

**VILLAGE OF MT. BLANCHARD ZONING ORDINANCE**

**VILLAGE OF MT. BLANCHARD**

**TITLE**

An Ordinance enacted under, Section 713 of the Ohio Revised Code, governing the incorporated portions of the Village of Mount Blanchard, Ohio, to regulate and restrict the location and use of buildings, structures and lands for trade, industry, agriculture, residence and public and semi-public 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 Mt. Blanchard, 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 Mt. Blanchard Ordains:

## **ARTICLE I - SHORT TITLE**

This Ordinance shall be known and may be cited as the Village of Mt. Blanchard, 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. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
2. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
3. A “building” or “structure” includes any part thereof.
4. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
5. 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.

**ALTERATION:** Applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

**BUILDING LINE:** The exterior face of a wall of an existing structure of the limits to which a exterior face of a wall or proposed structure may be built. The building line is considered a vertical surface intersecting the ground on a required yard setback.

**COMPREHENSIVE PLAN:** The Comprehensive Plan of the Village of Mt. Blanchard, 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 Mt. Blanchard 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 like, shall be considered a part of erection.

**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 occupational activity carried on exclusively by a member of an immediate family residing on the premises and conducted entirely on the premises. No commodity shall be sold on the premises nor mechanical equipment used, the external effects of which may adversely affected adjacent property. Home occupations shall be clearly incidental and secondary to the use of the premises for dwelling purposes, and shall not change the structural character thereof. Home occupations are permitted one, non-illuminated sign not to exceed four (4) square feet in area.

**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, rags, rubber tires and bottles. A “Junk Yard” includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

**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 less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

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

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

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

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

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

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

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

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

**MOBILE HOME PARK:** Any plot of ground upon which more than two mobile homes, occupied for dwelling or sleeping purposes, are located.

**NONCONFORMING USE:** A use which lawfully occupied a building or land 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.

**PLANNING COMMISSION:** The Village of Mt. Blanchard Planning Commission.

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

**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.

**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.

**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.

**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: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not an exception.

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

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Such yard shall be free from outdoor storage or display of commodities for sales on the premises.
2. **Rear Yard:** An open space 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.
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 Mt. Blanchard, Ohio or his authorized representative.

**ARTICLE III - ZONING DISTRICTS AND MAP**

**Section 300. DISTRICTS ESTABLISHED:**

For the purpose of this Ordinance, the Village of Mt. Blanchard 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	Local Business District
B-2	General Business District
I-1	Light Industrial District
I-2	General Industrial 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 or Village limits shall be construed as following such lot lines or Village limits.
3. Boundaries indicated as approximately following railroad lines shall be construed to be the midway between the main tracks.
4. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the

official Zoning Districts Map shall be determined by the scale of the map.

5. 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.
6. 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 Mt. Blanchard 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 XII - GENERAL PROVISIONS AND ARTICLE XIII - 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 XI - 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. Golf courses, which may or may not be operated for profit, subject to the following conditions:
  - a. The site plan shall be laid out to achieve a relationship between a public thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
  - b. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line

abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.

5. Private pools or ponds 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.
  - c. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
  - d. No swimming pool shall be located in an easement.
  - e. 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.
6. 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.
7. Mobile homes that were located on lots or parcels prior to the effective date of this Ordinance may be replaced subject to the following conditions:
  - a. The replacement mobile home must be placed on a permanent foundation comprised of not less than poured cement footers below the frost line (36 inch depth), four inch wide cement blocks laid with mortar, and extending at least three rows of block above the finished grade.
  - b. The mobile home's tongue, wheels and axle must be removed.
  - c. Title must be surrendered to the County Auditor's Office so as to change the taxing structure from trailer tax to real estate tax.
  - d. All connections to Village water and sewer lines must be inspected.
  - e. The replacement must be completed within sixty (60) days of conditional use

approval by the Planning Commission.

- f. Any replacement mobile home shall have been constructed after June 30, 1976.
8. Accessory buildings and uses customarily incident to any of the above permitted uses.

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

See ARTICLE XI - 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 housing areas by permitting new construction or conversion of 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 XI - 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 type 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. . 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. 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.
2. 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 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.
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 603 AREA AND BULK REQUIREMENTS:**

See ARTICLE XI - 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 LOCAL BUSINESS DISTRICTS**

**Section 700. INTENT:**

The B-1 Local Business Districts are designed to cater to the needs of a nearby consumer population, and are generally characterized by low intensity businesses that serve adjacent residential areas.

**Section 701. PRINCIPAL USES PERMITTED:**

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

1. 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.
  - e. Personal service establishments including barber shops, beauty shops and health salons.
2. All retail business, service that serve the convenience needs of a surrounding neighborhood, such as food stores, drug stores, Laundromats and dry cleaning establishments.
  3. 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.
  4. Other uses similar to the above uses.
  5. Accessory structures and uses customarily incident to the above uses.

**Section 702. AREA AND BULK REQUIREMENTS:**

See ARTICLE XI – 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 neighborhood service character in the Local Business District.

**Section 801 PRINCIPAL USES PERMITTED:**

In a General Business District, no buildings 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, and any other retail business whose principal activity is the sale of merchandise in an enclosed building.
2. Auto wash when completely enclosed in a building.

3. New and used car salesroom, showroom or office.
4. Private clubs, lodge halls, and fraternal organizations.
5. Restaurants and other establishments serving food and/or beverages, except those having the character of a drive-in.
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.
  - 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 so 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, fence, or greenbelt screen shall be provided when abutting or adjacent districts are zoned for R Districts. The height of the wall shall be measured from the surface of the ground.
  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.
9. Residential units when located in stories above the ground floor level, and when provided with off-street parking as required in Section 1204.

## **ARTICLE IX - I-1 LIGHT INDUSTRIAL DISTRICTS**

### **Section 900. 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 901. 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 the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting R-1 and R-2, RT, RM-1, and B-1, AND b-2 Districts, and on any front yard abutting a public thoroughfare. 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.
  - 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, 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, fiber, 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 ventilating equipment, cornices, eaves and the like.

- i. Central dry cleaning plants or laundries.
  - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
3. Warehouse, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad 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 shrubbery 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 school.
  8. Freestanding non-accessory 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 902. 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. 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 903. AREA AND BULK REQUIREMENTS:**

See ARTICLE XI - 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-2 GENERAL INDUSTRIAL DISTRICTS**

**Section 1000. 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 semi-finished or finished products from raw materials as well as from previously prepared material.

**Section 1001. 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. Grain elevators.
  - b. Blast furnace, steel furnace, blooming or rolling mill.
  - c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
  - d. Petroleum or other inflammable liquids, production, refining or storage.
  - e. 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 901. 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 1002. AREA AND BULK REQUIREMENTS:**

See ARTICLE XI - 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 – SCHEDULE OF REGULATIONS**  
**See chart**

**Section 1100. 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 1101 AVERAGE LOT SIZE, Section 1102. SUBDIVISION OPEN SPACE PLAN, Section 1103.
- (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 1100, 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 than ten percent (10%) of the units may be an efficiency apartment type.

In the RM-1 Districts, for the purpose of computing the permitted number of dwelling units per acre, the following room assignment 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
One bedroom =	2 rooms	
Two bedroom =	3 rooms	
Three bedroom =	4 rooms	

Four bedroom = 7 rooms for the purpose of computing density.

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.

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

- (f) In an RM-1 Districts, off-street parking is permitted in the required side or rear yards.
- (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 landscaped 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 Comprehensive 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.

Where a lot borders on a residential deistrict or a street, there shall be provided a setback of not less than twenty (20) feet on the side bordering the residential district or street.

- (i) Loading space shall be provided in the rear yard in the ration 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) Off-street parking shall be permitted in a required side yard setback.
- (k) 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.
- (l) Off-street parking for visitors, over and above the number of spaces required under SECTION 1204, 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.
- (m) 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 mass (excluding towers, chimneys, stacks and the like) immediately abutting upon and adjacent to such side yard.

**Section 1101. AVERAGED LOT SIZE:**

The intent of this SECTION is to permit the sub-divider 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 XI - 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 1102. 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 XI - 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 XI - SCHEDULE OF REGULATIONS. All calculations shall be predicated upon the One-Family Districts having the following gross densities (including roads):

R-1 = 3.1 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 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 XI - 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 sub-divider 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.

## **ARTICLE XII - GENERAL PROVISIONS**

### **Section 1200. CONFLICTING REGULATIONS:**

Whenever any provision 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 1201. 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 1202. 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 that extension or expansion of nonconformities shall be permitted by the Board of Zoning Appeals, subject to the following conditions:

- a. The Extension or expansion shall not exceed one hundred (100) percent of the floor area or lot coverage existing at the effective date of this Ordinance.
- b. The extension or expansion cannot reasonable be expected to adversely affect adjacent conforming uses by reducing the market value of such adjacent property, by interfering with ingress and egress thereto, or obstructing its existing light and air.

- c. Setbacks appropriate to the nature of the nonconforming use are maintained.

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

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

## **2. Nonconforming 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, or 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.
- 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 restriction 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 whatsoever, 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.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or

structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. Where nonconforming use status applies to a structure and land in combination, re removal or destruction of the structure , shall eliminate the nonconforming status of the land.

## **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.

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 1203. 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 five (5) 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. 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 Village 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 1204. 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 1203. 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 hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception.
8. The storage of 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 and 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) **Private clubs or lodge halls:** One (1) for each three (3) persons allowed within the maximum occupancy load as established by local or state fire, building or health codes..
- (5) **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.
- (6) **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.
- (7) **Theaters and auditoriums:** One (1) for each three (3) seats plus one (1) for each two (2) employees.

- (8) **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 Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed Seats:** One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
- (7) **Establishments for Sale and Consumption on the Premises, of Beverages, Food or Refreshments:** One (1) for each 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 Stores 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 (18):** 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 1205. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:**

Whenever the off-street parking requirements in SECTION 1204 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Inspector. 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. 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.
6. 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.

7. 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.

**Section 1206. 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 right-of-ways. Such space shall be provided as follows:

1. All spaces shall be provided as required in ARTICLE XI - SCHEDULE OF REGULATIONS, under Minimum Rear Yards (footnote I.), 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.
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 1207. 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. 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 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-1 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-1 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 Thoroughfare or Major local route, either existing or proposed.

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

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 Thoroughfare 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 percent (25%) 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 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 and private roadways. All private roadways shall have unobstructed access to a Major OR Secondary Thorofare , either existing or proposed.

**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.

**3. 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 1208 SIGNS:**

1. The following conditions shall apply to all signs erected or located in any 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. Accessory signs shall be permitted in any use district.
  - f. 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.
  - g. 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)

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

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

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 overhang 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.

I-1 and I-2 Districts

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

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.

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

**Section 1209. 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. 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.

3. 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 1210. 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 1212, 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 1211. CORNER CLEARANCE:**

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

### **Section 1212. 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 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 1213. SITE PLAN REVIEW (ALL DISTRICTS):**

1. A site plan shall be submitted to the Planning Commission for approval of any development, except agricultural, single-family and two-family residential.
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, northpoint 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.

**Section 1214. FRONTAGE ON A PUBLIC STREET:**

No lot shall be used for any purpose permitted by this Ordinance unless said lot abuts a public street, unless otherwise provided for in this Ordinance.

**ARTICLE XIII - GENERAL EXCEPTIONS**

**Section 1300. AREA, HEIGHT AND USE EXCEPTION:**

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

**Section 1301. 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 1302. 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 1303. 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 1304. 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 XIV - ADMINISTRATION AND ENFORCEMENT**

**Section 1400. 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 1401. 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 1202.

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 1402. 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 1403. PERMIT:**

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 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 be hereafter erected altered, moved or repaired unless a building permit shall have been first issued for such work. The terms “altered” and “repaired” shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Village of Mt. Blanchard, or State of Ohio Building Codes or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

#### **5. Permit Expiration**

Zoning Permits shall expire at the end of one (1) year from the date of issuance unless the construction or use has commenced within that period of time. Where construction is being diligently carried on, the Zoning Inspector may issue one (1) twelve (12) month extension of the expiration date.

#### **Section 1404. FOOTER INSPECTION:**

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

#### **Section 1405. FINAL INSPECTION:**

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

#### **Section 1406. 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 Mt. Blanchard 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 thereof shall be notified such refusal and cause thereof, within the aforesaid five (5) day period.

**Section 1407. 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 such fees shall be established by the Village Council and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

**ARTICLE XV - BOARD OF ZONING APPEALS**

**Section 1500. CREATION AND MEMBERSHIP:**

There is hereby established a Board of Zoning Appeals which shall consist of five (5) residents appointed by the Village Council.

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

**Section 1501. MEETINGS:**

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

**Section 1502. APPEAL:**

An appeal may be taken to the Board of Zoning Appeals by any person, firm or

corporation, or by an officer, Department, Board or Bureau affected by a decision of the Zoning Inspector. Such appeal shall be taken within 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 1503. 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 regulation 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 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 provision of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
- c. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development of physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- d. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Village and for periods not to exceed six (6) months in developed sections.
- e. Permit, upon proper application, the following 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 basic uses permitted in the district nor on the property wherein the temporary use is permitted.
- (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for

removing the use at the termination of said temporary permit.

- (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Village of Mt. Blanchard, shall be made at the discretion of the Board of Zoning Appeals.
  - (4) In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
  - (5) The use shall be in harmony with the general character of the district.
  - (6) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place a public hearing is to be held, as further provided for in this Ordinance. Further, the Board of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
4. In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to 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 Mt. Blanchard. 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 1504. 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, and to that end shall have all powers of the Zoning Inspector from whom the appeal is taken.

#### **Section 1505. 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 with such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

**Section 1506. FEES:**

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

**ARTICLE XVI - CHANGES AND AMENDMENTS**

**Section 1600. GENERAL:**

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

**Section 1601. FEES:**

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

**ARTICLE XVII - 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 XVIII - 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 XIX - ENFORCEMENT, PENALTIES AND OTHER REMEDIES**

#### **Section 1900. VIOLATIONS:**

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

#### **Section 1901. PUBLIC NUISANCE PER SE:**

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

#### **Section 1902. FEES:**

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

**Section 1903. EACH DAY A SEPARATE OFFENSE:**

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

**Section 1904. RIGHTS AND REMEDIES ARE CUMULATIVE:**

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

**ARTICLE XX - SEVERANCE CLAUSE**

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

**ARTICLE XXI - EFFECTIVE DATE**

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

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

1. Date of Adoption \_\_\_\_\_

4. Date Ordinance Shall Take Effect \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk-Treasurer

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