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**ARTICLE 1 TITLE, INTERPRETATION AND ENACTMENT**

100 TITLE

This ordinance shall be known and may be cited to as the “Zoning Ordinance” of the Village of Bethel, Ohio.

#### 110 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

#### 120 SEPARABILITY CLAUSE

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

#### 130 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE

All ordinances (resolutions) or parts of ordinances (resolutions) in conflict with this zoning ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

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## ARTICLE 2 DEFINITIONS

### 200 INTERPRETATION OF TERMS OR WORDS:

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

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

### 201 DEFINITIONS

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

**AGRICULTURE:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal; and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, provided, however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

**AIRPORT:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

**ALLEY:** See Thoroughfare.

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

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

**AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES:** The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**AUTOMOTIVE WRECKING:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**BASEMENT:** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. (See Definition of “Story”)

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

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

**BUILDING, HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE:** See Setback Line.

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

**BUSINESS, CONVENIENCE:** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

**BUSINESS, GENERAL:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

**BUSINESS, HIGHWAY:** Commercial uses which generally require locations or near major thoroughfares and/or their intersections and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

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

**BUSINESS SERVICES:** Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

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

**CEMETERY:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

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

**CLINIC:** A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

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

**COMMERCIAL ENTERTAINMENT FACILITIES:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**COMPREHENSIVE DEVELOPMENT PLAN:** A plan, or any portion thereof, adopted by the Village planning commission and the legislative authority of the Village of Bethel, showing the general location and extent of present and proposed physical facilities in fares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**CORNER LOT:** See Lot Types

**CUL-DE-SAC:** See Thoroughfare

**DEAD-END STREET:** See Thoroughfare

**DEMOLITON:** To tear down, raze, do away with, or destroy any structure

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

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

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

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

**DWELLING, SINGLE FAMILY:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**DWELLING, TWO-FAMILY:** A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

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

**DWELLING, INDUSTRIALIZED UNIT:** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

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

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

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

**FAMILY:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.

**FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT):** Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

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

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

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

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

**FLOOR AREA OF A RESIDENTIAL BUILDING:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use.

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

**FLOOR AREA, USABLE:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

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

**GARAGES, PRIVATE:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, motor vehicles travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person not resident on the premises;

2. No more than one commercial vehicle per dwelling unit is parked or stored;

**GARAGE** Buildings and premises where gasoline, private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

**GARAGE, SERVICE STATION:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A service station is neither a repair garage nor a body shop.

See definition of "Automotive Repair", "Automotive Wrecking":

**HOME OCCUPATION:** An occupation conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;

4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard;

5. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**HOTEL OR MOTEL:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**INSTITUTION:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

**JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS:** Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

**KENNEL:** Any land or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

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

**LOCATION MAP:** See Vicinity Map.

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

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

**LOT COVERAGE:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

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

**LOT MEASUREMENTS:** A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

**LOT TYPES:** Terminology used in this ordinance with reference to corner lots, interior lots and through lot is as follows:

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

**MAJOR THOROUGHFARE PLAN:** The portion of comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.

**MAINTENANCE AND STORAGE FACILITIES:** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

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

**MANUFACTURING, LIGHT:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**MANUFACTURING, EXTRACTIVE:** Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.**RV:** Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks or other foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways.

**MOBILE HOME PARK:** Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

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

**NURSERY, NURSING HOME:** A home or facility for the care and treatment of babies, children, pensioners or elderly people either short or long-term.

**NURSERY, PLANT MATERIALS:** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

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

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

**PERFORMANCE BOND OR SURETY BOND:** An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

**PERSONAL SERVICES:** Any enterprise conducted for gain that primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

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

**PROFESSIONAL ACTIVITIES:** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers and similar professions.

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

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

**PUBLIC WAY:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right or which are dedicated whether improved or not.

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

**RECREATION CAMP:** An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**RECREATION FACILITIES:** Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include but need not be limited to, hunting, fishing and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**RESEARCH ACTIVITIES:** Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration or odor shall be detected outside of said building.

**ROADSIDE STAND:** A temporary structure designed or used for the display or sale of agricultural and related products.

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

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

**SETBACK LINE:** A line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code. See definition of “Yard”

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

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

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

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

1. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated: Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on or in a sign.
5. Sign, Projecting: Any sign which projects from the exterior of a building.

**SITE PLAN:** A plan drawn to scale showing the actual dimensions and shape of the lot; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of any proposed building(s) and/or structural alterations.

**STORY:** That part of a building between the surface of a floor and the ceiling immediately above. See definition of "Basement."

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

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

**SWIMMING POOL:** A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

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

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

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street having only one (1) outlet for vehicular traffic .
6. Local Street: A street primarily for providing access to residential or other abutting property.
7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

**THROUGH LOT:** See Lot Types.

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

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

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

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

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

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

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

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

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

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## ARTICLE 3 PERMITS

### 300 ZONING PERMITS REQUIRED:

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

- A. Construction or structural alteration of any building, including accessory buildings and structures
- B. Change in use of an existing building or accessory building to a use of a different classification
- C. Occupancy or use of vacant land
- D. Change in the use of land to a different classification
- E. Any change in the use of a non-conforming use
- F. Erection or installation of signage (Refer to Article 12)

Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Administrator receives a written order from the Board of Zoning Appeals, deciding an appeal, conditional use or variance or from Village Council, approving a Planned Unit Development District, as provided by this ordinance.

### 301 DEMOLITION PERMITS REQUIRED

A. In all commercial, industrial, business or multi-family districts or uses a demolition permit shall be required for any of the following:

1. All structural demolition
2. Excavation and/or removal of existing parking facilities, access roads, or pedestrian walkways
3. Excavation and removal of underground storage tanks. Such removal must be in conformance with all applicable state and federal regulations.

B. In all residential single family and duplex districts or uses a demolition permit shall be required for any of the following:

1. All structural demolition of principle structures

C. General Standards (All districts and uses)

1. All work must be completed within thirty (30) days; extensions may be given if applicant can show just cause
2. Site must be kept secure by means of safety fencing or other approved methods. It shall be the applicant/owner's responsibility to provide security

### 310 CONTENTS OF APPLICATION FOR PERMITS

#### A. ZONING PERMITS

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;

3. Existing use;
4. Proposed use;
5. Zoning district;
6. Site plan in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Floor plans and elevations of all new structures
8. Number of off-street parking spaces or loading berths;(when applicable)
9. Plans and elevations of signage (when applicable)
10. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

## B. DEMOLITION PERMITS

The application for demolition permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) month or substantially completed within one (1) month after demolition has begun. At a minimum, the application shall contain the following information:

1. Name, address and telephone number of applicant;
2. Zoning district;
3. Description of work to be preformed
4. Statement attesting to methods of securing site

## 311 APPROVAL OF PERMITS

### A. ZONING PERMITS

Within ten (10) days after the receipt of a completed application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Administrator , after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Administrator . The Zoning Administrator shall issue a permit, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this ordinance.

### B. DEMOLITION PERMITS

Within ten (10) days after the receipt of a completed application, the Zoning Administrator shall either approve or disapprove said application in conformance with the provisions of this ordinance. All demolition permits are conditional upon satisfactory compliance with site security.

## 312 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within

a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Administrator shall give notice, by registered mail, to the Director of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Administrator that acquisition at this time is not in the public interest or upon the extension thereof agreed upon, the Director of Transportation and the property owner, the Zoning Administrator shall, if the application is in conformance with all provisions of this ordinance, issue the zoning permit.

### 313 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Administrator ; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Administrator and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

### 314 RECORD OF ZONING AND DEMOLITION PERMITS

The Zoning Administrator shall maintain a record of all zoning and demolition permits and copies shall be furnished upon request to any person.

### 320 FAILURE TO OBTAIN A ZONING PERMIT

Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under section 350 of this ordinance.

### 330 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning and/or demolition permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and punishable as provided in Section 350 of this ordinance.

### 340 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator. Such complaint shall state fully the causes and basis thereof. The Zoning Administrator shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

### 350 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this ordinance, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred (100) dollars or imprisoned for not more than thirty (30) days, or both, and in addition shall pay costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or

other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

### 360 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Village Council shall, by ordinance, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, plan approvals and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Clerk of the Village and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## **ARTICLE 4 NON-CONFORMITIES**

### **400 INTENT**

Within the districts established by this ordinance or amendments that may later be adopted, there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit those non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

### **410 ZONING CERTIFICATE FOR NON-CONFORMING USES**

A zoning certificate shall be required for all lawful non-conforming uses of land or buildings created by adoption or amendment of the Zoning Code. Application for such certificate must be filed with the Zoning Administrator by the owner or lessee of the building or land occupied by such non-conforming use. Except as provided for herein, it shall be the duty of the Zoning Administrator to issue a certificate for a lawful non-conforming use. A certificate for a non-conforming use may be issued by the Zoning Administrator for the following reason(s):

- A. Change of use within a similar classification of use such as retail sales, services, office or professional use, etc.

All other non-conforming uses shall be decided by the Board of Zoning Appeals as provided for in Section 470.3 of this article

Failure to apply for such certificate or refusal of Zoning Administrator to issue such certificate may be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this resolution or amendment thereto.

### **420 INCOMPATIBILITY OF NON-CONFORMITIES**

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment to a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

### **430 AVOIDANCE OF UNDUE HARDSHIP**

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where 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 the work shall be carried out diligently.

### **440 NON-CONFORMING LOTS OF RECORD**

## 1. SINGLE LOTS

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 9 and 10 of this ordinance, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 540 through 549.

## 2. COMBINATION LOTS

If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

### 450 NON-CONFORMING USES OF LAND

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

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

### 460 NON-CONFORMING STRUCTURES

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

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;

2. Should any non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this ordinance;

3. Existing structures may be repaired or replaced (and remain non-conforming) when conditions beyond the owner's power to prevent occur. Such conditions include, but are not limited to, natural disasters, fire, accident, etc.

#### 470 NON-CONFORMING USE OF STRUCTURES OR USE OF STRUCTURES AND LAND IN COMBINATION

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

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;

3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this ordinance;

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;

5. When a non-conforming use of a structure, or use of structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

#### 480 REPAIRS AND MAINTENANCE

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

## **ARTICLE 5 ADMINISTRATION**

### **500 OFFICE OF ZONING ADMINISTRATOR CREATED**

A Zoning Administrator designated by the Mayor shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Mayor or Council may direct. All appointments shall be approved by council.

### **501 DUTIES OF ZONING ADMINISTRATOR**

For the purpose of this ordinance, the Zoning Inspector shall have the following duties:

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

### **510 VILLAGE PLANNING COMMISSION**

The Village Planning Commission is hereby created, which shall consist of six (6) members consisting of the Mayor, one member of the legislative authority to be elected thereto for the remainder of his term as such member of the legislative authority by vote of Council, and four (4) citizens of the Village to be appointed by the Mayor for terms of two (2) years each, except that the term of one of the members of the first commission shall be for one (1) year and three (3) for two (2) years. All such members shall serve without compensation. Members of the commission may hold any other public office, may serve as a member of a county and regional planning commission.

### **511 PROCEEDINGS OF VILLAGE PLANNING COMMISSION**

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

### **520 BOARD OF ZONING APPEALS CREATED**

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

## 521 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

## 522 DUTIES OF THE BOARD OF ZONING APPEALS

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of the ordinance the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Administrator;
2. To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done;
3. To grant conditional use permits as specified within this ordinance and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this ordinance.

## 530 DUTIES OF ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the court as provided by law. It is further the intent of this ordinance that the duties of the Village Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance, the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 36 of this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

#### 540 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Sections 541-549, inclusive, of this ordinance. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

#### 541 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

#### 542 STAY OF PROCEEDINGS

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

#### 543 VARIANCES

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

#### 544 APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Administrator and the Board of Zoning Appeals containing:

1. Name, address and phone number of applicants;
2. Legal description of property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - b. The names and addresses of all property owners of land abutting applicant's parcel, without regard to thoroughfares;

- c. That special conditions and circumstances do not result from the actions of the applicant;
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

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

#### 545 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 350 of this ordinance.

#### 546 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.

#### 547 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 546, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

#### 548 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, or a person whom the Chairperson shall appoint, by first class mail at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 547.

#### 549 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 546, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

#### 550 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF TEMPORARY USE PERMITS

Temporary uses shall conform to the procedures and requirements of Sections 551-558 , inclusive of this ordinance.

## 551 GENERAL

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Sections 552-557 inclusive.

## 552 CONTENTS OF APPLICATIONS FOR TEMPORARY USE PERMIT

An application for temporary use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such temporary use is proposed. At a minimum, the application shall contain the following information:

1. Name, address and phone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed temporary use;
6. A plan of the proposed site for the temporary use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed temporary use meets the intent and requirements of this ordinance;
7. Such other information as may be required in Section 554.

## 553 GENERAL STANDARDS APPLICABLE TO ALL TEMPORARY USES

In addition to the specific requirements for temporary permitted uses as specified in Section 554, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is, in fact, a temporary use as established under the provisions of Article 9 and permitted under the regulations adopted for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village's plan and/or the zoning ordinance;
3. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.
10. There shall be filed with the Village Council a bond (when required) , payable to the Village and conditioned on the performance of all requirements contained in the Certificate of Temporary Use as issued by the Zoning Administrator upon instructions from the Board of Zoning Appeals.

#### 554 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any temporary use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the temporary use is granted, shall be deemed a violation of this ordinance and punishable under Section 350 of this ordinance.

#### 555 PROCEDURE FOR HEARING, NOTICE

Upon receipt of the application for a temporary use permit specified in Section 562, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections 546 through 548.

#### 556 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a temporary use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

#### 557 EXPIRATION OF TEMPORARY USE PERMIT

A temporary use permit shall be deemed to authorize only one particular temporary use. Said use shall not exceed seven (7) consecutive days. Temporary use permits are valid for one (1) year from date of issuance.

## **ARTICLE 6 AMENDMENT OF ZONING CODE**

### **600 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES**

This ordinance may be amended utilizing the procedures specified in Sections 601-612, inclusive, of this ordinance.

### **601 GENERAL**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may, by ordinance, with or without receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

### **602 INITIATION OF ZONING AMENDMENTS**

Amendments to this ordinance may be initiated in one of the following ways:

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

### **603 CONTENTS OF APPLICATION**

Application for amendments to the Official Zoning Map adopted as part of this ordinance by Section 700 shall contain at least the following information:

1. Name, address and phone number of applicant;
- 2.. Present uses;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Administrator that adequately shows all required details including property lines; proposed thoroughfares by any agency, thoroughfares, existing and proposed zoning and such other items as the Zoning Administrator may require;
7. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned, as shown on the tax maps of Clermont County, Ohio
8. A fee as established by Village Council, according to Section 360.

Applications for amendments proposing to amend, supplement, change, or repeal portions of this ordinance other than the Official Zoning Map shall include items (1), (2), and (8) listed above.

### **604 TRANSMITTAL TO VILLAGE PLANNING COMMISSION**

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission and a copy supplied to the Village Council.

#### 605 SUBMISSION TO STATE DIRECTOR OF TRANSPORTATION

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

#### 606 RECOMMENDATION BY VILLAGE PLANNING COMMISSION

Within sixty (60) days from the receipt of the proposed amendment, the Village Planning Commission shall transmit its recommendation to the Village Council. The Village Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

#### 607 PUBLIC HEARING BY VILLAGE COUNCIL

Upon satisfaction that the requirements of Section 603 have been met, the Village Council shall hold a public hearing within ninety (90) days.

#### 608 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the public hearing required in Section 607 shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village affected. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

#### 609 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 608.

#### 610 ACTION BY VILLAGE COUNCIL

Within thirty (30) days after the public hearing required by Section 607, the Village Council shall either adopt or deny the ordinance or adopt some modification thereof. In the event the Village Council modifies the ordinance, it must do so by not less than three-fourths of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and

distinctly read on three different days except that such ordinance may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.

#### 611 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

#### 612 ANNEXATION

All land annexed to the Village subsequent to the adoption of this ordinance shall remain subject to the previous County or Township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Article.

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## **ARTICLE 7 PROVISIONS FOR OFFICIAL ZONING MAP AND ZONING DISTRICTS**

### **700 OFFICIAL ZONING MAP**

The districts established in Article 7 of this ordinance as shown on the Official Zoning Map, which together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

### **710 IDENTIFICATION OF OFFICIAL ZONING MAP**

The Official Zoning Map shall be identified by the signature of the Mayor and bear the Official Seal for the Village of Bethel.

### **720 INTERPRETATION OF DISTRICT BOUNDARIES**

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

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

### **730 ZONING DISTRICTS**

The zoning districts within the Village of Bethel shall include the following zones or districts:

1. "R-A" Residential District
2. "R-1" Residential, Single Family District
3. "R-2" Residential Single Family District
4. "R-3" Residential Single and Two Family District
5. "R-4" Residential Multifamily District
6. "PO" Professional Office District
7. "B-1" Neighborhood Business District
8. "B-2" General Business District
9. "IP" Planned Industrial Park District
10. "T" Transitional Overlay District
11. "PUD" Planned Unit Development Overlay District

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## **ARTICLE 8 ZONING DISTRICT REGULATIONS (PERMITTED USES)**

### **800 PERMITTED USES, GENERAL REGULATIONS**

Permitted uses within a zoning district shall correspond with the following regulations and shall also comply with the Supplementary Regulations contained in Article 10.

### **810 -"R-A" RESIDENTIAL DISTRICT**

#### **1. PURPOSE**

The purpose of the "R-A" Residential District is to recognize the need for low density development and to preserve and protect the supply and integrity of open space, primarily for non-urban uses.

#### **2. PRINCIPAL PERMITTED USES**

- A. Agricultural (minimum lot area of five (5) acres required);
- B. Horticultural, floricultural and other agricultural related uses and services;
- C. Natural and wildlife preserve sanctuaries;
- D. Roadside stands, farmers marts and similar sales use of agricultural and related products produced on the premises; and
- E. Single family dwellings (minimum lot area of two (2) acres).
- F. Garden store, nursery and similar landscape sales of products produced on the premises;
- G. Commercial kennels and boarding stables including grooming and veterinary services;
- H. Churches, synagogues, temples and other places of religious assembly for worship;
- I. Cemeteries and mausoleums if adjacent to or in extension of an existing cemetery;
- J. Public and commercial outdoor recreation;
- K. Duplex dwelling units;
- L. Government offices;
- M. Nursery schools;
- N. Police and fire stations;
- O. Public and parochial schools; and
- P. Veterinarian's offices.

#### **3. ACCESSORY STRUCTURES**

All accessory structures, with the exception of fences must be located behind the front building line of the principal structure.

- A. Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including but not limited to:
  - (1) private garages and parking,

- (2) structures such as fences and walls,
- (3) buildings such as storage sheds, private green-houses and gazebos,
- (4) storage of a recreational vehicle or unit,
- (5) private swimming pool sauna, bathhouse and like accessories,
- (6) private recreational court, complex or similar recreational activity, and
- (7) private stables or other keeping and use of pets and animals.

B. Temporary buildings incidental to construction; and

C. Offices for farm management and administration of agricultural services offered on the farm premises.

D. Dwellings or rooming houses for persons employed on the premises other than the family of the farm owner/operator and/or resident manager;

#### 4. SUPPLEMENTAL PROVISIONS

The following provisions are required for all uses in this district. Refer to the specific section (as noted) for each item

##### A. NON-RESIDENTIAL USES

- |   |                            |
|---|----------------------------|
| 1. Trash Collection Areas                 | Article 10, Section 1007   |
| 2. Setbacks at Corner Lots                | Article 10, Section 1009   |
| 3. Visibility at Corner Lots              | Article 10, Section 1010   |
| 4. Front Yard Fence and Wall Restrictions | Article 10, Section 1011   |
| 5. Nonresidential Buffer Zones            | Article 10, Section 1013   |
| 6. Architectural Projections              | Article 10, Section 1014   |
| 7. Height Regulations                     | Article 10, Section 1015   |
| 8. Lighting                               | Article 10, Section 1017.F |
| 9. Parking Requirements                   | Article 11                 |
| 10. Signage                               | Article 12                 |

##### B. RESIDENTIAL USES

- |  |                          |
|--|--------------------------|
| 1. Conversions of dwellings to more units  | Article 10, Section 1001 |
| 2. Home Occupations                        | Article 10, Section 1002 |
| 3. Private Swimming Pools                  | Article 10, Section 1003 |
| 4. Community or Club Swimming Pools        | Article 10, Section 1004 |
| 5. Temporary Buildings                     | Article 10, Section 1005 |
| 6. Parking and Storage of Certain Vehicles | Article 10, Section 1006 |
| 7. Architectural Projections               | Article 10, Section 1014 |

LOT AREA, BULK AND YARD REQUIREMENTS IN "R-A" RESIDENTIAL DISTRICT

A. LOT REQUIREMENTS:

- |                                       |   |
|---------------------------------------|---|
| 1. Minimum Lot Area (Non-Residential) | 5 Acres   |
| 2. Minimum Lot Area (Single Family)   | 2 Acres   |
| 3. Minimum Lot Width                  | 200 Ft. or 1:3 width to depth ratio<br>(whichever is greater) |

B. MAXIMUM HEIGHT:

1 Principal Building

- |            |        |
|------------|--------|
| a. Stories | 2 ½    |
| b. Height  | 35 Ft. |

2. Accessory Structures

- |            |        |
|------------|--------|
| a. Stories | 2      |
| b. Height  | 35 Ft. |

C. MINIMUM YARD REQUIREMENTS:

- |                                 |        |
|---------------------------------|--------|
| 1. Front (measured from R.O.W.) | 60 Ft. |
| 2. Side                         | 20 Ft. |
| 3. Rear                         | 70 Ft. |

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## 811 R-1 RESIDENTIAL, SINGLE FAMILY DISTRICT

### 1. PURPOSE

The purpose of the "R-1" Residential, Single Family District is to provide land for low-density single family detached housing units.

### 2. PRINCIPAL PERMITTED USES

- A. Single family detached dwellings (one dwelling unit per lot)
- B. Buildings owned by or for the use of the Village of Bethel, and recreational structures or sites governed, operated or leased by the Village of Bethel.
- C. Country clubs, golf courses, including driving tees or ranges.
- D. Farms and related farm buildings (Must meet all requirements listed in RA District)).
- E. Planned Unit Developments, subject to the provisions in this ordinance.
- F. Professional occupations carried on within a residential dwelling and subject to provision in this ordinance.
- G. Churches, schools, libraries, museums and public child care centers.

### 3. ACCESSORY USES AND STRUCTURES

All accessory structures, with the exception of fences must be located behind the front building line of the principal structure.

- A. Fences
- B. Storage Buildings
- C. Detached Garages
- D. Swimming pools, saunas, whirlpools, bath houses and related structures
- E. Private recreation courts and related structures
- F. Temporary buildings incidental to construction and limited to a period not to exceed completion of primary structure or development

### 4. GENERAL PROVISIONS, RESIDENTIAL USES

In each district and use there are general provisions that may apply. Refer to the appropriate section of the Zoning Code as listed for further information

- A. Home Occupations Article 10, Section 1002
- B. Private Swimming Pools Article 10, Section 1003
- C. Community or Club Swimming Pools Article 10, Section 1004
- D. Temporary Buildings Article 10, Section 1005
- E. Parking and Storage of Certain Vehicles Article 10, Section 1006

- F. Visibility at Corner Lots Article 10, Section 1010
- G. Front Yard Fence and Wall Restrictions Article 10, Section 1011
- H. Architectural Projections Article 10, Section 1014
- I. Height Regulations Article 10, Section 1015

5. GENERAL PROVISIONS, NON-RESIDENTIAL USES

- A. Trash Collection Areas Article 10, Section 1007
- B. Setbacks at Corner Lots Article 10, Section 1008
- C. Visibility at Corner Lots Article 10, Section 1010
- D. Front Yard Fence and Wall Restrictions Article 10, Section 1011
- E. Nonresidential Buffer Zones Article 10, Section 1013
- F. Architectural Projections Article 10, Section 1014
- G. Height Regulations Article 10, Section 1015
- H. Lighting Article 10, Section 1017.F
- I. Parking Requirements Article 11
- J. Signage Article 12

LOT AREA, BULK AND YARD REQUIREMENTS IN "R-1" RESIDENTIAL SINGLE FAMILY DISTRICT

A. LOT REQUIREMENTS:

1. Minimum Lot Area	20,000 Sq.Ft.
1a. Minimum Lot Area, Corner Lot	30,000 Sq. Ft.
2. Minimum Lot Width	100 Ft.
2a. Minimum Lot Width, Corner Lot	150 Ft.

B. MAXIMUM HEIGHT:

1. Principal Building

a. Stories	2 ½
b. Height	35 Ft.

2. Accessory Structures

a. Stories	1
b. Height	20 Ft.

C. MINIMUM YARD REQUIREMENTS:

1. Front (measured from R.O.W.)	50 Ft.
2. Side	15 Ft.
3. Rear (Principal Structure)	35 Ft.
Rear (Accessory Structure)	15 Ft.

NOTE: Rear yard (corner lots only) is defined as that portion of the lot that is located opposite the main (front) entrance of the principle structure located thereon.

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## 812 R-2 RESIDENTIAL, SINGLE FAMILY DISTRICT

### 1. PURPOSE

The purpose of the “R-2” Residential Single Family District is to provide for land areas which can accommodate low to medium density single family detached housing units.

### 2. PRINCIPAL PERMITTED USES

- A. Single family detached dwellings (one dwelling unit per lot)
- B. Any use of structure permitted and as regulated in the “R-1” District, except as herein modified.

### 3. ACCESSORY USES AND STRUCTURES

All accessory structures, with the exception of fences must be located behind the front building line of the principal structure.

- A. Fences
- B. Storage Buildings
- C. Detached Garages
- D. Swimming pools, saunas, whirlpools, bath houses and related structures
- E. Private recreation courts and related structures
- F. Temporary buildings incidental to construction and limited to a period not to exceed completion of primary structure or development

### 4. GENERAL PROVISIONS, RESIDENTIAL USES

In each district and use there are general provisions that may apply. Refer to the appropriate section of the Zoning Code as listed for further information

- |  |                          |
|--|--------------------------|
| A. Home Occupations                        | Article 10, Section 1002 |
| B. Private Swimming Pools                  | Article 10, Section 1003 |
| C. Community or Club Swimming Pools        | Article 10, Section 1004 |
| D. Temporary Buildings                     | Article 10, Section 1005 |
| E. Parking and Storage of Certain Vehicles | Article 10, Section 1006 |
| F. Visibility at Corner Lots               | Article 10, Section 1010 |
| G. Front Yard Fence and Wall Restrictions  | Article 10, Section 1011 |
| H. Architectural Projections               | Article 10, Section 1014 |
| I. Height Regulations                      | Article 10, Section 1015 |

LOT AREA, BULK AND YARD REQUIREMENTS IN "R-2" RESIDENTIAL, SINGLE FAMILY  
LOT AREA, BULK AND YARD REQUIREMENTS IN "R-2" RESIDENTIAL SINGLE FAMILY  
DISTRICT

A. LOT REQUIREMENTS:

1. Minimum Lot Area	15,000 Sq. Ft.
1a. Minimum Lot Area, Corner Lot	22,500 Sq. Ft.
2. Minimum Lot Width	80 Ft.
2a. Minimum Lot Width, Corner Lot	120 Ft.

B. MAXIMUM HEIGHT:

1. Principal Building	
a. Stories	2½
b. Height	35 Ft.
2. Accessory Structures	
a. Stories	1
b. Height	20 Ft.

C. MINIMUM YARD REQUIREMENTS:

1. Front (measured from R.O.W.)	40 Ft.
2. Side	12 Ft.
3. Rear (Principal Structure)	30 Ft.
Rear (Accessory Structure)	12 Ft.

NOTE: Rear yard (corner lots only) is defined as that portion of the lot that is located opposite the main (front) entrance of the principal structure located thereon.

## 813 "R-3" RESIDENTIAL, SINGLE & TWO FAMILY DISTRICT

### 1. PURPOSE

The purpose of the "R-3" Residential Single and Two Family District is to provide for land areas which can accommodate medium density single family detached and two family detached dwelling units.

### 2. PRINCIPAL PERMITTED USES

- A. Single family detached dwellings (one dwelling unit per lot)
- B. Two family detached dwellings subject to the restrictions included herein
- C. Any use or structure permitted and as regulated in the "R-2" District, except as herein modified.

### 3. ACCESSORY USES AND STRUCTURES

All accessory structures, with the exception of fences must be located behind the front building line of the principal structure.

- A. Fences
- B. Storage Buildings
- C. Detached Garages
- D. Swimming pools, saunas, whirlpools, bath houses and related structures
- E. Private recreation courts and related structures
- F. Temporary buildings incidental to construction and limited to a period not to exceed completion of primary structure or development

### 4. GENERAL PROVISIONS

In each district and use there are general provisions that may apply. Refer to the appropriate section of the Zoning Code as listed for further information

- A. Conversion of Dwellings To More Units      Article 10, Section 1001
- B. Home Occupations      Article 10, Section 1002
- B. Private Swimming Pools      Article 10, Section 1003
- C. Community or Club Swimming Pools      Article 10, Section 1004
- D. Temporary Buildings      Article 10, Section 1005
- E. Parking and Storage of Certain Vehicles      Article 10, Section 1006
- F. Required Trash Areas      Article 10, Section 1007
- G. Visibility for Corner Lots      Article 10, Section 1010
- H. Front Yard Fence and Wall Restrictions      Article 10, Section 1011
- I. Architectural Projections      Article 10, Section 1014
- J. Height Regulations      Article 10, Section 1015

LOT AREA, BULK AND YARD REQUIREMENTS IN "R-3" RESIDENTIAL SINGLE AND TWO FAMILY DISTRICT

A. LOT REQUIREMENTS:

1. Minimum Lot Area (Single Family)	8,500 Sq.Ft.
2. Minimum Lot Area (Two Family)	13,000 Sq.Ft.
3. Minimum Lot Area, Corner Lot	13,000 Sq. Ft.
4. Minimum Lot Width (Single Family)	65 Ft.
5. Minimum Lot Width (Two Family)	75 Ft.
6. Minimum Lot Width, Corner Lot	100 Ft.

B. MAXIMUM HEIGHT:

1. Principal Building

a. Stories	2½
b. Height	35 Ft.

2. Accessory Structures

a. Stories	1
b. Height	20 Ft.

C. MINIMUM YARD REQUIREMENTS: (Principal Structure)

1. Front (measured from R.O.W.)	30 Ft.
2. Side	10 Ft.
3. Rear (Principal Structure)	30 Ft.
Rear (Accessory Structure)	10 Ft.

NOTE: Rear yard (corner lots only) is defined as that portion of the lot that is located opposite the main (front) entrance of the principal structure located thereon.

814 "R-4" RESIDENTIAL MULTIFAMILY DISTRICT

1. PURPOSE

The purpose of the "R-4" Residential Multifamily District is to provide for land areas at appropriate locations able to accommodate well-planned multifamily developments for apartments and/or condominiums. Such multifamily developments shall be conceived and planned in relation to the physical features of the site, the availability of utilities, the surrounding development, traffic and access, in order to afford an attractive setting for multifamily housing uses and to harmonize such uses with their surroundings.

2. PRINCIPAL PERMITTED USES

- A. Multifamily dwelling in accordance with the height, area, density and other requirements set forth in this Section of the Zoning Ordinance.
- B. Single family detached dwellings (one dwelling unit per lot) subject to restrictions included herein

3. ACCESSORY USES AND STRUCTURES

All accessory structures, with the exception of fences must be located behind the front building line of the principal structure.

- A. Fences
- B. Storage Buildings
- C. Detached Garages
- D. Swimming pools, saunas, whirlpools, bath houses and related structures
- E. Private recreation courts and related structures
- F. Temporary buildings incidental to construction and limited to a period not to exceed completion of primary structure or development

4. GENERAL PROVISIONS

In each district and use there are general provisions that may apply. Refer to the appropriate section of the Zoning Code as listed for further information

A.MULTIFAMILY RESIDENTIAL USES

- |   |                            |
|---|----------------------------|
| 1. Trash Collection Area                  | Article 10, Section 1007   |
| 2. Setback Requirements at Corner Lots    | Article 10, Section 1009   |
| 3. Visibility for Corner Lots             | Article 10, Section 1010   |
| 4. Front Yard Fence and Wall Restrictions | Article 10, Section 1011   |
| 5. Nonresidential Buffer Zones            | Article 10, Section 1013   |
| 6. Architectural Projections              | Article 10, Section 1014   |
| 7. Height Regulations                     | Article 10, Section 1015   |
| 8. Lighting Restrictions                  | Article 10, Section 1017.F |
| 9. Parking                                | Article 11                 |

**B. SINGLE FAMILY RESIDENTIAL USES**

A. Conversion of Dwellings To More Units	Article 10, Section 1001
B. Home Occupations	Article 10, Section 1002
B. Private Swimming Pools	Article 10, Section 1003
C. Community or Club Swimming Pools	Article 10, Section 1004
D. Temporary Buildings	Article 10, Section 1005
E. Parking and Storage of Certain Vehicles	Article 10, Section 1006
F. Visibility for Corner Lots	Article 10, Section 1010
G. Front Yard Fence and Wall Restrictions	Article 10, Section 1011
H. Architectural Projections	Article 10, Section 1014
I. Height Regulations	Article 10, Section 1015

**C. SUPPLEMENTAL PROVISIONS (For Multi-Family Uses)**

(1) Open Space Requirements: A minimum of twenty (20) percent of the total site area, including landscaped areas, shall be maintained in permanent open space by owner, management or homeowners association.

(2) Landscaping Requirements: Landscaping shall be required along the front, side and rear yards in accordance with the requirements of Article 10.

(3) Circulation Design, Parking, Lighting, Storm Runoff Control and Signage Requirements: Minimum standards and requirements in accordance with Article 10.

(4) Parking Requirements: As required in Article 11.

(5) Harmonious Relationship to Neighborhood: The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood. The proposed plan shall not be approved unless the Planning Commission specifically makes a finding that the development will be harmoniously related to the overall neighborhood.

(6) Location and Arrangement: In furthering this objective, the location and arrangement of buildings, parking structures and areas, walks lighting and appurtenant facilities shall be adjusted to surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees and shrubs or pedestrian walks.

(7) Preliminary Development Plan: A preliminary site development plan is required and shall show how the requirements set forth in this Section and in Article 10 are to be met

satisfactorily. The Planning Commission shall review and approve or disapprove the proposed preliminary development plan in accordance with the procedures set forth in Article 5.

#### LOT AREA, BULK AND YARD REQUIREMENTS "R-4" RESIDENTIAL MULTIFAMILY DISTRICT

##### A. LOT REQUIREMENTS, SINGLE FAMILY:

- |                                  |                |
|----------------------------------|----------------|
| 1. Minimum Lot Area              | 12,500 Sq.Ft.  |
| 2. Minimum Lot Area, Corner Lot  | 13,000 Sq. Ft. |
| 3. Minimum Lot Width             | 75 Ft.         |
| 4. Minimum Lot Width, Corner Lot | 100 Ft.        |

##### B. LOT REQUIREMENTS, MULTI-FAMILY

- |                            |                             |
|----------------------------|-----------------------------|
| 1. Minimum Lot Area        |                             |
| (a) Zero or one bedroom    | 4,000 Sq. Ft./Dwelling Unit |
| (b) Two bedroom            | 5,000 Sq. Ft./Dwelling Unit |
| (c) Three or more bedrooms | 6,000 Sq. Ft./Dwelling Unit |
| 2. Minimum Lot Width       | 120 Ft.                     |

##### C. MAXIMUM HEIGHT:

- |                                       |        |
|---------------------------------------|--------|
| 1. Principal Building (Single Family) |        |
| a. Stories                            | 2½     |
| b. Height                             | 35 Ft. |
| 2. Principal Building (Multifamily)   |        |
| a. Stories                            | 3      |
| b. Height                             | 45 Ft. |
| 3. Accessory Structures               |        |
| a. Stories                            | 1      |
| b. Height                             | 20 Ft. |

##### D. MINIMUM YARD REQUIREMENTS, SINGLE FAMILY:

- |          |        |
|----------|--------|
| 1. Front | 30 Ft. |
|----------|--------|

- |                               |        |
|-------------------------------|--------|
| 2. Side                       | 10 Ft. |
| 3. Rear (Principal Structure) | 30 Ft. |
| (Accessory Structure)         | 10 Ft. |

E. MINIMUM YARD REQUIREMENTS, MULTI-FAMILY

- |                            |        |
|----------------------------|--------|
| 1. Front                   | 40 Ft. |
| 2. Side (to property line) | 20 Ft. |
| 3. Rear (to property line) | 30 Ft. |

F. MINIMUM CLEARANCE BETWEEN BUILDINGS

- |                             |        |
|-----------------------------|--------|
| 1. Face to Face             | 30 Ft. |
| 2. Face to Rear             | 50 Ft. |
| 3. Rear to Rear             | 60 Ft. |
| 4. End to End               | 15 Ft. |
| 5. End to Face/ End to Rear | 30 Ft. |

G. OTHER REQUIREMENTS:

- |  |         |
|--|---------|
| 1. Single Structure Building Length (Multifamily)    | 120 Ft. |
| 2. Single Structure with Overlapping Building Length | 120 Ft. |
| Multifamily Building Length (Overlapping Walls)      | 200 Ft. |
| Maximum Number of Dwelling Units/Structure           | 16      |

## 820 "PO" PROFESSIONAL OFFICE DISTRICT

### 1. PURPOSE

The purpose of the "PO" Professional Office District is to provide for planned office districts at appropriate locations throughout the Village.

### 2. PRINCIPAL PERMITTED USES

- A. Financial institutions including banks, savings and loans, financial companies or other similar offices;
- B. Professional offices;
- C. Medical or dental clinics;
- D. Police and fire stations;
- E. Post offices;
- F. Real estate offices;
- G. General offices of federal, state or local governments, individuals or corporations devoted to office use and not used for manufacturing, storage and warehousing;
- H. Any office building as determined by the Planning Commission to be of similar use as above.
- I. Nursery and Child Care Centers

### 3. ACCESSORY USES AND STRUCTURES

All accessory structures, with the exception of fences must be located behind the front building line of the principal structure.

- A. Any accessory uses or structures customary and incident to any principal permitted use
- B. Fences and walls
- C. Signs as regulated by Article 12 of the Zoning Ordinance
- D. Uses as listed below included within and entered from within any office building as a convenience to the occupants thereof, and their patients, clients or customers providing no exterior advertising displays for any accessory uses shall be placed outside the building.
  - (1) Barber shop,
  - (2) Coffee shop and refreshment stand,
  - (3) Beauty shop,
  - (4) Eating and drinking places,
  - (5) Laboratories, medical and dental,
  - (6) News and confectionery stand, and
  - (7) Prescription pharmacy.

#### 4. GENERAL PROVISIONS

In each district and use there are general provisions that may apply. Refer to the appropriate section of the Zoning Code as listed for further information

A. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.

B. Trash Collection Areas Article 10, Section 1007

C. Nonresidential Buffer Zone Article 10, Section 1013

D. Lighting Article 10, Section 1017.F

E. Exterior Storage Article 10, Section 1018

F. Parking Requirements Article 11

G. Signage Article 12

H. A site plan shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area, screening areas and shall show a functional circulation system. The site plan shall be approved by the Planning Commission prior to the issuing of a zoning permit.

LOT AREA, BULK AND YARD REQUIREMENTS IN PROFESSIONAL OFFICE "PO"  
DISTRICT

A. LOT REQUIREMENTS:

- |                      |               |
|----------------------|---------------|
| 1. Minimum Lot Area  | 22,500 Sq.Ft. |
| 2. Minimum Lot Width | 100 Ft.       |

B. MAXIMUM HEIGHT:

- |                         |        |
|-------------------------|--------|
| 1. Principal Building   |        |
| a. Stories              | 2½     |
| b. Height               | 35 Ft. |
| 2. Accessory Structures |        |
| a. Stories              | 1      |
| b. Height               | 20 Ft. |

C. MINIMUM YARD REQUIREMENTS:

- |                               |        |
|-------------------------------|--------|
| 1. Front                      | 40 Ft. |
| 2. Side                       | 15 Ft. |
| 3. Rear (Principal Structure) | 25 Ft. |
| (Accessory Structure)         | 15 Ft. |

- |   |     |
|---|-----|
| D. Maximum Building Coverage To Site Area | 30% |
|---|-----|

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## 830 B-1 NEIGHBORHOOD BUSINESS DISTRICT

### 1. PRINCIPAL PERMITTED USES

The following uses and no others shall be permitted in a B-1 Neighborhood Business district. With the exception of parking lots and activities permitted under 830.2, all uses permitted shall be conducted wholly within an enclosed building.

- A. All uses permitted in all "R" Residential Districts
- B. Automobile, truck, trailer, boat, and farm implement establishments, for display, hire, sale and minor repairs, including sales lots, provided all operations, other than display and sales shall be conducted within a completely enclosed building. Buildings used for repairs shall not be closer than fifty (50) feet to any "R" District.
- C. Bar, restaurant, cocktail lounge, night club, billiard parlor, pool hall, bowling alley, dance hall, roller skating rink, wheel and frame alignment shop and auto and truck engine repair, excluding major body repair, and similar enterprises, provided that such is conducted within a completely enclosed building and is at least fifty (50) feet from any "R" District.
- D. Professional services and office buildings.
- E. Community centers, theater (indoor), funeral home, banks, clubs, lodges.
- F. Photographic studio, publishing firm, newspaper printing, sign and advertising shops.
- G. Miniature golf courses, driving tees and ranges.
- H. Any local retail business, such as a grocery, carry out, baker, meat locker, and or sales, dairy bar, drugstore, clothing, dime, appliance, hardware, jewelry or florist store, furniture sales, auto parts shop and other similar type business or store.
- I. Barber shop, beauty shop, dry cleaners, Laundromat, and shoe repair shop.
- J. Insurance firms, real estate and loan companies.

Any business use not specifically listed above will be considered prohibited.

### 2. RESTRICTION OF SALES OR DISPLAYS ON SIDEWALKS

No advertising or displays of merchandise, including vending machines, shall be placed more than thirty (30) inches from the exterior wall of the building into the public way or right-of-way. No display or advertising shall reduce the width of the public way or right-of-way to less than forty-eight (48) inches, excluding grass strips to plantings. All advertising or displays shall be during regular hours only, while the business remains open. This shall not affect signs permitted by Section 1210 of this Zoning Ordinance. For the purposes of this section the terms "right-of-way" and "public way" are limited to sidewalks and ways usually traveled by the public on foot and excludes any alley, street or highway open to vehicle traffic.

### 3. ACCESSORY USES AND STRUCTURES

All accessory structures, with the exception of fences must be located behind the front building line of the principle structure.

- A. Fences
- B. Storage Buildings

## C. Trash Collection Areas

### 4. GENERAL PROVISIONS

In each district and use there are general provisions that may apply. Refer to the appropriate section of the Zoning Code as listed for further information

A. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.

B. Trash Collection Areas Article 10, Section 1007

C. Nonresidential Buffer Zone Article 10, Section 1013

D. Lighting Article 10, Section 1017.F

E. Exterior Storage Article 10, Section 1018

F. Parking Requirements Article 11

G. Signage Article 12

### LOT AREA, BULK AND YARD REQUIREMENTS IN "B1" NEIGHBORHOOD BUSINESS DISTRICT

#### A. LOT REQUIREMENTS:

- |                      |                |
|----------------------|----------------|
| 1. Minimum Lot Area  | 15,000 Sq. Ft. |
| 2. Minimum Lot Width | 80 Ft.         |

#### B. MAXIMUM HEIGHT:

##### 1. Principal Building

- |            |        |
|------------|--------|
| a. Stories | 2½     |
| b. Height  | 35 Ft. |

##### 2. Accessory Structures

- |            |        |
|------------|--------|
| a. Stories | One    |
| b. Height  | 20 Ft. |

#### C. MINIMUM YARD REQUIREMENTS:

- |          |                                    |
|----------|------------------------------------|
| 1. Front | 25 Ft.                             |
| 2. Side  | None (except where abuts an R use) |
| 3. Rear  | None (except where abuts an R use) |

## 831 B-2 GENERAL BUSINESS DISTRICT

### 1. PRINCIPAL PERMITTED USES

The following uses and no others shall be permitted in a B-2 General Business District. With the exception of parking lots and activities permitted under 831.2, all uses permitted shall be conducted wholly within an enclosed building.

- A.. All uses in the R Districts and B-1 Neighborhood Business District.
- B. Gas Stations.
- C. Tire recapping and major body repairs.
- D. Car wash (self-service or operator).
- E. Grain and feed supply and its appurtenances
- F. Bulk tanks (either underground or surface) for storage of gasoline, fuel oil, oil, bottle gas storage, and similar liquids and gases.
- G. Mortuary.
- H. Dairy for processing and manufacturing, and ice manufacturing storage and sales.
- I. Coal yard, retail lumber yard, including millwork.
- J. Veterinary hospital and kennels.
- K. Furniture repair and manufacturing.
- L. Outdoor theater
- M. Trucking terminals.
- N. Electrical heating, plumbing and other related shop services.
- O. Hotel, motel, and rooming houses.
- P. Light Manufacturing Facilities subject to regulations set forth in Article 10, Section 1017

### 2. RESTRICTION OF SALES OR DISPLAYS ON SIDEWALKS

No advertising or displays of merchandise, including vending machines, shall be placed more than thirty (30) inches from the exterior wall of the building into the public way or right-of-way. No display or advertising shall reduce the width of the public way or right-of-way to less than forty-eight (48) inches, excluding grass strips to plantings. All advertising or displays shall be during regular hours only, while the business remains open. This shall not affect signs permitted by Section 1210 of this Zoning Ordinance. For the purposes of this section the terms "right-of-way" and "public way" are limited to sidewalks and ways usually traveled by the public on foot and excludes any alley, street or highway open to vehicle traffic.

### 3. ACCESSORY USES AND STRUCTURES

All accessory structures, with the exception of fences, must be located behind the front building line of the principle structure

- A. Fences
- B. Storage Buildings
- C. Trash Collection Areas

#### 4. GENERAL PROVISIONS

In each district and use there are general provisions that may apply. Refer to the appropriate section of the Zoning Code as listed for further information

- |                               |                            |
|-------------------------------|----------------------------|
| A. Trash Collection Areas     | Article 10, Section 1007   |
| B. Nonresidential Buffer Zone | Article 10, Section 1013   |
| C. Lighting                   | Article 10, Section 1017.F |
| D. Exterior Storage           | Article 10, Section 1018   |
| E. Parking Requirements       | Article 11                 |
| F. Signage                    | Article 12                 |

#### LOT AREA, BULK AND YARD REQUIREMENTS IN "B2" GENERAL BUSINESS DISTRICT

##### A. LOT REQUIREMENTS:

- |                      |                |
|----------------------|----------------|
| 1. Minimum Lot Area  | 15,000 Sq. Ft. |
| 2. Minimum Lot Width | 80 Ft.         |

##### B. MAXIMUM HEIGHT:

###### 1. Principal Building

- |            |        |
|------------|--------|
| a. Stories | 2½     |
| b. Height  | 35 Ft. |

###### 2. Accessory Structures

- |            |        |
|------------|--------|
| a. Stories | One    |
| b. Height  | 20 Ft. |

##### C. MINIMUM YARD REQUIREMENTS:

- |          |                                    |
|----------|------------------------------------|
| 1. Front | 25 Ft.                             |
| 2. Side  | None (except where abuts an R use) |
| 3. Rear  | None (except where abuts an R use) |

## 840 "IP" PLANNED INDUSTRIAL PARK DISTRICT

### 1. PURPOSE

The purpose of the "IP" Planned Industrial Park District is to provide sites for industrial, manufacturing and warehousing uses at appropriate locations in relation to existing and potential developments of surrounding areas, and to arrange the location of buildings, parking areas, access, screening and lighting to protect values and to harmonize the development with surrounding areas.

### 2. PRINCIPAL PERMITTED USES

The permitted uses shall be as approved by the Planning Commission and specified on the approved development plan. All required conditions and restrictions as regulated in the "IP" district shall apply except as approved on the development, plus any additional requirements imposed by the Planning Commission and/or Council.

- A. Business or professional offices;
- B. Research and development establishments;
- C. Manufacturing establishments;
- D. Warehouse and wholesale establishments;
- E. Building materials sales and storage yards; and
- F. Private, non-commercial recreation areas and establishments.

### 3. CONDITIONALLY PERMITTED USES

Residential uses in accordance with the requirements of the R-4 Multifamily Residence District, provided that the entire property zoned for "IP" uses will be developed for residential uses. A site plan shall be required in accordance with the R-4 district provisions and shall be approved by the Planning Commission.

### 4. ACCESSORY USES

- A. Customary accessory buildings and uses; including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants and machine shops;
- B. Fences and walls
- C. Signs, as regulated by Article 12 of this Ordinance; and
- D. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing no exterior advertising displays shall be placed from outside the building:
  - (1) Cafeterias,
  - (2) Coffee shops or refreshment stands, and
  - (3) Soda or dairy bars.

### 5. INTENSITY OF USE

- A. Minimum Tract for Planned Industrial Park: Five (5) acres. However, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.
- B. Minimum Lot Area within Minimum Tract: One (1) acre.
- C. Minimum Lot Width at Building Setback Line: One hundred (100) feet.
- D. Maximum Building Coverage To Site Area: .35

6. GENERAL PROVISIONS

- A. All permitted uses shall comply with the performance standards set forth in Article 10 of this Ordinance.
- B. Parking and Loading/Unloading Requirements Article 11
- C. Lighting Article 10, Section 1017.F
- D. Nonresidential Buffer Zones Article 10, Section 1013
- E. A site plan, as regulated by Section 1021 of this Ordinance, shall be required for any use in this zone and shall be approved by the Planning Commission.
- F. Adequate provision shall be made for traffic circulation into and out of the development, in addition to through traffic movement on the access street or streets, and to this end, the location of all ingress and egress and the provision for traffic movement and circulation, including the addition of traffic lanes where needed, shall be subject to approval of the County Engineer. The installation of additional traffic lanes for deceleration or turning movement may be imposed for safe and efficient traffic circulation by and into the proposed development.
- G. In furthering the above objective, the location and arrangement of access drives, walkways, buildings, parking areas, lighting, signs, screening, landscaping and fencing shall be adjusted to surrounded land use. All parts of the site not used for buildings, drives or walkways shall be landscaped with grass, trees or shrubs and maintained.
- H. Reasonable additional requirements or modifications to the zoning requirements, such as building setback, screening, fencing, access drives, parking area locations and sidewalks may be recommended by the Planning Commission and/or Council, in the interest of public safety or integrating the development into the neighborhood, and made part of the conditions for the approved development plan. Any substantive modifications or changes to the development plan as approved by the Planning Commission shall require unanimous approval by the Council.
- I. The development plan shall be revised to incorporate all of the changes or modifications as approved by the Planning Commission and/or Council signed by the owner or owners and submitted to the Planning Commission prior to issuance of a zoning permit.

LOT AREA, BULK, YARD AND SCREENING REQUIREMENTS IN "IP" PLANNED INDUSTRIAL PARK DISTRICT

A. LOT REQUIREMENTS:

- |                                 |          |
|---------------------------------|----------|
| 1. Minimum Tract Area           | 5 Acres  |
| 2. Minimum Lot Within the Tract | 1 acre   |
| 3. Minimum Lot Width            | 100 Feet |

B. MAXIMUM HEIGHT:

- |                         |         |
|-------------------------|---------|
| 1. Principal Building   |         |
| a. Stories              | 3       |
| b. Height               | 45 Feet |
| 2. Accessory Structures |         |
| a. Stories              | 1       |
| b. Height               | 15 Feet |

C. MINIMUM YARD REQUIREMENTS:

- |          |                          |
|----------|--------------------------|
| 1. Front | 50 Feet                  |
| 2. Side  | 25 Feet (See note below) |
| 3. Rear  | 40 Feet (See note below) |

- |   |     |
|---|-----|
| D. Maximum Building Coverage To Site Area : | 35% |
|---|-----|

NOTE: Where any yard of any use permitted in this zone abuts a residential zone or use, a minimum yard requirement of seventy five (75) feet for each side and/or rear yard which abuts said zone or use shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Article 10 of this Ordinance.

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## 850 "PUD" (PLANNED UNIT DEVELOPMENT) OVERLAY DISTRICT

### 1. PURPOSE

The purposes of the Planned Unit Development (PUD) Overlay Zone are to: Promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety and general welfare.

### 2. GENERAL

A Planned Unit Development Overlay Zone may be permitted to be superimposed over all zoning districts, provided that all conditions or provisions of this section of the Ordinance, the applicable requirements of the Subdivision Regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding development are met; and a public hearing is held on the PUD application.

### 3. DEFINITION

Planned Unit Development means a unified land development for a specified property in the Village which permits a mixture of land uses, clustering of residential units of varying types and common recreation/open space through flexible regulations which encourage creative planning and design to preserve the natural features of the site.

### 4. CALCULATION OF PROJECT DENSITIES

The density of dwelling units in a PUD Overlay Zone shall be determined by the density (dwelling units per net acre) as calculated from the existing zone superimposed by the PUD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and street right-of-way (public and private).

### 5. STANDARDS FOR INCREASE IN DENSITY

The Planning Commission may recommend an increase in the density of the Planned Unit Development under the following standards:

- A. For undeveloped common open space above the minimum amount required, a maximum increase of three percent (3%).
- B. For improved common open space above the minimum amount required, a maximum increase of five percent (5%).

### 6. CONTROLS OF DENSITY INCREASE

A. If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted by Section 840.6, it may then use either of the provisions listed in subsection (b) hereof.

- (1) Inconvenient or unsafe access to the Planned Unit Development;
- (2) Traffic congestion in the streets which adjoin the Planned Unit Development; or

(3) An excessive burden on public utilities, parks, recreational areas, schools and other public facilities which serve or are proposed to serve the Planned Unit Development.

B. The Commission may use either of the following provisions in order to control the conditions specified in subsection (a) hereof.

(1) Prohibit any increase in density; or

(2) Limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions.

## 7. PLANNED UNIT DEVELOPMENT IN MORE THAN ONE DISTRICT

If the Planned Unit Development is in more than one zoning district, the number of allowable dwelling units must be separately calculated for each portion of the Planned Unit Development that is in a separate zone, and shall then be combined to determine the number of dwelling units allowable in the entire development. However, the distribution of dwelling units within the Planned Unit Development is not to be affected by existing zoning district boundaries.

## 8. PERIMETER REQUIREMENTS

A. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the Planned Unit Development, the Planning Commission shall impose either of the following requirements and may impose both:

(1) Structures and parking areas located on the perimeter of the Planned Unit Development shall be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses or a minimum of ten (10) feet, whichever is greater.

(2) Structures located on the perimeter of the Planned Unit Development shall be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. The screening requirements of Article 10 are applicable to this subsection.

B. The requirements of this section apply only to structures located within two hundred (200) feet of the perimeter of the Planned Unit Development.

## 9. OPEN SPACE REQUIREMENTS (Residential Uses Only)

The Planning Commission may approve the Planned Unit Development if it finds that the development plan contains areas to be allocated for common open space in accordance with the following requirements:

A. Common open space shall comprise at least twenty percent (20%) of the total acreage of the proposed PUD (for residential uses only).

B. Common open space area shall be that part of the total project exclusive of dwellings, structures, streets, parking areas, single family lots and other non-open space and non-recreationally oriented facilities.

C. Such open space shall be physically situated so as to be readily accessible, available to and usable by all residents of the PUD.

D. All land shown on the final development plan as common open space shall be conveyed under on of the following options:

(1) It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the Planned Unit Development. The common open space shall be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the

uses specified on the final development plan and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

## 10. APPLICATION AND PROCESSING

An application for amendment to PUD Overlay Zone shall be processed in accordance with the following requirements:

### A. Submission of Preliminary Development Plan:

An application shall be filed with the Planning Commission by the owner or owners or authorized agent of all property included in the development. A narrative summary of the development objectives shall be prepared and filed with the application, completely documenting the opportunities and limitations to development, the facts and studies supporting the proposed development. Ten (10) copies of the application and preliminary development plan shall be filed with the Planning Commission. The preliminary development plan shall include all of the following information:

- (1) Site plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing the total area in the project;
- (2) Legal description of the property;
- (3) The present zoning and existing land use of the subject property and all adjacent properties within two hundred (200) feet;
- (4) All public and private right-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned;
- (5) Existing and proposed topography shown by contour with intervals not to exceed two (2) feet;
- (6) The proposed land uses in the subject property;
- (7) All existing and proposed housing units on the subject property;
  - (a) Detached housing - location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings.
  - (b) Attached housing - location, height and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable;
- (8) Location, arrangement, height and identification of all existing and proposed non-residential buildings and uses on the subject property;
- (9) The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas;
- (10) Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimensions;
- (11) Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades;

(12) Location of off street parking, loading and/or unloading and driveway areas, identifying the number of off street parking spaces to be provided, type of surfacing and approximate dimensions;

(13) Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service;

(14) Certification from appropriate water and sewer agencies that services will be available;

(15) Landscaping features including identification of planting areas and the location, type and approximate height of fences and walls;

(16) Location of signs, indicating their orientation and approximate size and height;

(17) A written statement to accompany the preliminary development plan is required containing some or all of the following information:

(a) An explanation of the character of the Planned Unit Development and the manner in which it has been planned to conform with the Planned Unit Development regulations.

(b) A statement of the present ownership of all of the land included within the Planned Unit Development.

(c) A preliminary development schedule

#### B. Review and Approval of Preliminary Development Plan:

The Planning Commission shall review the preliminary development plan and accompanying documents and may request such review and comment by the Village Administration, staff, other agencies and/or private consultants as may be necessary. The Planning Commission shall hold a public hearing on the proposed application in accordance with the requirements set forth in the Zoning Ordinance. The Commission shall review the application with regard to its compliance with the stated purposes of the PUD Overlay Zone, the requirements of the Preliminary Development Plan and other applicable requirements of this section and the Zoning Ordinance. Upon holding such a hearing, the Planning Commission shall render a written recommendation to the Council and the applicant on the appropriateness of the area to be zoned as a district and be developed in accordance with the preliminary PUD Overlay development plan. The recommendation for approval, approval with conditions or disapproval, shall include the following:

(1) Whether the plan is consistent with the intent and purpose of this section.

(2) The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established.

(3) Whether the overall development shall be adequately serviced by present or planned utilities, roadways and other public services.

(4) Whether uses permitted in the district plan shall be found to be necessary to serve the area, preserve unique topographic, historical, special environmental or other unique features, and/or meet special requirements set forth in the development objectives.

In addition, the Planning Commission shall find that the following specific conditions are fully met:

- (1) That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained;
- (2) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts in these regulations.
- (3) That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic;
- (4) That the minimum common open space area has been reserved and is to be transferred to a trust or legally established Homeowner's Association;
- (5) That any part of a Planned Unit Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved;
- (6) That the density of each individual phase of the Planned Unit Development, as well as the density of the entire project, shall not exceed the maximum allowable density as permitted in the underlying zoning districts except as provided for in this section.

C. Council Approval:

Upon receipt of the Commission's report and recommendation, the Council shall, in conformity with the provisions of this and the Zoning Ordinance, approve or disapprove the amendment of the zoning map to provide for the PUD Overlay Zone. Legislation approving a Planned Unit Development Overlay Zone shall include such criteria and guidelines as the Council deems appropriate for the guidance of the developer. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning Commission, the application may be forwarded to the Planning Commission for further review and recommendation in accordance with the PUD requirements. Approval of the PUD Overlay Zone shall require that development be in conformance with the approved preliminary development plan.

## 12. SUBMISSION OF FINAL DEVELOPMENT PLAN

With six (6) months following the approval of the PUD Overlay Zone and approval of the preliminary development plan, final approval of uses must be obtained from the Planning Commission. The applicant shall file with the Planning Commission a final development plan containing in final form the information required in the preliminary plan. Ten (10) copies of the final development plan are required to be submitted to the Planning Commission by the applicant. If a final development plan is not filed within six (6) months, the plan will lapse, unless for good cause the Commission extends up to an additional six (6) months the period for the filing of the final development plan. The final development plan may be for specific areas within the subject property or for the overall project in accordance with the project staging development. The final development plan must be in conformance with the preliminary development plan, at a scale not smaller than one (1) inch equals one hundred (100) feet and must show the following:

- A. Final grading plans showing the existing and proposed topography of the subject property shown by contours with intervals not to exceed two (2) feet.
- B. The interior roadway system indicating existing and proposed public and private right-of-way and access easements; cross sections of the new or improved streets; roadway alignments and grades, type of surfacing and width of pavement; pedestrian walkways; bicycle paths and other circulation and access elements as needed;

- C. The area to be developed and the area to be devoted to open spaces for the use of all residents of the area with accurate acreage for each use, courses and distances to determine the boundaries of the development parcel.
- D. Location of all off street parking, loading and/or unloading and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off street parking and loading and/or unloading spaces in accordance with the Zoning Ordinance and Subdivision Regulations.
- E. Site plans that show the location of all buildings.
- F. Descriptive data as to the type of buildings, number of dwelling units in each building type and number of bedrooms per unit.
- G. Where applicable, the location, layout, dimensions and acreage of all single family lots in the Planned Unit Development, in accordance with the Zoning Ordinance and the Subdivision Regulations
- H. The proposed open space system and areas to be in common ownership, and all necessary legal documentation relating to the transfer of common open space to a trust or to the legally established Homeowner's Association.
- I. All utility lines and easements:
  - (1) Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves  
and other appurtenances;
  - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities and other appurtenances;
  - (3) Storm sewer and natural drainage system, including pipe and culvert sizes gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water generated by development of the subject area and the quantity of storm water to be discharged at various points to areas outside the subject property.
  - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
- J. A detailed landscaping plan for all areas, indicating all existing and proposed vegetation; dimensions and materials and special lighting features.
- K. Roadway, parking and pedestrian lighting plans with lighting fixture types, heights and designs.
- L. The location, size, height, and lighting method (if any) of all signs.

#### Approval of Final Development Plan

The Planning Commission shall review the final development plan and shall approve the final development plan if it is in substantial compliance with the preliminary development plan and is consistent with the intent and purpose of this article and the Zoning Ordinance. Specifically, the Planning Commission shall approve the final development plan only upon finding that the following requirements are met:

- (1) The design, size and use are consistent with the preliminary development plan and with other applicable plans adopted by the Planning Commission or Council.
- (2) The size of the first stage of development is appropriate and can effectively implement the development within the confines of the approved PUD Overlay Zone.
- (3) The location, design, size and uses will be adequately served by existing or planned facilities and services.
- (4) The location, design, size and uses will result in an attractive, healthful, and efficient environment.

### 13. ZONING MAP AMENDMENT

Upon approval of the PUD Overlay Zone, the official zoning map shall be amended by adding the prefix "PUD" to the existing zone for the areas shown on the final plan.

### 14. MODIFICATIONS TO APPROVED PLAN

At any time after the approval of a preliminary development plan or a final plan for a PUD Overlay Zone, the owner or owners may request an amendment of their plans, the request of such amendment shall be filed with the Planning Commission. Such modifications or amendments shall be clearly shown and described in the plans with necessary written explanations, including the reasons for changing the approved plans. If such amendment, as determined by the Planning Commission, represents a departure from the intent of, or a major departure from the substance of, the preliminary or final development plan, such amendment shall then be subject to the same procedure and conditions of approval as the original application. For purposes of this section a major departure from the substance of a development plan shall include, but not be limited to, an increase in or relocation of areas planned for a particular use or the addition of a use not included in the approved site development plan.

### 15. FAILURE TO BEGIN CONSTRUCTION OF DEVELOPMENT

If no substantial construction has begun or no use established in the planned development within twelve (12) consecutive months from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control and that prevailing conditions have not changed appreciably to render the approved plans obsolete, may extend for one additional year the period for the beginning of construction or the establishment of a use. If a final development plan lapses under the provision of this section, the zoning regulations applicable before the final development was approved shall then be in effect and the prefix "PUD" shall be removed from the official zoning map.

### 16. AREA REQUIREMENTS

A PUD Overlay Zone may be permitted on less than five (5) acres of land when such use is determined to be appropriate. However, development of a smaller tract adjacent to an existing PUD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

### 17. HEIGHT, YARD AND SETBACK REQUIREMENTS

A. Requirements shall be as approved in the plan.

18. OFF STREET PARKING AND LOADING

Off street parking and loading shall be provided in accordance with Article 11 of the Zoning Ordinance.

19. PLANNING/DESIGN OBJECTIVES AND CRITERIA

The planning, design and layout of the PUD Overlay Zone development shall be based in addition to other requirements of the Zoning Ordinance and Subdivision Regulations, on the objectives and criteria, for Planned Unit Developments established in Article 8 of the Zoning Ordinance.

20. FEES

The applicant for a PUD Overlay Zone Amendment shall pay a filing and processing fee in accordance with the Fee Schedule established by Council.

## 860 "T" TRANSITIONAL OVERLAY DISTRICT

### 1. PURPOSE

It is the purpose of the Transitional Overlay District (hereinafter referred to as "T" District) to designate sensitive transitional areas of the Village for certain types of controlled development, which are consistent with the Village's goals and objectives.

Contrary to conventional development, controlled strictly by type of use, the "T" District provides a more flexible instrument which governs development by criteria of intensity and impacts of use rather than its general nature. As an alternative to the use of the property strictly in accordance with the underlying district designated for the parcel, this allows for different types of land use. The establishment of "T" Districts shall be allowed only in areas shown on the Zoning Map. "T" Districts may be permitted, subject to approval by the Planning Commission and Council, provided they are compatible with surrounding uses, they meet the criteria of intensity and impact of development, and they are consistent with the Village's Plan and its goals and objectives (affecting the parcel).

The creation of the "T" District is meant to institute procedures, whereby the Planning Commission and Council determine the most appropriate type of intensity of land use in transitional areas.

The specific purposes of the "T" District are:

- A. To permit the creation of transitional zones within the Village that provide for the orderly transition from more restrictive land use to less restrictive development in the older central village area, and along Main and Plane Streets;
- B. To provide flexibility for an appropriate development in such transitional zones, taking into account adjacent and surrounding uses and zoning districts;
- C. To provide adequate buffering for the protection of residential districts from the adverse impacts of less restrictive districts;
- D. To protect and enhance the environmental, cultural, aesthetic or historic assets of the community through careful planning in the design and arrangement of buildings, preservation of open space and the optimal utilization of natural site features;
- E. To allow the application of performance standards to development in transitional areas, so as to facilitate the consideration of a broader spectrum of appropriate land use than permitted by conventional districting;
- F. To secure optimal development of critical important parcels in transitional areas where the harmonization of a more intensive development influenced by traffic along Plane (SR. 125) and Main (SR. 133) with different more restrictive uses is a major objective; and
- G. To promote the public health, safety and welfare.

### 2. DEFINITIONS

A. As used in Section 860, a "T" District shall be a district designated by Council on the zoning map and adopted in accordance with Article 7, of this Ordinance. The "T" District is an overlay district, which may be superimposed upon different zones, and which shall be identified on the zoning map by a prefix of "T" to the underlying district. In the "T" District all regulations applicable to the underlying district shall remain in effect for any conforming use. Additionally, varied types of uses conforming to the provisions of this Article may be permitted in compliance with the following sections.

B. A site development plan as used in this Article shall mean a plan for the development and use of a specified parcel or tract of real estate, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, illustrated by a plat, and containing:

- (1) A legal description, dimensions of the proposed development, and acreage;
- (2) Topography, at a two foot contour interval of the proposed development area, including property lines, easements features existing thereof, certified by a registered engineer or surveyor of the gross area of the development area in acres and square feet;
- (3) All landscaping and screening of the development including the placement of trees, flowers, shrubs and grass, and open spaces of the proposed development including planned buffer areas;
- (4) The assignment of use and subdivision of all land including private land and common land, certified by a registered engineer or surveyor of the gross area of each use of the development area in acres and square feet;
- (5) The location and dimension of all signs to be located on the proposed development;
- (6) The location and dimension of all parking facilities, loading facilities, vehicular and pedestrian ways; the vehicular and pedestrian traffic patterns, including the proposed location and design of public and private streets; and the directional flow and location of existing and proposed storm and sanitary sewers and sewers connecting the existing or proposed municipal interceptor, outlet or trunk sewers outside the development area; and an estimate of traffic volumes to be generated including the assignment of traffic to proposed entrances and exists;
- (7) Site plans representing with exactitude all buildings, structures, engineering, setbacks, yards, landscaping, lighting, fencing, parking, signs and architectural features of the proposed development;
- (8) Site plans representing with exactitude the placement of all utilities upon the premises of the proposed development;
- (10) Any other information, plans or studies as required by the Planning Commission and Council;
- (11) The forms of covenants or declarations of covenants running with the land, deed restrictions (including those with respect to the use of the common land); covenants, restrictions or easements proposed to be recorded; and covenants proposed for maintenance; and
- (12) A preliminary schedule for construction of the development, including all public and private improvements in the development area.

The site development plan, unless otherwise specified by the Planning Commission shall be prepared by professional persons qualified in the planning of land development, traffic engineering and building and landscape design. The architectural and engineering services required by the preparation of the site development plan shall be rendered by licensed professional persons, and the landscape and area planning and design shall be provided by persons who only provide professional advice and services.

### 3. APPLICABILITY

A. The "T" District is established as an overlay district by Council superimposed in specific areas over existing districts and designated on the Zoning Map.

B. All provisions in this Zoning Ordinance for the underlying district shall apply until a “T” site development plan has been approved.

C. Upon approval of a “T” site development plan, development and use of the property shall be in accordance with the approved plan.

D. Two “T” Districts are established as shown on the Zoning Map: (1) “T”/PO and (2) “T”/B-1.

#### 4. PERMITTED BUILDINGS, USES AND OTHER REGULATIONS

A. As a matter of right, those buildings and uses permitted in the underlying district shall be permitted in accordance with all applicable regulations of that underlying district.

B. Additionally, the following buildings and uses may be permitted pursuant to Transitional Overlay site development plan, subject to the provisions of this section. Unless otherwise specified by the Planning Commission in accordance with the merits of each application, each permitted use shall be consistent with the regulations of the district which the proposed use represents, with the overall purpose of the “T” District, the purposes of this section, with the plans adopted by the Village for that area of the community and compatible with other uses in the site development plan and adjoining areas:

(1) In the “T”/PO:

(a) Office establishments and other uses as permitted in the “PO” Professional Office District; and

(2) In the “T”/B-1:

(a) Business establishments as permitted in the “B-1” Neighborhood Business District.

C. Accessory Buildings and Uses: In a “T” District, Accessory buildings and uses may be permitted if approved by the Planning Commission as being consistent with the purposes and provisions of this Article.

D. Buildings and Use Requirements: In a “T” District, unless otherwise specified by the Planning Commission, the main and accessory buildings and uses must meet the regulations of any district in which said building or use would be permitted. Additionally, they shall meet all the requirements established by the Planning Commission and Council pursuant to the provisions of this Article, and in accordance with the requirements of any adopted plan affecting the district and consistent with the details of the site development plan.

#### 5. STANDARDS FOR REVIEW AND APPROVAL

A. The use of property in a “T” District in accordance with a site development plan may be permitted only if the proposed site development by its nature, or by reason of the controls imposed by the Planning Commission:

(1) Is not an adverse influence on any abutting or surrounding properties;

(2) Provides for an orderly transition from restrictive to less restrictive districts;

(3) Is in full compliance with the purposes of this Zoning Ordinance and with the “T” District as set forth in this Section;

(4) Furthers and conforms to the goals and objectives of the Village of Bethel;

(5) Is designed to maximize the public interest and private benefit in a balanced manner; and

(6) Is compatible with adjoining uses and zoning.

It is the responsibility of the property owner and/or developer to demonstrate compliance with each standard.

B. Factors or Characteristics: The following factors or characteristics, along with other requirements imposed by the Planning Commission for said use, consistent with the provisions of this Section may be considered in assessing a proposed Site Development Plan:

- (1) Permitted types of use;
- (2) Intensity of use in terms of:
  - (a) Density, floor area or ground coverage;
  - (b) Traffic impacts; or
  - (c) Other environmental impacts (noise, light, pollution, etc);
- (3) Functional and aesthetic compatibility with existing or proposed development; and

C. Powers of the Planning Commission: To secure the application of all relevant standards to the development in the "T" District, the Planning Commission shall recommend:

- (1) Front, side and rear yard requirements, density requirements, height and bulk of building requirements and intensity of use;
- (2) The use of materials or designs in the erection of structures which will minimize the adverse impact of the uses proposed by the development plan on neighboring properties;
- (3) Permits or variances for business signs, outdoor storage, parking spaces, loading docks and driveways;
- (4) Screening or setting aside areas of land to serve as a buffer of the proposed use in the "T" District from adjacent properties by walls, fences, landscaping or open spaces; and
- (5) Such additional conditions and limitations on use, building dimensions, driveways and curb cuts, open spaces and the like as may be deemed necessary to carry out in the intent of this Section of this Ordinance.

D. All the powers exercised pursuant to this section shall serve the objectives to create orderly transitions between districts, to minimize adverse impacts of the one district upon the other, to effectively manage the effects of traffic on development and to promote the development of property in "T" Districts.

## 6. APPLICATION AND PROCESSING

An application for the establishment of a "T" Transitional Overlay Zone shall be processed in accordance with the following requirements:

A. Submission of Preliminary Site Development Plan:

- (1) All owners who wish to build upon any land or who wish to construct or reconstruct any building or structure, (including signs) in a "T" District, in a manner not permitted in the underlying District, may apply to the Planning Commission for approval of a site development plan and submit therewith ten (10) copies of the site development plan which shall include the requirements for such plans set forth in 2.B.
- (2) The applicant shall be responsible for the expenses incurred by the Village of Bethel in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with the reviewing of the plan and prepared reports, the publication and

mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.

(3) At the time of submitting the site development plan and all necessary application forms to the Planning Commission, the applicant shall also file the required processing and review fee in accordance with the Fee Schedule of the Village of Bethel.

**B. Review and Approval of Preliminary Site Development Plan:**

The Planning Commission shall review the preliminary site development plan and accompanying documents and may request such review and comment by the Village Administration, staff, other agencies and/or private consultants as may be necessary. The Planning Commission shall hold a public hearing on the proposed application in accordance with the requirements set forth in the Zoning Ordinance. The Commission shall review the application with regard to its compliance with the stated purposes of the "T" Overlay Zone, the requirements of the Preliminary Site Development Plan and other applicable requirements of this section and the Zoning Ordinance. Upon holding such a hearing, the Planning Commission shall render a written recommendation to the Council and the applicant on the appropriateness of the area to be zoned as a "T" District and be developed in accordance with the "T" Overlay site development plan. The recommendation for approval, approval with conditions, or disapproval, shall include the following:

- (1) Whether the plan is consistent with the intent and purpose of this section.
- (2) The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established.
- (3) Whether the overall development shall be adequately serviced by present or planned utilities, roadways and other public services.
- (4) Whether the proposed development will bring about beneficial economic development results to the Village of Bethel.

If in any evaluation, the Planning Commission finds that any regulations, standards or criteria prescribed by this Zoning Ordinance are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend an adjustment in such regulations, standards or criteria be made, and that special conditions be required for the development, provided such adjustment or conditions will not be in conflict with the promotion of the public health, safety and general welfare of the Village of Bethel. Such adjustments and conditions shall constitute a part of the proposed plan.

**C. Council Approval:**

- (1) Upon receipt of the Commission's report and recommendation, the Council shall, in conformity with the provisions of this and the Zoning Ordinance, approve or disapprove the amendment of the zoning map to provide for the "T" Overlay Zone. Legislation approving a "T" Overlay Zone shall include such criteria and guidelines as the Council deems appropriate for the guidance of the developer. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning Commission, the application may be submitted to the Planning Commission for further review and recommendation in accordance with the requirements. Approval of the "T" Overlay Zone shall require that development be in conformance with the approved preliminary site development plan.
- (2) Upon approval of the preliminary site development plan by the Planning Commission, the Zoning Administrator shall cause a notation to be made on the zoning map to reflect the area which is included in the site development plan by a "T" District. If

within one hundred twenty (120) days of Planning Commission's and Council's approval of the plan, the developer does not both submit a final plan of the development area and submit a zoning certificate application for the development area for which he/she later obtains approval, or if the developer fails to commence substantial construction within one year of approval of the plan, then the approval of the plan shall lapse and the administrator's notation of approval of the plan shall be removed from the zoning map, with the subject property converting back to its original underlying zoning classification. The Planning Commission and/or Council approval may specify an enlargement of the foregoing one hundred twenty (120) days and one (1) year periods for all or part of the development area when the nature and character of the particular type of use or development so required or when progressive stage development is specified in the plan.

#### D. Submission of Final Development Plan

(1) Within one hundred twenty (120) days following the approval of the "T" Overlay Zone and approval of the preliminary site development plan, final approval of the uses must be obtained from the Planning Commission. The applicant shall file with the Planning Commission a final development plan and an application for a zoning certificate. The Zoning Administrator, upon receiving the application and payment of the appropriate filing fees, shall submit the final plan to the Planning Commission for review and approval and compliance with the original site development plan. The final plan shall contain in final form the information required in the preliminary plan and any other information and conditions imposed by the Planning Commission and/or Council during the approval of the preliminary plan.

(2) If the Planning Commission finds that a proposed final plan of a development area is in substantial accordance with and represents a detailed expansion of the approved site development plan; that it complies with all of the conditions and adjustments which may have been imposed in the approval of the site development; that it is in accordance with the criteria and provisions and purpose of the Section and this Ordinance; that all agreements, contracts, deed restrictions, dedications, declarations of ownership, and other required documents are in acceptable form and have been executed; that all fee payments have been made and that the provisions of the subdivision regulations, where applicable, have been met; the Commission shall then approve such final plan.

(3) Following the approval of a final plan, the Zoning Administrator shall issue a zoning certificate upon payment of the required fees.

(4) A developer, having obtained the Commission's approval of the final site development plan, shall accomplish the development in progressive stages which are consistent with any conditions pertaining to progressive stages of development contained in the plan approved by the Planning Commission.

(5) When the final plan provides for partial development of the total area for which a site development plan has been approved, the Planning Commission may require inspections of improvements then made, or detailed plans for all improvements in the development area to permit evaluation of the progress and conformance of development of the entire parcel to the site development plan or a previously approved final plan before further or partial development may be approved.

(6) At any time after the approval of a preliminary site development plan or a final plan of an area, the owner or owners may request an amendment of their plans; the request of such amendment shall be filed with the Planning Commission. If such amendment, as determined by the Commission, represents a departure from the intent of, or a major

departure from the substance of, the site development plan, such amendment shall then be subject to the same procedure and conditions of approval as the original application. For purposes of this section a major departure from the substance of a site development; shall include, but not be limited to, an increase in or relocation of areas planned for a particular use or the addition of a use not included in the approved site development plan.

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## SUMMARY OF MINIMUM LOT REQUIREMENTS FOR ZONED DISTRICTS

DISTRICT	MINIMUM LOT REQUIREMENTS		MAXIMUM HEIGHT		MINIMUM YARD REQUIREMENTS		
	AREA	WIDTH	Principal Structure	Access. Structure	Front	Side	Rear*
RA DISTRICT Non-Residential Residential	5 acres 2 Acres	200 ft	2.5 stories or 35 ft	2 story or 35 ft	60 ft	20 ft	70 ft
R1 District	20,000 sq ft	100 ft	same as above	1 story or 20 ft	50 ft	15 ft	35 ft
R2 District	15,000 q ft	80 ft	same as above	same as above	40 ft	12 ft	30 ft
R3 District Single Family	8,500 sq ft	65 ft	same as above	same as above	30 ft	10 ft	30 ft
R3 District Two Family	13,000 sq ft	75 ft	same as above	same as above	30 ft	10 ft	30 ft
R4 District Multifamily	See below	75 ft	3 stories or 45 ft	same as above	40 ft	20 ft (see text)	30 ft (see text)
0 bdr-1 bdr	4,000 sq ft/unit		same as above	same as above	40 ft	20 ft	30 ft
2 bedroom	5,000 sq ft/unit		same as above	same as above	40 ft	20 ft	30 ft
3 bedroom +	6,000 sq ft/unit		same as above	same as above	40 ft	20 ft	30 ft

**\*NOTE:** Minimum rear yard sizes are for principal structures; in all R Districts rear yard requirements for accessory structures are equal to the side yard requirements in that district.

DISTRICT	LOT AREA	LOT WIDTH	HEIGHT Principal Structure	HEIGHT Acc'y Structure	Front Yard	Side Yards	Rear Yard
P-0-Professional Office Dist.	22,500 sq ft	100 ft.	2.5 stories or 35 ft	1 story or 20 ft	40 ft	15 ft see text	25 ft. see text
B1/B2 Business District	15,000 sq ft	80 ft	2½ stories or 35 ft	Same as above	25 ft	See text	See text
I-P Ind. Ind. Park District	5 acres / 1 acre	100 ft	3 stories or 45 ft	1 story or 20 ft	50 ft	25 ft see text	40 ft. see text
Transitional Overlay Dist.	see text						
Planned Unit Development	see text						

## **ARTICLE 9 DISTRICT REGULATIONS**

### 900 COMPLIANCE WITH REGULATIONS

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

1. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
2. No building or other structure shall be erected or altered;
  - a. to provide for greater height or bulk;
  - b. to accommodate or house a greater number of families;
  - c. to occupy a greater percentage of lot area;
  - d. to have narrower or smaller rear yards, front yards, side yards or other open spaces; than herein required, or in any other manner be contrary to the provisions of this ordinance;
3. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots; created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

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## **ARTICLE 10 SUPPLEMENTARY DISTRICT REGULATIONS**

### 1000 GENERAL

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

### 1001 CONVERSION OF DWELLINGS TO MORE UNITS

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
2. The lot area per family equals the lot area requirements for new structures in that district;
3. The conversion is in compliance with all other relevant codes and ordinances.

### 1002 HOME OCCUPATION

An occupation may be conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit, including an attached or detached garage, for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard;
5. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

### 1003 PRIVATE SWIMMING POOLS

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located closer than ten (10) feet to any property line;

3. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.

#### 1004 COMMUNITY OR CLUB SWIMMING POOLS

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

#### 1005 TEMPORARY BUILDINGS

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

#### 1006 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear or side yard, behind the front building line, if they have a current license.

#### 1007 REQUIRED TRASH AREAS

All commercial, industrial, and multi-family residential use that provide an area for trash and/or garbage collection (i.e., dumpster or individual containers) must enclose that collection area on four (4) sides with a solid fence or wall. Said enclosure must have a gate or door with a lockable latch and must be at least eighteen (18) inches above the highest part of any container housed therein.

#### 1008 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to all yard and height regulations specified in the district regulations and in other sections of this ordinance, the provisions of Sections 1009-1015, inclusive shall be used for interpretation and clarification.

**1009 SETBACK REQUIREMENTS FOR CORNER BUILDINGS**

On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

**1010 VISIBILITY AT INTERSECTIONS**

On a corner lot, or any lot within fifty (50) feet of an intersection, in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street line fifty (50) feet from the point of intersection.

**1011 FENCE AND WALL RESTRICTIONS IN FRONT YARDS**

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2 ½) feet and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2 ½) feet and ten (10) feet.

**1012 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS**

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group, as a unit, shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

**1013 NONRESIDENTIAL BUFFER ZONES**

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) per cent of the requirement if acceptable landscaping or screening approved by the Zoning Administrator is provided. Such screening shall be a masonry or solid fence at least six (6) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

**1014 ARCHITECTURAL PROJECTIONS**

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

**1015 EXCEPTIONS TO HEIGHT REGULATIONS**

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, towers, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

1016 SCREENING AREA

1. Purpose

Screening area shall be provided for the purpose of minimizing the friction between incompatible land uses and for improving the aesthetic and functional quality of new development and redevelopment.

2. Screening Area Requirements

Screening areas are required when a nonresidential use abuts any residential use. All required screening areas shall be shown on the required site plan and shall be approved by the Planning Commission in accordance with the requirements of the Zoning Ordinance. Screening areas shall be designed, provided and maintained according to the following:

A. Where natural vegetation exists prior to development, every effort should be made to retain said vegetation, particularly where it provides a natural screening or buffer from adjacent properties;

B. Wherever screening is required in this Ordinance, all trees shall be nondeciduous (evergreen);

C. All trees shall be a minimum of six (6) feet in height when planted unless otherwise approved by the Planning Commission, according to the submitted site plan;

D. All hedges shall be a minimum of four (4) feet in height when planted unless otherwise approved by the Planning Commission, according to the submitted site plan;

E. All trees, shrubs and other planting materials shall be living plants (not artificial) and shall be suitable to the area and the specific conditions of the site in question, such as but not limited to, soil conditions, slopes, maintenance necessary and the type of screening needed  
F. All landscaping materials shall be installed according to accepted good planting and construction procedures.

G. Where screening is necessary to reduce noise pollution, the following is recommended:

- (1) Double or triple staggered rows of evergreen trees and/or shrubs,
- (2) Additional yard setbacks, and
- (3) Combinations of the above;

H. Staggered rows of trees and/or shrubs may be required by the Planning Commission or its duly authorized representative to provide an effective screening area;

I. Where conditions exist (vegetation and/or topography) that provide a natural screening and buffer area for the properties in question, additional screening may not be required, provided that said natural vegetation and/or topography remains and is maintained, wherever necessary, by the property owner and is approved by the Zoning/Building Officials, and

J. Screening areas are to be provided in conjunction with and included as part of required minimum yard setbacks, shall clearly be shown on the site plan, and shall be approved by the Planning Commission. In the case where property in a zone located within the Village is adjacent to a zone outside the Village, the same screening shall be required.

### 3. Provision and Maintenance

Required screening areas shall be provided as a condition of development by the owner and/or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.

### 4. Inclusion in Site Plan and/or Subdivision Improvement Drawings

Areas to be set aside as screening areas shall be identified on the required site plans, on the improvement drawings as regulated by the Subdivision Regulations. Sufficient bond, adequate to cover the required improvements as determined by the Planning Commission or its duly authorized representative, may be required to be posted. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

## 1017 SPECIAL PROVISION FOR COMMERCIAL AND INDUSTRIAL USES

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements set forth below.

### A. FIRE HAZARDS

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

### B. RADIOACTIVITY OR ELECTRICAL DISTURBANCE

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

### C. NOISE

Objectionable noise as determined by the Zoning Administrator which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

### D. VIBRATION

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

### E. AIR POLLUTION

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

### F. GLARE

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

### G. EROSION

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

#### H. WATER POLLUTION

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

#### 1018 EXTERIOR STORAGE

In all business, commercial, and industrial uses, no outdoor storage of any material shall be permitted except within enclosed containers; No motor vehicle which is inoperable or trailer which is usable or unusable shall be stored or used for storage of any items therein on any lot or parcel of land unless it is within a completely enclosed building

#### 1019 ENFORCEMENT PROVISIONS

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

#### 1020 MEASUREMENT PROCEDURES

Methods and procedures, for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

#### 1021 REQUIREMENTS FOR SITE PLANS

Site plans shall be drawn to a scale that adequately shows all required information, but not less than one (1) inch equals one hundred (100) feet.

##### A. Minimum Information (All Districts and Uses)

Site plans shall include (at a minimum) the following information:

1. Boundaries and/or property lines including all dimensions
2. Location and dimensions of all existing and/or proposed structures

##### B. Supplemental Information (When Required)

1. Topographical contours at two (2) foot intervals
2. Location of existing and proposed easements and/or rights-of-way
3. Location of existing and proposed streets
4. Location of existing and proposed utilities
5. Location and quantity of off-street parking and loading/unloading facilities
6. Landscaped areas and buffer zones
7. Location of existing and proposed pedestrian walkways

8. Any other information as may be required by Village officials

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**ARTICLE 11 OFF-STREET PARKING AND LOADING FACILITIES**

**1100 PURPOSE**

The purpose of this article is to ensure that all developments, commercial establishments, and industrial uses adequately and safely provide for the storage and movement of vehicles in a manner consistent with good engineering and site design practices; to ensure that adequate off-street parking and loading facilities are provided; to establish parking standards for a variety of land uses; and to ensure that off-street parking and loading facilities protect the public health and safety, and, where appropriate, insulate surrounding land uses from adverse impacts.

1101 GENERAL REQUIREMENTS

- 1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance;
- 2. The provisions of the Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this ordinance;
- 3. Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) per cent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.
- 4. Refer to Appendix A Access Control Ordinance # 1237 for related information regarding driveway and parking requirements.

1110 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this ordinance.

1111 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

1112 PAVING

The required number of parking and loading spaces as set forth in Sections 1111 and 1130, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust free surface.

1113 DRAINAGE

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

1114 MAINTENANCE

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris.

1115 LIGHTING

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

1116 LOCATION OF PARKING SPACES

The following regulations shall govern the location of off-street parking spaces and areas:

- 1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
- 2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use;
- 3. Parking spaces, for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.
- 4. Parking spaces shall not encroach upon any public right-of-way or easement

1117 SCREENING AND/OR LANDSCAPING

Whenever a commercial or multi-family parking area is located in or adjacent to a residential use or district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence or planting screen. Such fence or wall shall be a minimum of six (6) feet tall. If planting screen is used it shall be not less than four (4) feet in height at time of planting and shall be maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall or planting screen and landscaping shall be required.

1118 MINIMUM DISTANCE AND SETBACKS

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

1119 JOINT USE

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Administrator shall be filed with the application for a zoning permit.

1120 WHEEL BLOCKS

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

1121 WIDTH OF DRIVEWAY AISLE

A. Single Family and Duplex Residential

Driveway/driveway access shall not be less than ten (10) feet nor more than twenty-four (24) feet in width as measured at the right-of-way line.

**B. Business, Commercial, Industrial, and Multi-Family**

**1. Single Access Driveways**

Driveway or driveway access shall not be less than twenty-four (24) feet nor more than thirty-six (36) feet in width as measured at the right-of-way line.

**2. Shared Access Driveways**

Driveway or driveway access shall not be less than forty (40) feet nor more than forty eight (48) feet in width as measured at the right-of-way line.

3. Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one half (17 ½) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking.

**1122 ACCESS**

All parking areas, excluding those in single family residential uses, shall be designed so as to require vehicles entering or exiting said area to use an access driveway, in accordance with Ordinance 1237 and other regulations included herein. No parking spaces in a commercial or business use shall be directly accessible from any public or private street. Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

**1123 WIDTH OF ACCESS DRIVEWAY**

- a. The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:
- b. For one way traffic the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for two way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

**1130 PARKING SPACE REQUIREMENTS**

For the purpose of this ordinance, the following parking space requirements shall apply:

TYPE OF USE	PARKING SPACES REQUIRED
<b>A. RESIDENTIAL:</b>	
1. Single family or two family	Two for each unit dwelling
2. Apartments or multi-family	Two for each unit dwelling

3. Boarding houses, rooming houses, dormitories and fraternity houses which have sleeping rooms	One for each sleeping room or one for each permanent occupant
<b>B. BUSINESS</b>	
1. Automobile service garages which also provide repair	Two for gasoline pump and two for each service bay
2. Hotels, motels	One per each sleeping room plus one space for each two employees
3. Funeral parlors, mortuaries and similar type uses	One for each 100 sq. ft. of floor area in slumber rooms, parlors or service rooms
4. Dining rooms, restaurants, taverns, night clubs, etc.	One for each 200 sq. ft. of floor area
5. Bowling alleys	Four for each alley or lane plus one additional space for each 100 sq. ft. of the area used for restaurant, cocktail lounge or similar use
6. Dance floors, skating rinks	One for each 100 sq. ft. of floor area used for the activity
7. Outdoor swimming pools, public or community or club	One for each 5 persons capacity plus one for each 4 seats or one for each 30 sq. ft. floor area used for seating purposes whichever is greater
8. Auditoriums, sport arenas, theaters and similar uses	One of each 4 seats
9. Retail stores	One for each 250 sq. ft. of floor area
10. Banks, financial institutions and similar uses	One for each 200 sq. ft. of floor area
11. Offices, public or professional administration or service buildings	One for each 400 sq. ft. of floor area
12. All other types of business or commercial uses permitted in any business district	One for each 300 sq. ft. of floor area
13. Churches and other places of religious assembly	One for each 5 seats
14. Hospitals	One for each bed

15. Sanitariums, homes for the aged, nursing homes, children homes, asylums, and similar uses	One for each 2 beds
16. Medical and dental clinics	One for every 200 sq. ft. floor area of examination, treating room office and waiting room
17. Libraries, museums and art galleries	One for each 400 sq. ft. of floor area
18. Elementary and junior high schools	Two for each classroom and one for every eight seats in auditoriums or assembly halls
19. High schools	One for every ten students and one for each teacher and employee
20. Business, technical and trade schools	One for each two students
21. Colleges, universities	One for each four students
22. Kindergartens, child care centers, nursery schools and similar uses	Two for each classroom but not less than six for the building
23. All types of manufacturing, storage and wholesale uses permitted in any manufacturing district	One for every two employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business
24. Cartage, express, parcel delivery and freight terminals	One for every two employees (on the largest shift for which the building is designed) and one for each Motor vehicle maintained on the premises

#### 1140 GENERAL INTERPRETATIONS

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted uses not listed in this Article shall be determined by the Board upon an appeal from a decision of the Zoning Administrator.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason, parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Administrator.



## **ARTICLE 12 SIGNS**

### **1200 INTENT**

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways, provide more open space, curb the deterioration of the natural environment, and enhance community development.

### **1201 GOVERNMENTAL SIGNS EXCLUDED**

For the purpose of this ordinance, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation or temporary signs erected for a civic or scholastic function and which the sign is exposed not more than fourteen (14) days.

### **1202 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS**

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall only emit a light of constant intensity and in no event shall be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect in Clermont County.
3. Signs shall be permitted that project perpendicular to a building to which they are attached, upon the following conditions:
  - a. No sign shall exceed sixteen (16) square feet in area.
  - b. No sign shall project more than five (5) feet from the building to which it is attached.
  - c. All signs shall be at least ten (10) feet from the finished grade, as measured from the lowest portion of said sign.
  - d. That no sign shall extend over or encroach upon a public street, alley or easement.
  - e. That such projecting signage shall be maintained to insure its safety; however, unless said projecting sign is to be changed, altered or replaced, no fee shall be required for said zoning permit for maintenance of said sign.
  - f. Nothing in this ordinance shall be construed to infer any liability on the Village of Bethel, Ohio, for the maintenance of said signs.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
5. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;

6. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign;
7. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Administrator proceed at once to put such sign in a safe and secure condition or remove the sign;
8. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

#### 1203 MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

#### 1204 PROHIBITED SIGNS

The following types of signs are prohibited in all districts:

1. Signs that have changing light, color or motion effects, whether intentional or resulting from a defect. This includes, but is not limited to:
  - a. Blinking, flashing, chasing, strobe and alternating color lights
  - b. Electronic message centers
  - c. "Eyecatchers" and similar shiny devices designed to reflect light and create a glimmering or flashing effect
  - d. Signs emitting flame, smoke, steam or other visual matter
  - e. Signs with animated, moving or rotating lights

This prohibition does not apply to:

- a. Signs with flashing or chasing lights on concessions and rides at special events such as fairs and festivals
  - b. Holiday decorations and light strings displayed during holidays
  - c. Rotating barber poles at a legitimate barber or beauty shop
  - d. Accurate time and temperature displays
  - e. Warning signs and markers placed by government officials
2. Signs using exposed light sources which are or contain any color other than white or amber
3. No sign shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving device for the purpose of advertising or attracting attention for commercial or advertising reasons
4. Air activated graphics or balloons used for commercial or advertising reasons
5. Signs imitating or resembling official traffic or government signs or signals
6. Signs containing or displaying any obscene, indecent or immoral matter
7. Abandoned signs

- a. Any sign which no longer advertises a bona fide business conducted on the premises or a product sold on the premises for a period of one (1) year shall be deemed abandoned
- b. Such a sign shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such a sign may be found within thirty (30) days after written notification to the owner from the *code enforcement officer*.

#### 1210 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet
2. Professional nameplates not to exceed four (4) square feet in area
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

#### 1211 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A PERMIT

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution;
2. Any sign, advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed fifteen (15) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

#### 1212 SIGNS PERMITTED IN COMMERCIAL AND MANUFACTURING DISTRICTS REQUIRING A PERMIT

The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

##### 1. On-Premises Wall Signs

A. In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed one (1) foot measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one half (1 ½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

B. In a commercial or manufacturing district, businesses that are located on a corner lot may be permitted two (2) flat or wall on-premises signs. The total area of both signs shall be equivalent to one and one-half (1½) square feet of sign area per lineal foot of building width but shall not exceed one hundred (100) square feet.

##### 2. Off-Premises Signs

Two off-premises signs with a total area not exceeding one hundred (100) square feet per sign may be permitted at a single location. No single off-premises sign shall exceed two hundred (200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. All other provisions of Section 1212(2) remain in effect.

## 1220 TEMPORARY SIGNS

Temporary signs not exceeding fifty (50) square feet in area announcing special public or institutional events, business events, the erection of a building, the architect, the builders or contractors may be erected for a period of ninety (90) day plus the construction period. Such temporary signs shall have no set back requirement from the right-of-way line except corner lots shall have a minimum twenty five (25) feet from the right-of-way lines. All other provisions of Section 1220 remain in effect.

## SECTION 1221 FREE STANDING SIGNS REQUIRING A PERMIT

Standards shall be applied to free standing on-premises signs and off-premises signs:

1. There shall be permitted only one free standing sign for each building located on the lot, regardless of the number of businesses conducted in said building.
2. In the event there is more than one business conducted in said building, multiple signs shall be permitted, provided all signs are placed on the same pole or standard.
3. All free standing signs shall have a maximum total display area of two hundred (200) square feet. In the event multiple signs, the total display area of all signs located on said lot shall not exceed two hundred (200) square feet. The owner and/or lessees of said lot shall be responsible for any apportionment of sign area.
4. No sign or signs shall exceed thirty (30) feet in height.
5. A sign or group of signs may be erected at the established right-of-way line of any street or highway provided that such sign(s) do not obstruct visibility.
6. No sign or group of signs shall be located closer than thirty (30) feet from any adjoining lot line.
7. All signs shall have a maximum height to width ratio of 2.1, the width of each sign shall not exceed two (2) times its height.

## 1222 WALL SIGNS PERTAINING TO NON-CONFORMING USES

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

## 1230 POLITICAL SIGNS

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.

## 1240 SETBACKS FOR PUBLIC AND QUASI PUBLIC SIGNS

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

## 1241 SPECIAL YARD PROVISIONS

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential

district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

#### 1250 LIMITATION

For the purposes of this resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

#### 1260 VIOLATIONS

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this ordinance, the Zoning Administrator shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 350 of this ordinance. Political signs posted in violation of Section 1230 of this ordinance are subject to removal by the Zoning Administrator five (5) days after written notice of violation of Section 1230 has been given.

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## ARTICLE 1300 FEES

A fee as set forth below, shall accompany each application for a zoning certificate, certificate for use or occupancy, and all application or appeals to the Board of Zoning Appeals. All fees shall be paid to the Zoning Administrator.

	<b>Fee</b>
<b>RESIDENTIAL-SINGLE FAMILY DWELLINGS</b>	
New Construction-Single Family Residence	<b>\$250.00</b>
Single Family Room Additions	<b>\$100.00</b>
Swimming Pool	<b>\$50.00 AG / \$100 IG</b>
Accessory Structures & Miscellaneous Fees, other than above	<b>\$50.00</b>
Appeal to Board of Zoning Appeals	<b>\$300.00</b>
<b>TWO FAMILY DWELLINGS</b>	
Appeal to Board of Zoning Appeals	<b>\$300.00</b>
<b>MULTI-FAMILY DWELLINGS AND PLANNED UNIT DEVELOPMENT</b>	
Application to the Board of Zoning Appeals and Zoning Permit	<b>\$500.00</b>
<b>BUSINESS (B-1, B-2) &amp; INDUSTRIAL</b>	
Occupancy Permit ( change of use for existing building)	<b>\$250.00</b>
Zoning Permit (new construction <5,000 SF)	<b>\$400.00</b>
Additional square footage (5,001 to 10,000 SF)	<b>\$600.00</b>
Additional square footage (10,001 to 15,000 SF)	<b>\$800.00</b>
Additional square footage exceeding 15,001 SF (per 1,000 SF)	<b>\$20.00</b>
Miscellaneous Zoning Matters	<b>\$250.00</b>
Appeal to Board of Zoning Appeals	<b>\$500.00</b>
<b>SIGNS (Commercial B-1, B-2, and Industrial, Residential)</b>	

Signs permitted under Section 1211(1)	<b>\$25.00</b>
Signs permitted under Section 1211(2)	<b>\$25.00</b>
Signs permitted under Section 1212(1)	<b>\$50.00</b>
Signs permitted under Section 1212(2) and Section 1221	<b>\$150.00</b>
For every sq. ft. of sign area exceeding fifty(50) SF	<b>\$1.00</b>
Signs permitted under Section 1220	<b>\$75.00</b>
Appeal to Board of Zoning Appeals	<b>\$500.00</b>
Late Fee if not obtained prior	<b>\$100 per Day + Permit Fee</b>
Application to Board of Zoning Appeals (Not Otherwise Shown Above)	<b>\$250.00</b>
Driveway Permit - Residential	<b>\$50.00</b>
Driveway Permit - Commercial	<b>\$100.00</b>
Temporary Signage	<b>\$25.00</b>
Zone Change	<b>\$250.00</b>
Zone Change - Legal Review	<b>\$150.00 per hour</b>
BZA - Legal Review	<b>\$150.00 per hour</b>
Zoning Compliance Letter	<b>\$25.00</b>

## APPENDIX A

### Village of Bethel ACCESS CONTROL ORDINANCE No. 1237

#### PURPOSE

The purpose of this ordinance is to regulate traffic access to streets within the Village of Bethel.

#### GENERAL PROVISIONS

##### A. ALL ZONING DISTRICTS

1. Lots having a frontage of one hundred (100) feet or less shall have only one (1) driveway access.
2. Lots on arterial or collector streets shall have only one (1) driveway access.
3. Corner lots (on non-arterial streets) shall be allowed a maximum of two (2) accesses if each can be located a minimum of one hundred fifty (150) feet from the nearest right-of-way line.
4. Corner lots located on arterial streets shall have only one (1) access point.

##### B. SINGLE FAMILY AND DUPLEX RESIDENTIAL DISTRICTS

1. Driveway access shall not be less than ten (10) feet in width nor more than twenty four (24) feet in width at the right-of-way line.
2. No driveway access shall be located less than thirty (30) feet from a street intersection as measured along the property line to the nearest edge of the driveway.
3. Driveways shall be located so that all parts of the driveway, including turnouts, are within the lot extended into the roadway.
4. Turnouts shall have a minimum radius of fifteen (15) feet.
5. Driveways shall intersect the street at or near right angles.
6. Driveways located on streets with curb and gutter shall be constructed with curb and gutter within the right-of-way.

##### C. ALL OTHER DISTRICTS

###### 1. Single Access Driveways

- a. Driveways shall not be less than twenty four (24) feet nor more than thirty six (36) feet in width measured at the right-of-way line.
- b. Driveways shall be located so that all parts of the driveway, including turnouts, are within the limits of the lot extended into the roadway.

###### 2. Shared Access Driveways

- a. Driveways shall be a minimum of forty (40) feet and a maximum of forty eight (48) feet wide measured at the right-of-way line.
  - b. Driveways may be located so that turnouts may be located in front of the adjacent property being served.
3. Turnouts shall have a minimum radius of thirty (30) feet when primarily serving automobile traffic or forty (40) feet if serving truck traffic.
4. Driveways shall intersect the street at or near right angles.
5. Driveways located on streets having curb and gutter shall be constructed with curb and gutter within the right-of-way.
6. A right turn lane, left turn lane, or both may be required if the projected traffic volumes using the driveway warrant such construction. The Village shall make this determination and the owner may be required to furnish the traffic data. Additional right-of-way will be required to be dedicated by the property owner to replace the area used for the turn lane(s).
7. All driveways shall have the appropriate regulatory, warning and street name signs on both the driveway and the intersect street.
8. Location of access points shall be determined by using one or more of the following:
  - a. An access point located at the property line that shall be shared by adjoining property. This shared access point shall serve both properties and shall be designed in conformance with these regulations. Each property owner shall be required to construct that portion of the driveway located on the owner's property.
  - b. An access designed to line up with an existing street or access point on the opposite side of the street.
  - c. Establishment of a frontage road to serve two (2) or more properties and said frontage road shall intersect the existing street at a point determined by the Village. Short-term intersections with the existing street will be allowed with the understanding that eliminating such intersections shall be at the discretion of the Village. Frontage roads shall be constructed to Clermont County, Ohio Subdivision Specifications with dedication of appropriate right-of-way.
  - d. An access point designed to provide ingress and egress using right turn in and right turn out only.
  - e. An access designed to serve only one (1) property if it is determined by the Village to be the only option.
9. Should any access point warrant a traffic signal under the Ohio Manual of Uniform Traffic Control Devices the owner of said access point shall be responsible for the cost, including traffic study, of said traffic signal.

## DEFINITIONS

**ARTERIAL STREET:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic or a roadway that serves as a major means of traffic flow through the village. Examples: Plane Street (SR 125), Main Street (SR 133), Angel Drive (SR 232), North Charity Street, South Charity Street, Starling Road.

**COLLECTOR STREET:** A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. A roadway that serves to collect traffic and intersects with an arterial street. Example: Ash Street, Union Street, East Street, West Street, South Street.

**FRONTAGE ROAD:** A roadway established parallel to an existing public roadway to collect traffic from developments and then intersect the public roadway at predetermined point(s).

**SHARED ACCESS POINT:** A point of permissible access used by two (2) or more properties.

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## **APPENDIX B**

Village of Bethel  
SIDEWALK DISPLAY ORDINANCE  
No. 1304

### **PURPOSE**

The purpose of this ordinance is to regulate and restrict the sales and display of merchandise on public sidewalks.

### **GENERAL PROVISIONS**

No advertising or displays of merchandise, including vending machines, shall be placed more than thirty (30) inches from the exterior wall of the building into the public way or right-of-way. No display or advertising shall reduce the width of the public way or right-of-way to less than forty-eight (48) inches, excluding grass strips to plantings. All advertising or displays shall be during regular business hours only, while the business remains open. This shall not affect signs permitted by Section 1210 of the Zoning Ordinance.

For the purposes of this section the terms “right-of-way” and “public way” are limited to sidewalks and ways usually traveled by the public on foot and excludes any alley, street or highway open to vehicle traffic.

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## **APPENDIX C**

Village of Bethel

### **STANDARDS FOR RESTORATION OF VILLAGE STREETS**

Ordinance No. 1163

#### **PURPOSE**

The purpose of this ordinance is to insure that Village streets and alleys will be properly restored after subsurface construction and/or repairs.

#### **GENERAL PROVISIONS**

- A. These specifications shall apply within all paved areas, to all areas within three (3) feet of the edge of the pavement and to all driveway approaches within the public right-of-way of the Village of Bethel, Ohio.
- B. The edges of all disturbed pavement shall be trimmed to a straight and even line using either an asphalt saw or other approved means. All paving shall be accomplished within these trimmed areas.
- C. Any areas damaged by the construction and/or repair process of subsurface infrastructure shall be replaced using these specifications.

#### **SPECIFICATIONS**

- A. The excavated area shall be filled from the bottom of the trench to a point twelve (12) inches below the original surface with No. 310 sub-base filled and compacted in twelve (12) inch layers. Compaction shall be accomplished using mechanical compactors having the capacity to obtain at least 95% of modified proctor results.
- B. No. 304 Aggregate Base shall then be placed to a compacted depth of eight (8) inches. In areas within three (3) feet of the edge of the pavement, but not under the pavement, the No. 304 Aggregate Base shall be placed to a level even with the original surface. Compaction of the No. 304 Aggregate Base shall be the same as outlined in Section A of these specifications.
- C. No. 402 Asphalt Concrete shall then be placed to a compacted depth of three (3) inches.
- D. No. 404 Asphalt Concrete shall then be placed to a compacted depth of one and one-half (1½) inches. This final course of asphalt concrete will leave the completed surface approximately one-half (½) inch higher than the original surface to allow for settlement.
- E. Sidewalk areas that are disturbed or removed shall be restored with fill as in Section A of these specifications and the sidewalk replacement shall conform to the Village of Bethel Sidewalk Ordinance No. 1133.
- F. Any areas outside the pavement and not within the sidewalk area shall be restored to their original condition with all drainage re-established and then seeded or sodded.

G. Should the final application settle below the original surface within six (6) months, the contractor shall take remedial measures as determined by the Village of Bethel, Ohio to bring the finished restoration in compliance with these specifications.

H. The contractor shall use lights, signs, barricades and flag-persons in conformance with the Ohio Manual on Uniform Traffic Control Devices.

I. The Village of Bethel, Ohio reserves the right to charge the contractor for inspection services should inspection time exceed eight (8) hours.

## NOTICE OF ADOPTION OF CODIFIED ZONING ORDINANCES

### FOR THE VILLAGE OF BETHEL, OHIO

Pursuant to Ohio Revised Code Section 731.21 notice is hereby giving that on February 13, 1995 the Council of the Village of Bethel adopted Ordinance No. 1119 known as the Codified Zoning Ordinance of the Village of Bethel. The complete text of said ordinance may be obtained or viewed at the Office of the Village Clerk for the Village of Bethel, 120 North Main Street, Bethel, Ohio during regular business hours. The following is a summary of the Codified Zoning Ordinance.

ARTICLE 1 Details the title, interpretation and enactment of the zoning ordinance and repeal of conflicting ordinances  
ARTICLE 2 contains definitions used in the ordinance.

ARTICLE 3 outlines requirements for zoning permits and penalties for failure to obtain zoning permits.

ARTICLE 4 deals with present non-conformities under the new zoning ordinance including buildings and uses, conditional use permits, and maintenance of non-conforming uses.

ARTICLE 5 sets forth administrative procedures for the zoning inspector and zoning board of appeals, applications for variances, standards for granting of variances, notice requirements for variances and conditional use permits, appeal procedures. ARTICLE 6 provides for amendment of the Zoning ordinance by private application and by initiation of Counsel, submissions to the Planning Commission, notices on amendments, and zoning procedures for annexed property.

ARTICLE 7 identifies the various zoning districts within the Village of Bethel and the zoning map which details each zone

ARTICLE 8 Specifies permitted uses, lots sizes, set-back lines, height and density requirements for various districts.

ARTICLE 9 Details enforcement provisions for regulations set forth in Article 8.

ARTICLE 10 Specifies supplemental district regulations for swimming pools, parking, storage, fence requirements, visibility requirements, screening requirements, minimum standards for glare, noise, radiation, dust and similar nuisances

ARTICLE 11 Details location, paving, drainage, maintenance and screening of off-street parking and loading facilities

ARTICLE 12 regulates commercial, governmental and private signs

ARTICLE 13 Sets the schedule of fees within the Village for zoning applications and permits.

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William Elliott, Village Clerk