

**ZONING ORDINANCE**  
**VILLAGE OF ARLINGTON, OHIO**

**TITLE**

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

**PREAMBLE**

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

## **ENACTING CLAUSE**

Village of Arlington Resolves:

### **ARTICLE I - SHORT TITLE**

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

### **ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

#### **Section 200. CONSTRUCTION OF LANGUAGE:**

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; the words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either. . . or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either. . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

**Section 201. DEFINITIONS:**

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

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

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

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
5. Storage of goods used in or produced by industrial uses or related activities, unless such a storage is excluded in the applicable district regulations.
6. Accessory off-street parking spaces, open or enclosed.
7. Uses clearly incidental to a main use such as but not limited to: Offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

8. Accessory off-street loading.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

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

**APARTMENTS:** A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

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

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

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

**BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this Ordinance, a mobile home shall be considered a building.

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

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

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

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

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

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

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

**DWELLING, TWO-FAMILY:** A building designed exclusively for occupancy by two (2) families living independently of each other.

**DWELLING, MULTIPLE-FAMILY:** A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. **FRONT LOT LINE:** In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is that line separating said lot from either street.

2. **REAR LOT LINE:** That lot line opposite the front line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than
3. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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

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

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

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

**MOBILE HOME:** Any vehicle designed, or constructed so as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping purposes, are located.

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

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

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

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

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



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

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

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

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

**SIGN, ACCESSORY:** A sign which is related to the principal use of the premises.

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

**SOLICITOR:** Solicitor of the Village of Arlington.

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

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

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

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

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

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

**VARIANCE:** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are: (1) undue hardship, (2) unique circumstances, and (3) applying to property. A variance is not an exception.

**VILLAGE:** Village of Arlington, Ohio.

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

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

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

**ZONING INSPECTOR:** The Zoning Inspector of the Village of Arlington, Ohio or his authorized representative.

## **ARTICLE III - ZONING DISTRICTS AND MAP**

### **Section 300. DISTRICTS ESTABLISHED:**

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

R-1	One-Family Residential District
R-2	One-Family Residential District
RT	Two-Family Residential District
RM-1	Multiple-Family Residential District
B-1	Community Business District
B-2	General Business District
B-3	Central Business District
I-1	Light Industrial District
I-2	General Industrial District
P-1	Vehicular Parking District

### **Section 301. DISTRICT BOUNDARIES:**

The boundaries of these districts are hereby established as shown on the Zoning Districts Map which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

### **Section 302. DISTRICT BOUNDARIES INTERPRETED:**

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

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Municipal limits shall be construed as following Municipal limits.

4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning Districts Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Districts Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Zoning Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the Zoning Districts Map by patterns which, for the sake of map clarity, do not cover public right-of-ways, it is intended that such district boundaries do extend to the center of any public right-of-way.

**Section 303. ZONING OF VACATED AREAS:**

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

**Section 304. DISTRICT REQUIREMENTS:**

All buildings and uses in any District shall be subject to the provisions of ARTICLE XIV - GENERAL PROVISIONS and ARTICLE XV - GENERAL EXCEPTIONS.

## **ARTICLE IV - R-1 AND R-2 ONE-FAMILY RESIDENTIAL DISTRICTS**

### **Section 400. INTENT:**

The R-1 and R-2 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominately low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

### **Section 401. PRINCIPAL USES PERMITTED:**

In a One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. One-family detached dwellings.
2. Farms and farming operations.
3. Publicly owned and operated libraries, parks, parkways and recreational facilities.
4. Cemeteries which lawfully occupied land at the time of adoption of this Ordinance.
5. Public, parochial and other private schools offering courses in general education, and not operated for profit.
6. Accessory buildings and uses, customarily incident to any of the above permitted uses.

### **Section 402. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

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

1. Churches and other facilities normally incidental thereto subject to the following conditions:
  - a. Buildings of greater than the maximum height allowed in ARTICLE XIII - SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

2. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
3. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.
4. Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs, all subject to the following conditions:
  - a. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting resident districts.
  - b. Off-street parking shall be provided so as to accommodate not less than one-half ( $\frac{1}{2}$ ) of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the use will originate from the immediate adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.
  - c. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
6. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
  - a. No building shall be closer than thirty (30) feet to any property line.
  - b. Buildings of greater than the maximum height allowed in ARTICLE XIII - SCHEDULE OF REGULATIONS may be permitted provided that front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
7. Private pools shall be permitted as an accessory use within the rear yard only, provided

they meet the following requirements:

- a. Private pools shall not require Planning Commission review and approval.
  - b. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
  - c. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
  - d. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
  - e. No swimming pool shall be located in an easement.
  - f. For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Inspector upon inspection and approval.
8. Convalescent homes and orphanages when the following conditions are met:
- a. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
  - b. No building shall be closer than forty (40) feet to any property line.
9. Home occupations shall be permitted, subject to conditions the Planning Commission deems necessary for the protection of the single-family residential character of the surrounding area.
10. Accessory buildings and uses customarily incident to any of the above permitted uses.

**Section 403. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

**ARTICLE V - RT TWO-FAMILY RESIDENTIAL DISTRICTS**

**Section 500. INTENT:**

The RT Two-Family Residential Districts are designed to afford a transition of use in existing structures between adjacent residential and commercial, office, thorofares or other uses which would affect residential character. This district allows the construction of new two-family residences where slightly greater densities are permitted.

**Section 501. PRINCIPAL USES PERMITTED:**

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

1. All uses permitted and as regulated in the One-Family Residential Districts. The standards of the SCHEDULE OF REGULATIONS applicable to the R-2 One-Family Residential District, shall apply as minimum standards when one-family detached dwellings are erected.
2. Two-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

**Section 502. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.



## **ARTICLE VI - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS**

### **Section 600. INTENT:**

The RM-1 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density Single-Family Districts. The Multiple-Family District is further provided to serve the limited needs for the apartment typed of unit in an otherwise medium density, single family community.

### **Section 601. PRINCIPAL USES PERMITTED:**

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

1. All uses permitted and as regulated in the RT Two-Family Residential District.
2. Multiple-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

### **Section 602. REQUIRED CONDITIONS:**

In the case of multiple dwelling developments, all site plans shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit.

Approval shall be subject to the following conditions:

1. The entire area of the site shall be treated to service the residents of the multiple dwelling units located thereon, and any accessory buildings, uses, or services shall be developed solely for the use of residents of the main buildings. Uses considered herein as accessory uses include: swimming pools, cabanas, parking, recreation areas, off-street parking areas and other similar uses.
2. The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may require physical features be provided which will insure harmony in these relationships.

3. The site plan shall be so planned as to provide ingress and egress directly onto a major or secondary thorofare (a thorofare of at least eighty (80) feet of right-of-way, existing or proposed), except when the Planning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of adjacent properties.
4. Access drives, parking areas and maneuvering lanes shall be so located to minimize their conflict with buildings and outdoor living areas so as to encourage pedestrian and vehicular safety and convenience. The following requirements shall be considered by the Planning Commission in reviewing the site plan:
  - a. Drives, maneuvering lanes and open parking spaces shall be a distance of at least fifteen (15) feet from any residential building wall or portion thereof with a window and/or door penetration at the ground floor level.
  - b. The required parking spaces shall be well related to the building they are intended to serve.
  - c. In order to provide continuity with abutting and/or adjacent public thorofares, the Planning Commission may require dedication of a public right-of-way through the site area prior to site plan approval.
  - d. The Planning Commission shall review the floor plans of each building to insure convenient pedestrian flow between dwelling units, parking areas, and outdoor living areas.

**Section 603. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

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

1. General hospitals, with no maximum height restrictions, when the following conditions are met:
  - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
  - b. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.

2. Housing for the elderly when the following conditions are met:
  - a. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
  - b. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five percent (25%) of the total site exclusive of any dedicated public right-of-way.
3. Publicly owned buildings, telephone exchange buildings, and public utility offices, including transformer stations, substations, or gas regulator stations, all without storage yards.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

**Section 604. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted and providing minimum yard setback requirements.

**ARTICLE VII - B-1 COMMUNITY BUSINESS DISTRICTS**

**Section 700. INTENT:**

The B-1 Community Business Districts are designed to cater to the needs of a large consumer population, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

**Section 701. PRINCIPAL USES PERMITTED:**

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

1. Office or service establishments such as but not limited to the following:
  - a. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
  - b. Medical office, including clinics.
  - c. Facilities for human care such as hospitals, sanitariums, rest and convalescent homes.
  - d. Banks, credit unions, savings and loan associations, and similar uses.
2. All retail business, service establishments or processing uses as follows:
  - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
  - b. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
  - c. Private clubs, fraternal organizations and lodge halls.
  - d. Restaurants or other places serving food or beverage, except those having the character of a drive-in.
  - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
  - f. Business schools and colleges or private schools operated for profit.
3. Other uses similar to the above uses.
4. Accessory structures and uses customarily incident to the above permitted uses.

**Section 702. REQUIRED CONDITIONS:**

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in SECTION 703, below, shall be conducted within completely enclosed buildings.

**Section 703. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

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

1. Open air business uses when developed in planned relationship with the B-1 District as follows:
  - a. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall be located at the exterior end of the building mass located in the B-1 District.
  - b. Recreational space providing children's amusement park and other similar recreation when part of a planned development, provided further that such use be located at the exterior end of the building mass located in a B-1 District, but not at the intersection of two major thoroughfares. Such recreation space shall be fenced on all sides with a four (4) foot chain link type fence.
2. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear or side yard of any residential lot in an adjacent residential district.
3. Automobile service centers, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, and provided further that a building permit shall not be issued separately for the construction of any automobile service center within the B-1 District.

**Section 704. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

**ARTICLE VIII - B-2 GENERAL BUSINESS DISTRICTS**

**Section 800. INTENT:**

The B-2 General Business Districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Community Business District.

**Section 801. PRINCIPAL USES PERMITTED:**

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

1. Any retail business or service establishment permitted in B-1 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions.
2. Auto wash when completely enclosed in a building.
3. Bus passenger stations.
4. New and used car salesroom, showroom or office.
5. Free standing nonaccessory signs.
6. Other uses similar to the above uses.
7. Accessory structures and uses customarily incident to the above uses.

**Section 802. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

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

1. Automobile service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
  - a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street, intersection (measured from the road right-of-way) or from adjacent residential districts.
  - b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Automobile service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles (including lubricating facilities may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required. The minimum width of any service station site shall be one hundred (100) feet.
2. Outdoor sales space for exclusive sale of new or secondhand automobiles, mobile homes, camper trailers, or rental of trailers and/or automobiles, or similar property, all subject to the following:
  - a. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
  - b. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
  - c. No major repair or major refinishing shall be done on the lot.
  - d. All lighting shall be shielded from adjacent residential districts.
3. Motel, subject to the following conditions:
  - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.

- b. Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
  - c. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.
4. Business in the character of a drive-in or open front store, subject to the following conditions:
- a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
  - b. Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
  - c. All lighting shall be shielded from adjacent residential districts.
  - d. A six (6) foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for R Districts. The height of the wall shall further meet the requirements of ARTICLE XIV - GENERAL PROVISIONS.
5. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least two hundred (200) feet from abutting residential districts on the same side of the street.
6. Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:
- a. The storage or display of any materials or products shall meet all setback requirements of a structure.
  - b. All loading and parking shall be provided off-street.
  - c. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
7. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
8. Publicly owned buildings, telephone exchange buildings, and public utility offices, including transformer stations, substations, or gas regulator stations, all without storage yards.



**Section 803. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

**ARTICLE IX - B-3 CENTRAL BUSINESS DISTRICTS**

**Section 900. INTENT:**

The B-3 Central Business District is intended to permit those uses which provide for a variety of retail stores and related activities, and for office buildings and service establishments which occupy the prime frontages in the Central Business Districts; and which serve the consumer population beyond the corporate boundaries of the Village.

**Section 901. PRINCIPAL USES PERMITTED:**

In a B-3 Central Business District the use of land, the location and erection of new buildings or structures, and the alteration, enlargement and moving of existing buildings or structures from other locations or districts shall conform to the following use groups, unless otherwise provided in this Ordinance:

1. Retail Business Uses:

Retail business serving the convenience and comparison shopping needs of the Village and the region beyond.

2. Service Business Uses:

Service business providing direct consumer services.

3. Office Uses:

Business, professional and governmental offices accommodating a variety of functions such as finance, corporate headquarters, service enterprises and other similar office development.

4. Public Utility Uses:

Public utility offices; telephone exchange buildings; electric transformer stations and substations; gas regulator stations, all without storage yards.

5. Amusement and Entertainment Uses:

Commercial recreation, theaters, eating or drinking places including entertainment and other such uses offering entertainment to the users of the central business district.

6. Governmental Uses:

Those uses which require central location to service the needs of the region using the central business district.

7. Public and Quasi-Public Uses:

Churches, libraries, hospitals, museums, fraternal organizations, clubs, and other similar uses servicing the needs of the region and central business district users.

8. Newspaper publishing.

9. Other uses which the Planning Commission shall find to be:

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

10. Accessory buildings, structures, and uses, customarily incident to any of the above permitted uses.

**Section 902. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

**ARTICLE X - I-1 LIGHT INDUSTRIAL DISTRICTS**

**Section 1000. INTENT:**

The I-1 Light Industrial Districts are designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Village expected future economy for all types of manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Village's tax revenue.

**Section 1001. PRINCIPAL USES PERMITTED:**

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

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.

2. Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of land used for open storage facilities for materials or equipment's used in the manufacturing, compounding or processing shall be total obscured by a wall on those sides abutting a public thoroughfare except as otherwise provided in SECTION 1413. In I-1 Districts, the extent of such a wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than four feet six inches (4' - 6") in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of ARTICLE XIV GENERAL PROVISIONS. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height is above set forth.
  - a. Warehousing and wholesale establishments, and trucking facilities.
  - b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery, tool, die, gauge and machine shops.
  - c. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
  - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.
  - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
  - g. Laboratories - experimental, film or testing.
  - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
  - i. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.
  - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.

3. Ware house, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad right-of-ways, and freight terminals.
4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare. In any I-1 District, the extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such fence or wall shall not be less than six (6) feet in height, and may depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubby inside of said fence, shall be considered to be an obscuring fence.
5. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
6. Greenhouses.
7. Trade or industrial schools.
8. Freestanding nonaccessory signs.
9. Other uses of a similar and no more objectionable character to the above uses.
10. Accessory buildings and uses customarily incident to any of the above permitted uses.

**Section 1002. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

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

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

**Section 1003. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

**ARTICLE XI - I-2 GENERAL INDUSTRIAL DISTRICTS**

**Section 1100. INTENT:**

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

**Section 1101. PRINCIPAL USES PERMITTED:**

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

1. Any principal use first permitted in an I-1 District.
2. Heating and electric power generating plants.
3. Any of the following production or manufacturing uses:
  - a. Blast furnace, steel furnace, blooming or rolling mill.
  - b. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
  - c. Petroleum or other inflammable liquids, production, refining or storage.
  - d. Smelting of copper, iron or zinc ore.
4. Any other use which shall be determined by the Village Council after recommendation from the Planning Commission, to be of the same general character as the above permitted uses in SECTION 1101. The Council may impose any required setback

and/or performance standards so as to insure public health, safety and general welfare.

5. Accessory buildings and uses customarily incident to any of the above permitted uses.

**Section 1102. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

**ARTICLE XII - P-1 VEHICULAR PARKING DISTRICTS**

**Section 1200. INTENT:**

The P-1 Vehicular Parking Districts are intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

**Section 1201. PRINCIPAL USES PERMITTED:**

Premises in such districts shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are hereinafter provided.

**Section 1202. REQUIRED CONDITIONS:**

1. The parking area shall be accessory to, and for use in connection with one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
2. Such parking lots shall be contiguous to an RM-1 or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 District and above listed districts.

3. Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one (1) day and shall not be used as an off-street loading area.
4. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
5. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
6. No building other than those for shelter or attendants shall be erected upon the premises and they shall not exceed fifteen (15) feet in height.
7. Applications for P-1 District rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with SECTION 1405 and 1415.

**Section 1203. MINIMUM DISTANCES AND SETBACKS:**

1. **Side and Rear Yards:** Where the P-1 District is contiguous to the side and/or rear lot lines of premises within a residentially zoned district, the required wall shall be located along said lot line.
2. **Front Yards:** Where the P-1 District is contiguous to a residentially zoned district which has a common frontage in the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of twenty-five (25) feet, or whichever is the greater. The required wall shall be located on this minimum setback line unless, under unusual circumstances, the Planning Commission finds that no good purpose would be served. The land between said setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.



**Section 1204. PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:**

P-1 Vehicular Parking Districts shall be developed and maintained in accordance with the requirements of ARTICLE XIV - GENERAL PROVISIONS.



**Section 1300. NOTES TO SCHEDULE OF REGULATIONS:**

- (a) In those instances where public sanitary sewer and water systems are not provided, all lots per dwelling shall equal a minimum of twenty thousand (20,000) square feet.
- (b) See Section 1301 AVERAGED LOT SIZE, Section 1302. SUBDIVISION OPEN SPACE PLAN, Section 1303. PLANNED UNIT DEVELOPMENT.
- (c) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in Section 402 or 1300, whichever is greater.
- (d) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.
- (e) In an RM-1 Multiple-Family District, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by twelve hundred (1,200). All units shall have at least one (1) living room and one (1) bedroom, except that not more ten percent (10%) of the units may be an efficiency apartment type.

In the RM-1 Multiple-Family District, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency =	1 room	Plans presented showing 1,2,3, or 4 bedroom units and including a “den”, “library” or other extra room shall count such extra room as a bedroom for the purpose of computing density.
One bedroom =	2 rooms	
Two bedroom =	3 rooms	
Three bedroom =	4 rooms	
Four bedroom =	5 rooms	

In an RM-1 District, the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

- (f) In an RM-1 District, front, side or rear yard need not refer to spacing between buildings for a planned development of two (2) or more buildings on the same parcel. In such cases, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings and the following formula shall control:

$$S = \frac{L \quad L \quad H \quad H}{6} (A + B), \text{ where}$$

S = Required minimum horizontal distance between any wall of **building A** and any wall of **building B** or the vertical prolongation of either.

L

A = Total length of **building A**.

The total length of **building A** is the length of what portion or portions of a wall or walls of **building A** from which, when viewed directly from above, lines drawn perpendicular to **building A** will intersect any wall of **building B**.

L

B = Total length of **building B**.

The total length of **building B** is the length of what portion or portions of the wall or walls of **building B** from which, when viewed directly from above the lines drawn perpendicular to **building B** will intersect any wall of **building A**.

H

A = Height of **building A**.

The height of **building A** at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of **building A**. Natural grade level shall be the mean level of the ground immediately adjoining the portions of the wall or walls along the total length of the **building**.

H

B = Height of **building B**.

The height of **building B** at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of **building B**. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the **building**.

In no instance shall the distance between buildings be less than thirty (30) feet.

- (g) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and land scaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Major Thorofare Plan.

- (h) No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

On a corner lot which has a common lot line with a residential district, there shall be provided a setback of twenty (20) feet on the side or residential street. Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten (10) feet on the side bordering the residential district or street.

- (i) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- (j) No building shall be closer than seventy-five (75) feet to any adjacent residential district or to any major thoroughfare.
- (k) Off-street parking shall be permitted in a required side yard setback.
- (l) Planned developments involving acreage under one (1) ownership shall be subject to the approval of the Planning Commission regarding modifications with respect to the height regulations. In approving an increase in structure height, the Planning Commission shall require that all yards at least be equal in their depth to the height of the structure.
- (m) Off-street parking for visitors, over and above the number of spaces required under SECTION 1404, may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- (n) Along interior side lot lines of the District, side yards shall be equal to at least the height of the average of the various heights of the industrial masses (excluding towers, chimneys, stacks and the like) immediately abutting upon and adjacent to such side yard.
- (o) No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district.
- (p) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, no less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.

**Section 1301. AVERAGED LOT SIZE:**

The intent of this Section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in ARTICLE XIII - SCHEDULE OF REGULATIONS for each One-Family Residential District. If this option is selected, the following conditions shall be met:

1. In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten percent (10%) below that area or width required in the SCHEDULE OF REGULATIONS and shall not create an attendant increase in the number of lots.
2. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
3. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

**Section 1302. SUBDIVISION OPEN SPACE PLAN:**

1. The intent of the Subdivision Open Space Plan is to promote the following objectives:
  - a. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
  - b. Encourage developers to use a more creative approach in the development of residential areas.
  - c. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.
  - d. Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.

2. Modifications to the standards as outlined in ARTICLE XIII - SCHEDULE OF REGULATIONS may be made in the One-Family Residential Districts when the following conditions are met:

- a. The lot area in all One-Family Residential Districts, which are served by a public sanitary sewer system, may be reduced up to twenty percent (20%). In the R-2 District, this reduction may be accomplished in part by reducing lot widths up to five (5) feet. In the R-1 District this reduction may be accomplished in part by reducing lot widths up to ten (10) feet. These lot area deductions shall be permitted, provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each One-Family District under ARTICLE XIII - SCHEDULE OF REGULATIONS.

All calculations shall be predicted upon the One-Family Districts having the following gross densities (including roads):

R-1 = 2.7 dwelling units per acre

R-2 = 4.5 dwelling units per acre

- b. Rear yards may be reduced to thirty (30) feet when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent lot.
- c. Under the provisions of item (a) above of this SECTION for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in ARTICLE XIII - SCHEDULE OF REGULATIONS, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in the manner approved by the village.
- d. The area to be dedicated for subdivision open space purposes shall in no instance be less than four (4) acres and shall be in a location and shape approved by the Planning Commission.
- e. The land area necessary to meet the minimum requirements of this SECTION shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a flood plain.
- f. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Planning Commission and the subdivider or developer.

- g. This plan, for reduced lot sizes, shall be started within six (6) months after having received approval of the final plat, and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
- h. Under this Subdivision Open Space approach, the developer or subdivider shall dedicate the total park area at the time of filing of the final plat on all or any portion of the plat.

### **Section 1303. PLANNED UNIT DEVELOPMENT:**

#### **1. Intent**

The purpose of the Planned Unit Development SECTION is to permit an optional means of development which allows a mixture of types of residential units (single-family, two-family, multiple-family). Development under this SECTION shall be in accordance with a comprehensive physical plan establishing functional use areas, density patterns and a fixed system of residential collector streets.

#### **2. Uses Permitted**

Planned Unit Development (PUD) as hereinafter defined. All PUD uses shall be regulated as set forth in this SECTION, the approved plan, any special conditions imposed by the Village Council and other applicable provisions of the Ordinance. A PUD may include:

- a. Single-family dwellings.
- b. Two-family dwellings.
- c. Multiple-family dwellings:
  - (1) Row houses
  - (2) Terraces
  - (3) Apartments
  - (4) Efficiency apartments
  - (5) Townhouses
- d. Rental or management offices and club rooms accessory to the Planned Development.
- e. Churches.
- f. Public, parochial and private elementary schools and/or high schools offering



courses in general education.

- g. Golf courses. This use is subject to the provisions of SECTION 402, paragraph 6, except as otherwise modified in the approved plan.
- h. Public libraries, parks, parkways and recreational facilities.
- i. Private parks and recreation areas are for the use of the residents of the Planned Unit Development.
- j. Accessory uses and accessory buildings including parks and recreational facilities.
- k. Nameplates and signs as provided in ARTICLE XIV - GENERAL PROVISIONS.
- l. Automobile parking space to be provided as required in ARTICLE XIV - GENERAL PROVISIONS.

### **3. Definitions**

- a. The term Planned Unit Development means a specific parcel of land or several contiguous parcels of land, located entirely within the R-1 or R-2 Districts, under single ownership and control, for which a comprehensive physical plan meeting the requirements of this SECTION and establishing functional use areas, density patterns, a fixed system of residential collector streets, provisions for public utilities, drainage and other essential services, and similar factors necessary or incidental to residential development has been approved by the Village Council in accordance with this SECTION, and which has been, is being, or will be developed in accordance with the approved plan.
- b. The term Bedroom means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.

### **4. Regulations Limiting Height, Bulk, Density and Area by Land Use**

- a. For purposes of computing and controlling population density, the following standards shall apply:
  - (1) The entire gross area of the Planned Unit Development, including street right-of-way, parks, schools and other public or private open space shall be included in the computation of area; provided, however, that school sites may be included only to a maximum of fifteen (15), acres or twenty-five percent (25%) of the total open space, whichever is the lesser amount. Subaqueous or submerged bottom land of lakes or streams shall be excluded in computing the area of a parcel except that when land abutting said lakes or streams is substantially developed in park or open space for the use of residents of the PUD, the surface area of said lakes or streams may be used to compute density.

(2) Maximum density permitted shall be twelve (12) bedrooms per acre in R-1 Districts, and eighteen (18) bedrooms per acre in R-2 Districts, subject to the following:

- (a) A minimum of fifty (50) detached single-family dwelling units must be included with the PUD.
- (b) Not less than thirty-three and one-third percent (33-1/3%) of the total number of bedrooms shall be in single-family dwellings.
- (c) For computing density, single-family detached dwellings shall be assumed to have four (4) bedrooms for each dwelling, no more and no less.
- (d) No more than ten percent (10%) of the total bedroom shall be included in efficiency apartments and/or one (1) bedroom multiple-family dwelling units.
- (e) For purposes of computing density, a den, library, or other extra room shall not count as a bedroom unless a closet opens directly to said room.

- b. In order to provide an orderly transition of density, where the project being proposed for use as a PUD immediately abuts and R-1 or R-2 District (not including district separated by a road designated as a major thorofare or freeway on the Hancock County or Village of Arlington Thorofare Plan), the Village may require that the area immediately abutting and within three hundred (300) feet of said R-1 or R-2 District shall be developed in single-family lots, or shall be developed as open or recreation space.
- c. Single-family dwellings shall be subject to the requirements of ARTICLE XIII - SCHEDULE OF REGULATIONS as modified by SECTION 1303, Planned Unit Development applicable to the R-1 and R-2 Districts except as otherwise modified in the approved plan.
- d. Multiple dwelling shall be subject to the requirements of ARTICLE XIII - SCHEDULE OF REGULATIONS except as otherwise modified in the approved plan.

## **5. Procedure for Application for Approval**

The person owning and controlling land zoned R-1 or R-2 may make application to the Planning Commission for consideration under this SECTION of the Ordinance. The person applying shall be required to submit the following materials to the Commission.

**a. Submittal of Proposed PUD Plan**

An application shall be made to the Planning Commission for review of the following:

- (1) A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (scale: not smaller than 1" = 200').
- (2) A topographic map of the entire area at a contour interval of at least 2'. This map shall indicate all major stands of trees, bodies of water, and unbuildable areas (scale: not smaller than 1" = 200').
- (3) A recent aerial photograph of the area shall be provided (scale: not smaller than 1" = 200').
- (4) A preliminary plat for the entire area carried out in such detail as to indicate the functional uses and dwelling unit types being requested; the proposed population densities; a traffic circulation plan; sites being reserved for schools, service activities, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used for the public or by residents of the Planned Unit Development (scale: not smaller than 1" = 200').
- (5) An indication of the contemplated storm and sanitary sewer plan, and a preliminary topographic map indicating how the land area is proposed to be shaped.
- (6) A written statement explaining in detail the full intent of the sponsor, indicating the type of dwelling units contemplated, resultant population and providing supporting documentation such as: soil surveys, studies supporting land use requests, and the intended scheduling of the development.

**b. Review of Proposed PUD Plan**

Upon receipt of an application as a preliminary submittal, the Planning Commission shall hold a public hearing on the application. Following said public hearing for the transmittal of a Planning Commission report and recommendation to Village Council, the Village Council may approve said application and accompanying plan only upon finding that:

- (1) All applicable provisions of this SECTION and this Ordinance have been met. Insofar as any provision of this SECTION shall be in conflict with the provisions of any other SECTION of this Ordinance the provisions of this SECTION shall apply to the lands embraced within a Planned Unit Development Area.

- (2) Adequate areas have been provided for all utilities, school, walkways, playgrounds, recreation areas, parking areas and other open spaces and areas to be used by the public or by residents of the community.
- (3) Open spaces may include parks and recreation areas, wooded lots, schools, golf courses, water areas and any use of a similar nature approved by the Village Council. Provided, however, that at least one (1) acre for each two hundred (200) bedrooms shall be preserved as park, recreation or open space rather than as a golf course, water area, road right-of-way, school or similar limited uses area.
- (4) There is or will be at the time of development an adequate means of disposing of sewage and of supplying the development with water, and that the road system and storm water drainage system is adequate.
- (5) The Plan provides for an efficient, aesthetic and desirable use of the open areas and the plan is in keeping with the physical character of the Village and the area surrounding the development.
- (6) The applicant has made provision, satisfactory to the Village Council, to assure that those areas shown on the plan for use by the public or occupants of the development will be or have been committed for that purpose. The Council may require that conveyances or other documents be placed in escrow to accomplish this.
- (7) Provisions, satisfactory to the Village Council, have been made to provide for the future financing of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Council.
- (8) The cost of installing all streets and necessary utilities has been assured by means satisfactory to the Council.

**c. Approval of Planned Unit Development by the Village Council**

- (1) If the Council shall determine to grant the application and approve the plan, they shall instruct the Village Solicitor to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval by Ordinance of the Council, shall be executed by the Village and the applicant and recorded in the office of the Hancock County Recorder. Approval shall be effective upon recording.

- (2) Once an area has been included within a plan for Planned Unit Development and such plan has been approved by the Council, no development may take place in such area nor may any use thereof be made except in accordance with said plan or in accordance with an approved amendment thereto, unless the plan is terminated as provided herein.
- (3) An approved plan may be terminated by the applicant or its successors or assigns, prior to any development within the area involved, by filing with Village and recording in the Hancock County Records an affidavit so stating. The approval of the plan shall terminate upon said recording.
- (4) No approved plan shall be terminated after development commences except with the approval of the Village Council and of all parties in interest in the land.
- (5) Within a period of two (2) years following approval by the Council, final plats and/or site plans for an area embraced within the Planned Unit Development must be submitted as hereinafter provided. If such plats and/or plans have not been submitted and approved within the two (2) year period, the right to develop under the approved plan may be terminated by the Village.

**6. Submission of Final Plats and Site Plans and Construction of Planned Unit Developments**

- a. Before any building permits shall be issued for buildings and structures within the area of Planned Unit Development, final plats and/or site plans for a project area shall be submitted to the Planning Commission for review.
  - (1) Said site plans and plats shall be fully dimensioned and shall show a fully scaled plan view of all buildings (except detached single-family dwellings), all public right-of-ways, and private streets, areas within each project area and the proposed ultimate density thereof, parking areas, utilities, churches, schools and areas to be set aside for the use of the public or by residents within the development (scale: 1" = 50').
  - (2) The proposed topography (contour interval of at least two (2) feet) shall be superimposed on all plats and plans (scale: 1" = 50').
  - (3) Floor plans typical of all residential buildings except detached single-family, shall be submitted and the site plan shall indicate which floor plan is applicable to each such building.
  - (4) Each final plat and/or site plan submitted within the Planned Unit Development shall, either individually or in combination with previously approved project areas, meet the standards of the Ordinance as to density.

- b. Review and approval of site plans for multiple dwellings shall comply with SECTIONS 601 and 602 of this Ordinance as well as this SECTION except as otherwise modified in the approved plan. Review and approval of plats shall comply with SECTION 611 of the Ohio Revised Code and the Subdivision Regulations Ordinance of the Village of Arlington or the Subdivision Regulations Resolution of Hancock County, whichever is applicable.
- c. Before approving of any final plat or plan, the Commission shall determine:
  - (1) That all portions of the project area shown upon the approved plan for the Planned Unit Development for use by the Public or the residents of lands within the Planned Unit Development have been committed to such uses in accordance with the Planned Unit Development contract.
  - (2) That the final plats and/or site plans are in substantial conformity with the approved plan for the PUD.
  - (3) That provisions have been made in accordance with the PUD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the Planned Unit Development contract.
  - (4) That a dedication of public roads shall have been made so as to cause continuity of public access between the adjacent major thoroughfare and ingress and egress to all private development within the project area plan.
- d. **Approval by Planning Commission:** If development of approved final plats and/or site plans is not substantially completed in three (3) years after approval, further final submittal under the Planned Unit Development shall cease until the part in question is completed or cause can be shown for not completing same.
- e. During construction of the Planned Unit Development, building permits for residential structures shall be issued in such a manner as to assure that on a cumulative basis, not less than thirty-three and one-third percent (33-1/3%) of the total number of bedrooms (for which permits are or have been issued) shall be in single-family dwellings. Occupancy permits shall not be issued for other than single-family dwellings until occupancy permits have been issued for not less than fifty percent (50%) of the single-family dwellings which are necessary to maintain the above thirty-three and one-third percentage (33-1/3%) of bedrooms. The Planning Commission may waive these requirements to the extent that a minimum number of model units could be displayed by the developer.

- f. In order to assure the development of open space in conjunction with a PUD, the Village Council shall include in the contract recorded with the County Recorder a schedule for the completion of portions of the open space so that it coincides with completion of dwelling units. The developer may suggest a schedule for review by the Commissioners.

## **7. Amendment**

Any changes or amendments requested shall terminate approval of the overall plan until such changes or amendments have been reviewed and approved as in the first instance.

## **ARTICLE XIV - GENERAL PROVISIONS**

### **Section 1400. CONFLICTING REGULATIONS**

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

### **Section 1401. SCOPE:**

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

### **Section 1402. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES:**

#### **1. Intent**

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

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

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance except under the following conditions:

- a. Extension or expansion of nonconformities may be permitted by the Board of Zoning Appeals subject to the following conditions:
  1. The extension or expansion shall not exceed one hundred percent (100%) of the floor area or lot coverage existing at the effective date of this Ordinance.
  2. The extension or expansion will not affect adjacent uses in a detrimental way.
  3. Setbacks appropriate to the nature of the use are maintained.
  4. The heights of structures will not exceed the height of existing structures on the premises.

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

## **2. Nonconforming Lots**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. 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 other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.



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

Where at the effective date of adoption or amendment of this Ordinance lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except for those instances provided in Section 1402, 1.
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If such nonconforming use of land ceases for any reason 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. Nonconforming Structures**

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

- a. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
- b. Should such structure be 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 removed.

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

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, or excepting instances provided in Section 1402, 1.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building, except in conformance with Section 1402, 1.
- c. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. Where nonconforming use status applies to a structure and land in combination, and structures are removed or destroyed, such structures may only be replaced with approval of the Planning Commission.

## **6. Repairs and Maintenance**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased, unless such increase is granted subject to Section 1402, 1.

Nothing in this Ordinance 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.

## **7. Uses Under Exception Provisions Not Nonconforming Uses**

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

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

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

### **Section 1403. ACCESSORY BUILDINGS:**

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

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. Accessory buildings shall not be erected in any minimum side yard setback nor in any front yard.
3. An accessory building shall not occupy more than twenty-five percent (25%) of a required rear yard, provided that in a residential district the accessory building shall not exceed the ground floor area of the main building.

4. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

5. No detached accessory building in R-1, R-2, RT, or RM-1 Districts shall exceed one (1) story or fourteen (14) feet in height, nor exceed the height of the main building on the premises.

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

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

7. When an accessory building in any Residence or Business District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Zoning Appeals.

8. The parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile home parks shall be expressly prohibited, except that the Zoning Inspector may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks. All trailer vehicles owned by residents of the County and stored on their individual lots shall be stored only within the confines of the rear yard and shall further respect the requirements of this SECTION applicable to Accessory Buildings, insofar as distances from principal structures, lot lines and easements are concerned. All trailer vehicles parked or stored, shall not be connected to sanitary facilities and shall not be occupied.

#### **Section 1404. OFF-STREET PARKING REQUIREMENTS:**

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

1. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of SECTION 1403. ACCESSORY BUILDINGS of this Ordinance.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than herein after required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale or rent, trucks or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.
11. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA in ARTICLE II - DEFINITIONS, SECTION 201 shall govern.
12. The minimum number of off-street parking spaces by type of use shall be determined in

accordance with the following schedule:

a. **RESIDENTIAL**

- (1) **Residential, One-Family, Two-Family:** Two (2) for each dwelling unit.
- (2) **Residential, Multiple-Family:** Two (2) for each dwelling unit.
- (3) **Housing for the Elderly:** One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
- (4) **Mobile Home Park:** Two (2) for each mobile home site and one (1) for each employee of the mobile home park.

b. **INSTITUTIONAL**

- (1) **Churches:** One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
- (2) **Hospitals:** One (1) for each (1) bed.
- (3) **Homes for the Aged and Convalescent Homes:** One (1) for each four (4) beds.
- (4) **Elementary and Junior High Schools:** One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium.
- (5) **Senior High Schools:** One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
- (6) **Private Clubs or Lodge Halls:** One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.
- (7) **Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other Similar Uses:** One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar.

- (8) **Golf-Courses Open to the General Public, Except Miniature or “Par-3” Courses:** Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
- (9) **Theaters and Auditoriums:** One (1) for each three (seats plus one (1) for each two (2) employees.
- (10) **Nursery School; Day Nurseries or Child Care Centers:** One (1) for each three hundred and fifty (350) square feet of usable floor space.

c. **BUSINESS AND COMMERCIAL**

- (1) **Planned Commercial or Shopping Center:** One (1) for each one hundred (100) square feet of usable floor area.
- (2) **Auto Wash (Automatic):** One (1) for each one (1) employee. In addition reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
- (3) **Auto Wash (Self-Service or Coin Operated):** Five (5) for each washing stall in addition to the stall itself.
- (4) **Beauty Parlor or Barber Shop:** Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
- (5) **Bowling Alleys:** Five (5) for each (1) bowling lane plus accessory uses.
- (6) **Dance Halls, Pool or Billiard Parlors, Roller or Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed Seats:** One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
- (7) **Establishment for Sale and Consumption on the Premises, of Beverages, Food or Refreshments:** One (1) for each seventy-five (75) square feet of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

- (8) **Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair and Other Similar Uses:** One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
- (9) **Gasoline Service Stations:** Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
- (10) **Laundromats and Coin Operated Dry Cleaners:** One (1) for each two (2) washing and/or dry-cleaning machines.
- (11) **Miniature or "Par-3" Golf Courses:** Three (3) for each one (1) hole plus one (1) for each one (1) employee.
- (12) **Mortuary Establishments:** One (1) for each fifty (50) square feet of usable floor space.
- (13) **Motel, Hotel, or Other Commercial Lodging:** One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
- (14) **Motor Vehicular Sales and Service Establishments:** One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
- (15) **Retail Store Except as Otherwise Specified Herein:** One (1) for each one hundred and fifty (150) square feet of usable floor space.

d. **OFFICES**

- (1) **Banks:** One (1) for each one hundred (100) square feet of usable floor space.
- (2) **Business Offices or Professional Offices Except as Indicated in the Following Item (3):** One (1) for each two hundred (200) square feet of usable floor space.
- (3) **Professional Offices of Doctors, Dentists or Similar Professions:** One (1) for each fifty (50) square feet of usable floor area in waiting rooms, and one (1) for each examining room dental chair or similar use area.



**e. INDUSTRIAL**

- (1) **Industrial or Research Establishments, and Related Accessory Offices:** Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction
- (2) **Warehouses and Wholesale Establishments and Related Accessory Offices:** Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

**Section 1405. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:**

Whenever the off-street parking requirements in SECTION 1404 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- 1. No parking lot shall be constructed unless and until a permit therefor is issued by the Zoning Inspector. Applications for a permit shall be submitted to the Planning Commission in such form as may be determined by the Zoning Inspector and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this SECTION will be fully complied with.
- 2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width Of One Tier Of Spaces Plus Maneuvering Lane</u>	<u>Total Width Of Two Tiers Of Spaces Plus Maneuvering Lane</u>
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	22 ft.	9 ft.	20 ft.	42 ft.	62 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4' - 6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

8. The entire parking area, including parking spaces and maneuvering lanes, required under this SECTION shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Village Engineer. The parking area shall be surfaced within one (1) year of the date the occupancy permit is issued.
9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
11. The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this SECTION.

**Section 1406. OFF-STREET LOADING AND UNLOADING:**

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

1. All spaces shall be provided as required in ARTICLE XIII - SCHEDULE OF REGULATIONS, under Minimum Rear Yards (footnote j.), except as hereinafter provided for I Districts.
2. Within an I District, all spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent, durable and dustless surface. All spaces in I-1 and I-2 Districts shall be provided in the following ratio of spaces to floor area:

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

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

**Section 1407. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:**

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

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

**1. Outdoor Theaters**

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 and I-2 Districts only. Outdoor theaters shall further be subject to the following conditions:

- a. The proposed internal design shall receive approval from the Zoning Inspector and the Village Engineer as to adequacy of drainage, lighting and other technical aspects.
- b. Outdoor theaters shall abut a major thorofare and points of ingress and egress shall be available only from such major thorofare.
- c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thorofares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

**2. Commercial Television and Radio Towers and Public Utility Microwaves and Public Utility T.V. Transmitting Towers**

Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities shall be permitted in A-1, I-1 and I-2 Districts provided said use shall be located centrally on a continuous parcel of not less than one

and one-half (1-1/2) times the height of the tower measured from the base of said tower to all points on each property line.

### 3. **Mobile Home Parks**

Because mobile home parks possess site design and density characteristics similar to multiple-family development, they are permitted herein as transitional uses between multiple-family and business or light industrial areas. Mobile home parks shall be permitted in the RM-1 Multiple-Family Residential Districts, in the B-2 General Business Districts, and in the I-1 Light Industrial Districts, subject to the following locational requirements:

#### **RM-1 Multiple-Family Residential Districts**

Mobile home parks located in RM-1 Districts shall abut RM-1 Districts on not more than three (3) sides and shall abut a B-2 General Business District or an I-1 Light Industrial District on at least one (1) side. Mobile home parks shall not abut R-1, R-2, or RT Districts and shall have direct access to a Major Thorofare or Major local route, either existing or proposed.

#### **B-2 General Business or I-1 Light Industrial Districts**

Mobile home parks located in B-2 or I-1 Districts shall abut B-2 or I-1 Districts on not more than three (3) sides and shall abut an RM-1 Multiple-Family Residential District on at least one (1) side. Mobile home parks shall have direct access onto a Major Thorofare or Major local route, either existing or proposed.

#### **a. Required Conditions**

- (1) **Lot Area:** Each mobile home space shall consist of not less than five thousand (5,000) square feet, such space shall be clearly defined and marked. There shall be no more than one (1) mobile home stationed on any (1) space.
- (2) **Lot Width:** Each mobile home site shall have a minimum lot width of forty-five (45) feet measured at right angles to a longitudinal median line of the lot at fifteen (15) feet from the front lot line.
- (3) **Lot Depth:** Each mobile home site shall have a minimum lot depth of eighty-five (85) feet measured along the longitudinal median.
- (4) **Lot Coverage:** Not more than twenty-five (25) percent of the area of any mobile home space shall be occupied by mobile homes or attendant accessory structures.

- (5) **Distance Between Mobile Homes:** Mobile homes shall be so harbored on each space so that there shall be at least a twenty-five (25) foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than twenty (20) feet.
- (6) **Setback Requirements:** No mobile home shall be located closer than forty (40) feet from any building within the mobile home community or from any property line bounding the mobile home community. Mobile homes shall be situated at least fifteen (15) feet from the front lot line of any mobile home space.

**b. Building Height Regulations**

The maximum height of any structures in a mobile home park shall be one (1) story or fourteen (14) feet.

**c. Recreational Area**

A common park and recreational area shall be provided, and shall consist of at least one hundred and fifty (150) square feet per mobile home space. The length of such area shall not exceed two (2) times its width.

**d. Parking and Access**

Parking shall be provided and maintained at a minimum ratio of two (2) spaces for each mobile home space and such parking spaces shall be situated off any public private roadways. All private roadways shall have unobstructed access to a Major Thorofare or major local route.

**e. Screening**

An intense greenbelt screen not less than twenty (20) feet in width shall be located along all property lines except street frontage lines.

**4. Junk or Salvage Yards; and Incinerator Plants**

Junk or salvage yards and incinerator plants for garbage or refuse shall be permitted in I-2 Districts provided such uses have direct access to a major or secondary thorofare, either existing or proposed, and provided further that such uses are conducted within a building or within an eight (8) foot obscuring wall.

**Section 1408. PLANT MATERIALS:**

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

**1. Plant Material Spacing**

- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- b. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall not be less than five (5) feet in height.
- d. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall not be less than three (3) feet in height.
- e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall not be less than four (4) feet in height.
- f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than six (6) feet in height.
- g. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than eight (8) feet in height.

**2. Trees Not Permitted Within Public Right-of-Way**

- a. Box Elder
- b. Soft Maples (Red-Silver)
- c. Elms
- d. Poplars
- e. Willows
- f. Horse Chestnut (nut bearing)
- g. Tree of Heaven
- h. Catalpa

## **Section 1409. SIGNS**

1. The following conditions shall apply to all signs erected or located in any use district:
  - a. All signs shall conform to all applicable codes and Ordinances of the Village and, where required, shall be approved by the Zoning Inspector, and a permit issued.
  - b. No sign except those established and maintained by the Village, County, State or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
  - c. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving five (5) acres or more under one ownership, the Board of Zoning Appeals may modify the height limitation. The Board shall, however, respect all yards and setbacks in modifying height requirements.
  - d. All directional signs required for the purpose of orientation, when established by the Village, County, State or Federal government, shall be permitted in all use districts.
  - e. Accessory sign shall be permitted in any use district.
  - f. Nonaccessory sign shall be permitted only in B-2, I-1 and I-2 Industrial Districts; except that nonaccessory signs pertaining to real estate development located within the Village and designed to promote the sale of lots or homes within a subdivision located within the Village may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sales and shall be subject to the requirements and conditions of all applicable codes and Ordinances of the Village, approved by the Zoning Inspector and a temporary permit issued.
  - g. Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
  - h. Freestanding accessory signs may be located in the required front yard except as otherwise provided herein.
2. In addition to “1” above, the following requirements shall apply to signs in the various use districts as follows:



**USE DISTRICTS**

**REQUIREMENTS**

**R Districts  
(R-1 through RM-1)**  
indicating

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

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

**RM-1**

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

In RM-1 Districts, signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent single-family district.

**B-1 and B-2 Districts**

No sign shall project beyond or overhand the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.

**B-1, B-2, I-1 and I-2 Districts**

Freestanding signs shall not exceed three hundred (300) square feet in area and shall not exceed forty (40) feet in height.

**B-2 Districts**

Freestanding accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent residential district.

**B-1, I-1, I-2 Districts**

Freestanding accessory signs or advertising pylons shall not be placed closer than two hundred (200) feet to any adjacent residential district.

**I-1 and I-2 Districts**

Nonaccessory signs shall be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on the same side of the right-of-way.

**B-2, I-1, and I-2 Districts**

Freestanding, nonaccessory signs, are allowed but shall comply with all requirements of ARTICLE XIII - SCHEDULE OF REGULATIONS of this Ordinance.

**Section 1410. EXTERIOR LIGHTING:**

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

**Section 1411. RESIDENTIAL ENTRANCEWAY:**

In all Residential Districts, so called entranceway structures including but not limited to: walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in SECTION 1412, CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes of the Village and shall be approved by the Building Department and permit issued.

**Section 1412. CORNER CLEARANCE:**

Except for Business Area (Zone B) no fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

**Section 1413. WALLS:**

1. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall as required below (except otherwise required in subsection “4” of this SECTION 1413:

<b><u>USE</u></b>	<b><u>REQUIREMENTS</u></b>
(a) Off-street parking area	4' - 6" high wall
(b) B-1 and B-2 Districts	4' - 6" high wall
(c) I-1 and I-2 Districts - open storage areas, loading or unloading areas, par. service areas	4' - 6" to 8' high wall or fence (Height shall provide the most complete obscuring possible.) (See SECTION 1001, 4. and SECTION 1313, par. 4.)
(d) Auto wash Drive-In Restaurants	6' - 0" high wall
(e) Hospital - ambulance and delivery areas	6' - 0" high wall
(f) Utility buildings, stations and/or substations	6' - 0" high wall

2. Required wall shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the Board of Zoning Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major

consideration of the Board of Zoning Appeals in reviewing such request.

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

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

Wall faces abutting residential districts shall be either face brick or comparable decorative material as may be approved by the Planning Commission.

4. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.
5. The Board of Zoning Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4' - 6") in height.

In consideration of request to waive wall requirements between nonresidential and residential districts, the Board shall refer the request to the Planning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

#### **Section 1414. FENCES (RESIDENTIAL):**

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from

the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.

2. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.
3. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
4. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.

**Section 1415. SITE PLAN REVIEW (ALL DISTRICTS):**

1. A site plan shall be submitted to the Planning Commission for approval of:
  - a. Any use or development for which the submission of a site plan is required by any provision of this Ordinance.
  - b. Any development, except agricultural, single-family and two-family residential, for which off-street parking areas are provided as required in SECTION 1404 - OFF-STREET PARKING REQUIREMENTS.
  - c. Any use in an RM-1, B-1, B-2, I-1 or I-2 District lying contiguous to, or across a street from, a single-family residential district.
  - d. All residentially related uses permitted in a single-family district such as, but not limited to: churches, schools, and public facilities.
  - e. Building additions or accessory buildings shall not require Planning Commission review unless off-street parking in addition to that already provided on the site is required.
2. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance, and shall be in such form as the Planning Commission shall prescribe in its rules.

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

- a. Approval, in which case the Zoning Inspector may issue a Building Permit.
  - b. Conditional Approval, setting forth, in writing, the conditions upon which approval is granted. In the case of a Conditional Approval, the Applicant shall submit to the Zoning Inspector, a revised site plan showing any and all requirements of the Commission. If the Zoning Inspector determines that all conditions have been satisfied on the amended site plan, a Building Permit may be issued.
  - c. Disapproval, in which case no Building Permit may be issued, and a new site plan must be prepared for consideration by the Commission.
3. The following information shall be included on the site plan:
- a. A scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more.
  - b. Date, north point and scale.
  - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
  - d. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
  - e. The location of all existing and proposed drives and parking areas, including the proposed parking layout.
  - f. The location and right-of-way widths of all abutting streets and alleys.
  - g. The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
4. In the process of reviewing the site plan, the Planning Commission shall consider:
- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
  - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
    - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

- (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- c. The Planning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- d. In those instances wherein the Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thorofares, thereby diminishing the carrying capacity of the thorofare, the Planning Commission may require marginal access drives. For a narrow frontage, which will require a single outlet, the Village so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the Village.

**Section 1416. FRONTAGE ON A PUBLIC STREET:**

No structure of any type shall be permitted by this ordinance to be erected on any lot unless said lot has a minimum of sixty (60) feet of frontage which abuts a paved public dedicated street or right-of-way.

**ARTICLE XV - GENERAL EXCEPTIONS**

**Section 1500. AREA, HEIGHT AND USE EXCEPTION:**

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

**Section 1501. ESSENTIAL SERVICES:**

Essential services serving the Village shall be permitted as authorized and regulated by law and other Ordinances of the Village. Overhead or underground lines and necessary towers and poles to be erected to service primarily those areas beyond the Village shall receive the review and approval, after public hearing, of the Board of Zoning Appeals. Such review by the Board of Zoning Appeals shall consider abutting property and uses as they relate to

easements, right-of-ways, overhead lines, poles and towers, and further, shall consider injurious effects on adjacent property as well as the orderly appearance of the Village.

**Section 1502. VOTING PLACE:**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

**Section 1503. HEIGHT LIMIT:**

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

**Section 1504. LOT AREA:**

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

**Section 1505. ACCESS THROUGH YARDS:**

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



## **ARTICLE XVI - ADMINISTRATION AND ENFORCEMENT**

### **Section 1600. ENFORCEMENT:**

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

### **Section 1601. DUTIES OF ZONING INSPECTOR:**

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

The Zoning Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of SECTION 1402.

Under no circumstances is the Zoning Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Inspector.

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

### **Section 1602. PLOT PLAN:**

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

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

### **Section 1603. PERMITS:**

The following shall apply in the issuance of any permit:

#### **1. Permits Not To Be Issued**

No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

#### **2. Permits for New Use of Land**

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

#### **3. Permits for New Use of Buildings**

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

#### **4. Permits Required**

No building or structure, or part thereof, shall hereafter be erected, altered or moved unless a building permit shall have been first issued for such construction. In all the above cases the original foundation and external dimension of the structure must have been changed.

#### **5. Farm Buildings Excepted**

Permits shall not be required for barns, sheds, and outbuildings incidental to agricultural uses. Such buildings shall, however, conform to yard requirements established in SECTION 1300. Permits shall be required for dwellings accessory to farming operations.

## **Section 1604. CERTIFICATES:**

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

### **1. Certificates Not To Be Issued**

No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

### **2. Certificates Required**

No building or structure (except farm buildings) or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

### **3. Certificates Including Zoning**

Certificates of occupancy as required by the Village of Arlington or State of Ohio Building Codes for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

### **4. Certificates for Existing Buildings**

Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

### **5. Record of Certificates**

A record of all certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

### **6. Certificates for Dwelling Accessory Buildings**

Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

## **7. Application for Certificates**

Application for certificates of occupancy shall be made in writing to the Zoning Inspector on forms furnished by that Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

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

### **Section 1605. FINAL INSPECTION:**

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

### **Section 1606. FEES:**

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Inspector in advance of issuance. The amount of fees is one and one-half (1 1/2) cents per total square footage with a minimum fee of ten dollars (\$10.00).

## **ARTICLE XVII - BOARD OF ZONING APPEALS**

### **Section 1700. CREATION AND MEMBERSHIP:**

There is hereby established a Board of Zoning Appeals which shall consist of five (5) residents appointed by the Village Council. The Council by a majority vote, shall choose a successor to fill any vacancy. The five (5) residents first appointed shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively; thereafter appointments shall be for five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointed and qualified.

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

**Section 1701. MEETINGS:**

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

**Section 1702. APPEAL:**

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by an officer, Department, Board or Bureau affected by a decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days, by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board of Zoning Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give at least ten (10) days notice thereof to the parties in interest and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

### **Section 1703. FEES:**

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

### **Section 1704. JURISDICTION:**

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

#### **1. Administrative Review**

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

#### **2. Variance**

To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

#### **3. Exceptions and Special Approvals**

To hear and decide in accordance with the provisions of this Ordinance request for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Ordinance specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Ordinance, including the following:

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

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

- (1) The granting of the temporary use shall in no way constitute a change in the basis uses permitted in the district nor on the property wherein the temporary use is permitted.
- (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Village of Arlington, shall be made at the discretion of the Board of Zoning Appeals.
- (4) In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- (5) The use shall be in harmony with the general character of the district.

- (6) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place a public hearing to be held as further provided for in this Ordinance. Further, the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
4. In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Village of Arlington. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

**Section 1705. ORDERS:**

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

**Section 1706. MISCELLANEOUS:**

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

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

**ARTICLE XVIII - CHANGES AND AMENDMENTS**



**Section 1800. GENERAL:**

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

**Section 1801. FEES:**

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

**ARTICLE XIX - INTERPRETATION**

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

## **ARTICLE XX - VESTED RIGHT**

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

## **ARTICLE XXI - ENFORCEMENT, PENALTIES AND OTHER REMEDIES**

### **Section 2100. VIOLATIONS:**

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00).

### **Section 2101. PUBLIC NUISANCE PER SE:**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a nuisance.

### **Section 2102. FINES:**

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

### **Section 2103. EACH DAY A SEPARATE OFFENSE:**

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

**Section 2104. RIGHTS AND REMEDIES ARE CUMULATIVE:**

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

**ARTICLE XXII - SEVERANCE CLAUSE**

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

**ARTICLE XXIII - EFFECTIVE DATE**

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

Made and passed by the Village Council of The Village of Arlington, Ohio on this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

- 1. Date of Public Hearing \_\_\_\_\_
- 2. Place Public Hearing Held \_\_\_\_\_
- 3. Date of Adoption by Village Council \_\_\_\_\_
- 4. Date Ordinance Shall Take Effect \_\_\_\_\_

Signed,

\_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor