice of the public hearing required in Section 1207 shall be given by the Planning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least twenty (20) days before the date of the required hearing.*

Section 1209 NOTICE TO PROPERTY OWNERS BY THE PLANNING COMMISSION. *If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed in the tax duplicates, written notice of the hearing shall be mailed by the Chairperson of the Planning Commission, by first class mail, at least twenty (20) days prior to the day of the public hearing to all owners of property within, contiguous to and*

directly across the street from the area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list and to such other lists that may be specified by the Village Council.

Section 1210 PUBLIC HEARING BY COUNCIL. Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.

Section 1211 NOTICE OF PUBLIC HEARING IN NEWSPAPER. Notice of the public hearing required in Section 1210 shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 1212 NOTICE OF PROPERTY OWNERS BY VILLAGE COUNCIL. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1211.

Section 1213 ACTION BY VILLAGE COUNCIL. Within thirty (30) days after the public hearing required by Section 1210, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths (3/4) of the full membership of Village Council. No such Ordinance shall be passed unless it has been fully and distinctly read on three different days, except that such Ordinance may become emergency legislation if three-fourths (3/4) of the members of Village Council vote to dispense with this rule.

Section 1214 EFFECTIVE DATE AND REFERENDUM. Such amendment adopted by the Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to but not less than ten (10) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

ARTICLE XIII - DEFINITIONS

INTERPRETATION OF TERMS OR WORDS: For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel."

ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADVERTISING STRUCTURE. Any outdoor display for the purpose of advertisement, notice or announcement located apart from the premises or product referred to in the display.

ACRE. *A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.*

Adult Entertainment Facilities. *A facility having a significant portion of its function as adult entertainment which includes the following listed categories:*

1. Adult Bookstore. *An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.*
2. Adult Booth. *Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."*

3. Adult Material. Any of the following, whether new or used:
 - a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."
 - b. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."
 - c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with "specified sexual activities" or that depict or describe "specified anatomical areas."
4. Adult Mini Motion Picture Theatre. A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
5. Adult Motion Picture Theatre. A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
6. Adult Entertainment Business. Any establishment involved in the sale or services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

AGRICULTURE. "Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and furbearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

AIRPORT. A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft including specifically a paved strip on which airplanes land and

take-off. A airport shall not be construed to be a private landing field as defined herein.

ALLEY. *Any public way or thoroughfare less than twenty (20) feet in width, which has been dedicated to the public or public use.*

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

APARTMENT. *A portion of a building comprising a single dwelling unit consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.*

AUTOMOTIVE REPAIR. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting, and steam cleaning of vehicles.

AUTOMOTIVE SERVICE STATION. *That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel are stored and dispensed from fixed equipment into fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.*

AUTOMOTIVE VEHICLE. *A vehicle which is designed and manufactured to be self-propelling or self moving upon the public highway. More specifically, as referred to in this Resolution, it includes: automobiles, trucks, tractors, and motorcycles.*

BASEMENT. A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

BED AND BREAKFAST FACILITES. *Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient.*

BREEZEWAY. *A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building.*

BUILDING. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

BUILDING, ACCESSORY. A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

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, and the average height

between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING LINE. See Setback Line.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS, CONVENIENCE-TYPE RETAIL. Retail businesses whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

BUSINESS, DRIVE-IN. Any business, structure or premise which is designed primarily to serve occupants of motor vehicles without the occupants having to leave the vehicle.

BUSINESS, SERVICE. Any profit making activity which renders services primarily to the public or to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses. Some retail sales may be involved in connection with the service rendered.

BUSINESS, SHOPPING-TYPE REPAIR. A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses greater than a community are furniture stores, automobile sales and service and clothing shops.

CAMPGROUND, COMMERCIAL OR PRIVATE. *An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days. Campgrounds shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.*

CEMETARY. *Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.*

CHANNEL. A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.

CHASSIS. *The steel undercarriage, supporting framework to which a dwelling is permanently attached.*

Child Day Care. *Care provided for any part of the twenty-four hour day for infants, toddlers, preschool children, and school children outside of school hours by persons other*

than their parents or guardians, custodians or relatives by blood, marriage, or adoption, in a place or residence other than the child's own home. Places of worship during religious services are not included.

CLINIC. A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB. A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal or recreational purpose primarily for the exclusive use of members and their guests.

COMMERCIAL RECREATION ESTABLISHMENT. *Any private, public, or semi-public recreation or amusement facility which is located within an enclosed building or structure and is operated for profit, such as videogame arcades, pinball arcades, or other types of amusement game arcades; tennis or racquetball clubs; bowling alleys, skating rinks, or billiard halls; but not including indoor motion picture theatres.*

COMMUNITY FACILITIES. *Structures and uses intended to be of a cultural, educational, recreational, administrative, or service type which provides for areas of public purposes in higher density residential developments.*

COMPREHENSIVE DEVELOPMENT PLAN. A plan, or any portion thereof, adopted by the Planning Commission and legislative authority of the Village of West Mansfield, Ohio, showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

CONDITIONAL USE. A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

CONDITIONAL USE PERMIT. A permit issued by the Zoning Officer upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONDOMINIUM. *An ownership arrangement whereby an individual holds title to an individual unit and joint ownership in common property and/or facilities under provisions of Chapter 5311 of the Ohio Revised Code.*

CONSTRUCTION TRAILER. *A temporary building or trailer used in conjunction with construction work that only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. A construction trailer shall not be used as a residential dwelling.*

CORNER LOT. See Lot Types.

DEED RESTRICTION. *A legal restriction, not enforceable by zoning, on the use of land, contained in the deed to the property.*

DENSITY. A unit of measurement; the number of dwelling units per acre of land.

1. Gross Density. The number of dwelling units per acre of the total land to be developed.
2. Net Density. The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DETACHED. *Not connected in any manner by walls or other structural supports.*

DWELLING. Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

DWELLING, SINGLE-FAMILY. A single dwelling unit only, separated from other dwelling units by open space. Detached, individual dwelling units, which accommodate one family living as one housekeeping unit. The type of construction of such units shall conform to the applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code [ORC 3781.06] definition of permanently-sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must:

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat.700, 5401 and 5403) after January 1, 1995;
- b. Have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards;
- c. Be attached to a permanent frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full. foundation), and connected to appropriate utilities;
- d. Excluding any additions, have a width of at least 22 feet and a length of at least 22 feet, as manufactured;
- e. Have a total living area of 1200 square feet, excluding garages, porches, or attachments;
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a six 6-inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
- g. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
- h. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);

- i. And, is not located in a manufactured home park as defined herein.

DWELLING, (HOUSING) MANUFACTURED. A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal Construction and Safety Standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. This category does not include the sub-assembly methods of construction known as pre-fab or pre-cuit, in which cases some portion of the preparation or sub-assembly may be done at the factor but not erected at the foundation site.

MODULAR UNIT. A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.

Sectional Unit. A dwelling made of two (2) or more modular units transported to the homesite, put on a foundation, and joined to make a single dwelling.

Mobile Home. A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit as defined herein.

Mobile Home, Double-wide or Triple-wide: A mobile home consisting respectively of two (2) or three (3) sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.

Mobile Home, Expandable: A mobile home with one (1) or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

This category does not include the sub-assembly methods of construction known as pre-fab or pre-cut, in which cases some portion of the preparation or sub-assembly may be done at the factory but not erected until at the foundation site.

STATEMENT OF INTENT FOR
DWELLING (HOUSING), MANUFACTURED DEFINITION

Because terms for manufactured housing such as those listed in the above definition titled DWELLING, (HOUSING) MANUFACTURED tend to change over the years, the purpose and intent of the definition is to draw a distinction between dwellings that are produced and erected in assembly line style at the factory, from those stick-built dwellings (see definition of stick-built) in which a substantial amount of material and construction labor are brought together in final form at the foundation site. The above explanation is the spirit in which any future interpretation shall be made from this section, no matter what terms for manufactured housing are in vogue at any given time.

DWELLING, MOBILE HOME. A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit as defined herein.

DWELLING, MULTI-FAMILY. A dwelling consisting of two (2) or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING, ROOMING HOUSE (BOARDING HOUSE, LODGING HOUSE, DORMITORY). A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

DWELLING, STICK-BUILT. *A way of describing any structure built from boards of lumber and other building materials, in which a substantial amount of the required material and construction labor are brought together in final form at the foundation site.*

DWELLING UNIT. *Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.*

EASEMENT. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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

FAMILY. One (1) or more related persons occupying a single dwelling unit.

***FARM.** A farm is an area of land on which at least \$2,500 gross sales from agriculture products was produced and thus must meet CAUV standards: All farms larger than 10 acres qualify for CAUV if they have been devoted exclusively to "commercial" agricultural use for the past three (3) years. Farms smaller than 10 acres are eligible if the average yearly gross farm income for the past three (3) years is at least \$2,500 from "commercial" agricultural production. See Section 5713.30(A) of the Ohio Revised Code for further explanation.*

***FARM MARKET.** A building or structure designed or used or intended to be used for the display and/or sale of produce, raised on farms owned or operated by the farm market operator.*

FLOOD PLAIN. That land, including the flood fringe and the floodway subject to inundation by the regional flood.

FLOOD, REGIONAL. Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

FLOODWAY. That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOODWAY FRINGE. That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

FLOOR AREA OF A RESIDENTIAL BUILDING. The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS). The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

***FLOOR AREA, LIVABLE.** The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.*

FLOOR AREA, USABLE. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Mobile home floor area shall be determined by the "Bill of Sale" which may or may not include up to a four (4) foot long tongue.

FOOD PROCESSING. The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

FOUNDATION, PERMANENT. *Means permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling may be affixed.*

GASOLINE SERVICE STATION. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

HAZARDOUS WASTES. *Means those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.*

HOME OCCUPATION. An occupation conducted in a dwelling unit, provided that: No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution.

JUNK. "Junk" means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or parts thereof; iron, steel, and other old or scrap ferrous or non-ferrous materials.

JUNK YARD. Junk yard means an establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand (1,000) feet of the nearest edge of the right-of-way of a highway or street, and any site, location, or premise on which are kept two (2) or more junk motor vehicles as defined in Section 311.301 of the Ohio Revised Code, whether or not for a commercial purpose.

KENNEL. *Any lot or premise on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.*

LITTER. *Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, private property, or in or on waters of the state.*

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOT. For the purposes of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE. The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE. The front of a lot shall be construed to be the portion nearest the street except for waterfront property in which case the portion of the lot nearest the main body of water shall be the front of the lot. For the purpose of determining yard requirements on corner lots and through lots for non-waterfront property, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in Section 525.

LOT, MINIMUM AREA OF. The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT MEASUREMENTS. A lot shall be measured as follows:

1. Depth. The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
2. Width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES. Terminology used in this Ordinance with reference to corner lots, interior lots, and through lots is as follows:

1. Corner Lot. A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. Interior Lot. A lot with only one (1) frontage on a street.
3. Through Lot. A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
4. Reversed Frontage Lot. A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

MAJOR THOROUGHFARE PLAN. The portion of Comprehensive Plan adopted by the Board of County Commissioners indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

MANUFACTURED OR MOBILE HOME PARK. *Means any tract of land upon which three (3) or more manufactured or mobile homes uses for habitation are located, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and on which the individual lots are not for rent or rented, but are for sale or sold for the purpose of locating manufactured or mobile homes is not a manufactured home park unless three (3) or more manufactured or mobile homes used for habitation are located upon any one (1) individual lot. "Manufactured home park" does not include any tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp.*

MANUFACTURING, HEAVY. Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, dust, glare, air pollution, odor, but not beyond the district boundary to any large extent.

MANUFACTURING, LIGHT. Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke,

noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no major nuisances.

MINING, COMMERCIAL QUARRIES, SAND AND GRAVEL PITS. *Any mining, quarrying or processing of limestone, clay, sand and gravel or other mineral resources. Also referred to as mineral extraction.*

MOBILE HOME. *A building unit or assembly of closed construction that is fabricated in an off-site facility, that is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home or as an industrialized unit.*

MOTEL OR HOTEL. *A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and subject to such restrictions as may be specified in the district where located. Also, see transient lodging.*

MOTOR VEHICLE SALVAGE FACILITY. *Means any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.*

NON-CONFORMITIES. *A building, structure or use of land existing at the time of enactment of this Resolution and which does not conform to the regulations of the district or zone in which it is situated.*

NON-CONFORMING USE OF LAND AND BUILDINGS. *The lawful use of any dwelling, building, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning resolutions.*

NOXIOUS WEEDS. *Any type or species that have been included on the official list of noxious plants for the State of Ohio which includes the following: Wild Mustard, Musk Thistle (Nodding Thistle), Oxeye Daisy, Canada Thistle, Poison Hemlock, Wild Carrot (Queen Annes Lace), Purple Loosestrife, Wild Parsnip, Mile-a-Minute Weed, Russian Thistle, Cressleaf Groundsel, Shattercane, Johnsongrass, and Grapevines (abandoned). Noxious weeds possess one or more of the following attributes: aggressive competition with cultivated plants, toxicity to livestock, natural habitat degradation, threat to public health, safety, or navigation.*

NUISANCE. *A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, and debris, weeds and tall grass measuring over twelve (12) inches.*

NURSERY, NURSING HOME. A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

NURSERY, (GREENHOUSE) TREE AND PLANT. *A place where young trees or other plants are raised for transplanting and/or for sale.*

OFFICES. Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a charitable, philanthropic, financial, religious, or educational nature are also included in this classification.

OPEN SPACE. An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the zoning commission deems permissive. Streets, parking areas, structure for habitation, and the like shall not be included.

ORIGINAL TRACT. *A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.*

OUTDOOR RECREATION AREA, PUBLIC OR PRIVATE. *Any privately or publicly owned and operated recreation facility or area which is not located within an enclosed building or structure, such as a golf course, tennis courts, ball fields, swimming pools, driving ranges, race tracks, amusement parks, stadiums, motorcross or snowmobile circuits, or campgrounds.*

PARCEL. *An individual lot held under common ownership.*

PARKING SPACE, OFF-STREET. For the purpose of this Ordinance an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERFORMANCE BOND OR SURETY BOND. An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of

physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERMANENT FOUNDATION. *Means permanent masonry, concrete, or locally approved footing or foundation, to which a dwelling may be affixed.*

PERMANENTLY-SITED MANUFACTURED HOUSING. *See Dwelling, Single Family.*

PERMITTED USE. *A use which is specifically authorized by these Zoning Regulations in a particular zoning district.*

PERSONAL SERVICES. Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, florists, beauty parlors, and similar activities.

PLANNED UNIT DEVELOPMENT (PUD). *A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines. Planned Unit Developments are designed and developed subject to the provisions of these Regulations.*

PLANNED UNIT DEVELOPMENT. An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design, principles and landscaping plans.

POND. *A water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout. Ponds constructed by the first method are referred to as embankment ponds, and those constructed by the second method are referred to as excavated ponds.*

POOLS, SWIMMING (PRIVATE). *Any structure that contains water over twenty four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing and which is available only to the family and guests of the householder. This includes in-ground, above ground, on-ground, and portable swimming pools, hot tubs, and spas.*

POOL BARRIER. *A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.*

PRINTING AND PUBLISHING. Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards, and similar activities either for profit or non-profit.

PUBLIC SERVICE FACILITY. The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage service.

PUBLIC USES. Public parks, schools, administrative, and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC UTILITY. The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plant or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewerage service, sanitary landfills and other similar public service structures or facilities whether publicly or privately owned.

PUBLIC WAY. An alley, avenue, boulevard, bridge, channel, ditch, easement, highway, land, road, sidewalk, street walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

QUASI-PUBLIC USE. Churches, parochial schools, hospitals and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RECREATION, COMMERCIAL. Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, teen center, bowling alleys, swimming pools, theaters, etc.

RECREATION, NON-COMMERCIAL. Any business which is operated as a recreational enterprise, either publicly or privately owned, for non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, ball parks, etc.

RECREATIONAL VEHICLE. A vehicle type unit primarily designed as temporary (not more than 120 days per calendar year) living quarters for recreational, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. A recreational vehicle must have a current license. A recreational vehicle shall not be used as a permanent residence.

RECREATIONAL VEHICLE PARK. A parcel of land upon which two or more recreational vehicles sites are located, established, or maintained for occupancy by

recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RECREATIONAL VEHICLE SITE. *A plot of ground intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.*

REFUSE. *Refuse shall mean combustible and noncombustible waste materials.*

RELIGIOUS, CULTURAL, AND FRATERNAL ACTIVITY. *A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.*

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

ROOF, MEAN HEIGHT. *The average of the roof eave height and the height to the highest point on the roof surface, except that eave height shall be used for roof angle or less than or equal to ten (10) degrees.*

RUBBISH/TRASH. *Combustible and noncombustible waste materials; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.*

SALVAGE MOTOR VEHICLE. *Means any motor vehicle which is in a wrecked, dismantled, or worn out condition, or unfit for operation as a motor vehicle.*

SANITARY LANDFILL. *Means a land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.*

SATELLITE DISH "EARTH STATION". *A dish-type antenna with foundation, supports, receiver, electric supply, with or without rotor and any other ancillary equipment required to receive and display audio or video signals from satellites.*

SCREENING. *To provide privacy of adjoining uses, including masonry walls, solid preservatively treated wood, chain link with solid slats, or landscaped with grass and closely planted shrubs or other evergreen plants.*

SEAT. For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SEMITRAILER. *A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. A semitrailer shall not be used for storage, advertising, business, and residence.*

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

SETBACK LINE, FRONT. *Determined from the edge of the road right-of-way.*

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

SEWERS, ON-SITE. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

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

SIGN. Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. Sign, On-Premises. Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises (**Billboards**). Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.
Billboards are considered off-premise signs.
3. Sign, Illuminated. Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device. Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

5. Sign, Ground. Means a display sign supported by uprights or braces in or upon the ground surface.
6. Sign, Marquee. Means a display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
7. Sign, Pole. Means any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.
8. Sign, Political. *A sign which announces the candidacy of a person or slate or persons running for elective office, a political party, or issue or slate of issues.*
9. Sign, Portable. *A sign which is designed to be easily movable.*
10. Sign, Projecting. Means a display sign which projects from the exterior of a building.
11. Sign, Roof. Means a display sign which is erected, constructed, and maintained above the roof of the building.
12. Sign, Temporary. Means a display sign, banner, or other advertising device constructed on cloth, canvas, fabric, or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.
13. Sign, Wall. Means a display sign which is painted on or attached directly to the building wall.

SERVICE STATION. *Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, for accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work.*

SOLID WASTES. *Means such unwanted residual solid or semisolid material as results from industrial, commercial agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, and also, and other substances which are not harmful or inimical to public health, and includes, but is not limited to, garbage, combustible and non-combustible material, street dirt, and debris. For purposes of this definition, "material from construction operations" and "material from demolition*

operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

STORAGE FACILITY. *A structure which is partially opened or fully enclosed in which animals, chattels, or property are stored or kept.*

STORY. *That part of a building between the surface of a floor and the ceiling immediately above.*

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

SUBDIVISION.

- 1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or*
- 2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.*

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

SWIMMING POOL. *A pool, pond, lake, or open tank containing at least one- and one-half (1-1/2) feet of water at any point and maintained by the owner or manager.*

- 1. Private. Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.*
- 2. Community. Operated with a charge for admission; a primary use.*

TELECOMMUNICATION TOWER. Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A telecommunication tower shall meet all of the following conditions:

1. It is constructed on or after October 31, 1996;
2. It is owned or principally used by a public utility engaged in the provision of telecommunication services;
3. It is a free standing structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

THOROUGHFARE, CONTROLLED OR LIMITED ACCESS. A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

THOROUGHFARE, MAJOR OR SECONDARY. An officially designated Federal or State numbered highway or County or other road designated as a major thoroughfare by the Logan County Engineer, or a County or other road designated as a secondary thoroughfare.

THOROUGHFARE, STREET, OR ROAD. The full width between property lines bounding every public way or whatever nature with a part thereof to be used for vehicular traffic and designated as follows:

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

THROUGH LOT. See Lot types.

TOWNHOUSE. *A dwelling unit occupying all or part of a floor or floors in a building of one or more floors or stories but not the entire building, except in those condominium projects in which one of several buildings may contain only one townhouse.*

TOXIC OR HAZARDOUS MATERIAL. *Means any substance or mixture by physical characteristic such as flammability, corrositivity, toxicity, reactivity, or infectious characteristics as to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township.*

TRANSIENT LODGINGS. A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel, and apartment hotel.

TRANSPORT TERMINALS. Any business, structure, or premise which primarily receives or distributes goods.

TRANSPORTATION, DIRECTOR OF. The Director of the Ohio Department of Transportation.

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

USE, TEMPORARY. *A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.*

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

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

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

WALKWAY. A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

WHOLESALE AND WAREHOUSING. Business establishments that generally store and sell commodities in large quantities, or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

YARD. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front. A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear. A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side. A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ZONING CERTIFICATE. A document issued by the Zoning Officer authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

ZONING PERMIT. A document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE XIV INTERPRETATION AND ENACTMENT

Section 1410 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS. *In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards shall govern.*

Section 1420 SEPARABILITY CLAUSE. *Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.*

Section 1430 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE. *All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to extent necessary to give this Ordinance full force and effect. This Ordinance shall replace the existing Zoning Ordinance and shall become effective from and after the date of its approval and adoption, as provided by law.*

PASSED:

President, Village Council

ADOPTED:

Mayor

ATTEST:

Village Clerk

CERTIFICATE OF POSTING

I, _____, Clerk of the Council of Lakeview, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of Ordinance No. xxx was duly made by posting true copies thereof at five (5) of the most public places of said municipality, as determined by the Village Council as follows:

each for the period of fifteen (15) days, commencing on the _____ day of _____, 20_____.

Clerk of the Council
Village of Lakeview, OH

Dated: