

Zoning Ordinance
Of The
Village of Green Springs, Ohio

An ordinance dividing the Village of Green Springs, Sandusky and Seneca counties, Ohio into districts, establishing limitations on height, bulk and location of structures and uses of the land: Fixing setback lines and dimensions of yards and other spaces, and prescribing the permissible use for such buildings, structure and/or premises in each of such districts.

Be it ordained by the Council of the Village of Green Springs, Ohio; in order to promote the public health, safety, morals, comfort, or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements; all in conformance of a Comprehensive Plan, that:

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Chapter 1
Terminology

1.1 Short Title

This Ordinance may be cited as the “Zoning Ordinance of the Village of Green Springs, Ohio.”

1.2 Definitions

As used in this Ordinance, the term (s):

“**Used For**” – includes “designed for” and vice versa; use in the “present tense” includes the “future tense”; used in the “singular number” includes the “plural number” and vice versa; “**building**” includes “structure”; “**dwelling**” includes “residence”; “**lot**” includes “plot”; “**shall**” is mandatory; and “**may**” is permissive.

“**Accessory Building**” – means a detached subordinate building that is located on the same lot as a principal building and not used or designed for human occupancy; and the use of which is clearly incidental to the use of the land or to the use of the principal building.

“**Accessory Use**” – means a use of land or buildings related to the primary use, which use is clearly subordinate to the principal use of the land or building, and which is not used for human occupancy.

“**Agriculture**” – commercial agriculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; or any combination of such husbandry or production.

“**Airport**” – means any landing area and all necessary appurtenances designed, used, or intended to be used for the landing and taking off of an aircraft.

“**Alley**” – means a right-of-way, other than a street, road, crosswalk, or easement that provides secondary access for special accommodation of the abutting property.

“**Alteration**” – “Alteration” as applied to a building or structure, means any change or rearrangement in the structural parts or existing facilities of such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height.

“**Apartment**” – a building comprised of individual dwelling units.

“**Automatic Car Wash**” – any structure or part thereof used for the washing of cars either by manual or assembly line techniques, utilizing employees or the car owner, or a combination of both.

“Automobile Sales Lot” – means any premises used for the sale of three (3) or more new or used cars where any repair or service facilities are wholly within an enclosed building.

“Automobile Service Station” – a place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and may include greasing and oiling on the premises and replacement or installation of minor parts and motor replacement, body and fender repair, spray painting, upholstery work, auto glasswork, welding, auto dismantling, or major mechanical repair.

“Automobile Repair” – The repair, rebuilding, or recondition of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

“Basement” – means a story partly or wholly underground, where no more than one-half the height of the story is above the average level of the adjoining ground.

“Billboard” – means a sign or a structure which directs attention to an idea, product, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot on which such sign is situated.

“Board” – means the Board of Zoning Appeals.

“Boarding House” – means a building, not available to transients, in which meals are regularly provided for compensation for at least three (3) but not more than 30 persons.

“Breezeway” – a roofed, open passage connecting two buildings.

“Building” – means a combination of materials to form a construction that is safe and stable, adapted to permanent and continuous occupancy for public, residence, business, assembly or storage purposes. The term “building” shall be construed as if followed by the words “or part thereof”.

“Building Area” – means the horizontally projected area of the buildings of a lot, excluding terraces, unenclosed porches, other open areas, and architectural appurtenances that project no more than two feet.

“Building Height” – means the vertical distance measured from the average level of the finished grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof or to the ridges for a gable, hip, or gambrel roof.

“Building Line” – means the line that establishes the minimum permitted distance on a lot between the outside building wall and the lot line; also called “setback”; provided that a second story or roof overhang may not project a distance of more than two (2) feet into the side yard.

“Building, Principal” – a building, including an attach garage, in which is conducted the main or principal use of the lot on which said building is situated.

“Building, Utility” – a detached accessory building used for the purpose of storing equipment and materials and/or for housing parts of electrical, plumbing and heating systems for the main building.

“Business” – an occupation, enterprise, undertaking, or employment which engages in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or service.

“Campground” – any tract of land upon which two (2) or more portable camping units are placed, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such camp. A tract of land which is subdivided for lease or other contract of the individual lots is a campground if two (2) or more portable camping units are placed thereon for temporary habitation. “Campground” does not include any tract of land used solely for the storage or display for sale of portable camping units.

“Cemetery” – land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes.

“Commercial Entertainment Facilities” – any profit-making activity which is generally related to the entertainment field such as motion picture theaters, night-clubs, cocktail lounges, and other similar activities.

“Commission” – means the Planning and Zoning Commission of the Village of Green Springs, Ohio.

“Condominium” – *means property in which one or more individual owned dwelling units are contained within a single building, and the units are offered together within undivided interest in the common areas and facilities of the property. For purposes of determining lot and building requirements and the approval process for the building containing dwelling units, refer to Chapter 4.1. The condominium shall also comply with the declaration and other requirements of Ohio Revised Code Chapter 5311.*

“Density” – a unit of measurement; the number of dwelling units per acre of land.

“Detached Building” – means a building that has no structural connection with another building.

“District or Zoning District” – a section or sections of the Municipality for which the zoning regulations governing the use of buildings and premises, the height of building, the size of yards, the requirements for off-street parking and the intensity of use are uniform. Boundaries of the district are shown on the Zoning Map which is part of this Zoning Ordinance.

“Drive-In” – means an establishment selling foods, frozen desserts or beverages to consumers, the establishment being designed, used or intended to be used for the consumption of such items on the premises outside of the building in which they were prepared.

“Drive-Through Commercial Use” – a specific form of “commercial use” characterized by business transactions from a stopped, but not parked, vehicle within a structure or its extension.

“Dwelling” – means a building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house or tourist home.

“Dwelling Unit” – means a dwelling, or part of a dwelling, used by one family, exclusively, as a place of abode.

“Family” – means one or more persons living as a single housekeeping unit, but not including an unrelated group of more than six (6) persons or a group occupying a hotel, motel, club, nurses’ home, dormitory, or fraternity or sorority house.

“Fence” – an enclosure, barrier, or screen whose purpose is to physically and/or visually contain certain uses and activities which are carried out on a particular lot.

“Food Processing” – the preparation, storage, or processing of food products. Examples of this activity include bakeries, dairies, canneries, and other similar products.

“Front Line” – with respect to a building, means the foundation line that is nearest the front lot line.

“Ground Floor Area” – means the area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

“Home Occupation” – means the incidental use of a dwelling unit which is clearly subordinate to its use for residential purposes provided that: 1) only family members are employed on the premises; 2) the area devoted to the home occupation does not exceed twenty-five (25) per cent of the ground floor area of all buildings on the lot; and 3) adequate parking is provided and no activity is conducted which is injurious or noxious to adjacent properties.

“Hotel” – a building in which lodging or boarding are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contrast to a boarding house or an apartment house, which are herein separately defined.

“Junk Yard” – means land or buildings where waste or discarded used property and materials is accumulated and is or may be salvaged for re-use or re-sale; including but not limited to automobiles, farm equipment, mobile homes, travel trailers, trucks, and/or parts thereof.

“Kennel” – any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are either housed, groomed, bred, boarded, trained, or sold and which may offer provision of minor medical treatment.

“Loading Berth” – means an off-street, off-alley area designed or used to load or unload goods onto or from vehicles.

“Lodging House” – means a building, not available to transients, in which lodgings are regularly provided for compensation for at least three (3) but not more than thirty (30) persons.

“Lot” – means an area or contiguous areas, exclusive of streets and alleys and other public places, used as a unit and fifty (50) percent of whose average lot width abuts a street.

“Lot, Area” – the computed area contained within the lot lines, except rights-of-way.

“Lot, Corner” – means a lot at the junction of, and abutting, two (2) intersecting or intercepting streets.

“Lot, Coverage” or **“Floor Area Ratios (FAR)”** – means the area covered by buildings divided by the total lot area, exclusive of streets, alleys, and walkways, but including utility and other similar easements.

“Lot, Depth” – means the distance from the front line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot.

“Lot, Frontage” – the distance along the front lot line.

“Lot, Line” – means the legal boundaries of the “lot”, excluding streets, alleys, public watercourses, and other public spaces.

“Lot Line, Front” – means the line marking the boundary between the lot and the abutting street, easement for street purposes, lake, or watercourse; except that for a corner lot, means the line marking the boundary between the lot and the shorter of the abutting street, easement for street purposes, lake or watercourse.

“Lot Line, Rear” – means a line parallel to and farthest from the front lot line, being at least ten (10) feet long and lying wholly within the lot.

“Lot Line, Side” – means a lot boundary line other than a front or rear lot line.

“Lot, Width” – means the distance between the side lot lines measured at the building line.

“Manufacturing Use” – any use involving manufacturing, processing, testing, and similar uses; which may generate some objectionable characteristics, such as noise, smoke, dust or pollution.

“Mobile Home” – means 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 permanent or temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand, five hundred (4,500) pounds and an overall length of thirty (30) feet.

“Motel” – means a building or group of buildings containing individual living and sleeping accommodations for hire, each with individual exterior entrances, primarily for use of transient automobile travelers. The term “Motel” also includes every type of similar establishment designated as a hotel, auto court, tourist court, tourist cabin, motor hotel, motor lodge, etc.

“Multiple-family Dwelling” – a dwelling consisting of four or more dwelling units with varying arrangement of entrances and party walls, and designed for occupancy by families or unrelated individuals.

“Non-Conforming Use” – means a use that exists at the time a provision of this ordinance is passed but does not comply with it.

“Nursing Home” – a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and personal assistance. A nursing home is licensed to provide personal assistance and skilled nursing care.

“Nursery School” – means a school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis. For the purposes of these regulations, a day care center is considered the same as a nursery school.

“Off-Street Parking Area” – means a surfaced area, not including driveways, designated for the parking of motor vehicles.

“Open Use” – means the use of a lot without building, or a use for which a building with a floor area no larger than five (5) percent of the lot is only incidental.

“Permanent Foundation” – any structural system for transposing loads from a structure to the earth at depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

“Person” – means also a corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit.

“Planned Unit Development” – means an area in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such developments contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

“Principal Building” – means the building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof.

“Private Garage” – means a garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments, located on the same lot as the principal use.

“Private School” – means a school other than a public school.

“Public 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, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electric, gas, transportation, communication, public water and sewerage services.

“Public Overnight Camp” – means an area of land used or designed to be used to accommodate two (2) or more tents, travel trailers or other camping outfits for no longer than seventy-two (72) hours per camping party per two week period; but not including mobile homes.

“Public Garage” – means a garage, other than a private garage, whose services are available to members of the public or to persons occupying a hotel, club, or similar facility.

“Residential Social Service Facility” – a facility which provides residential services to a group of individuals, not exceeding eight (8), of whom one or more are unrelated. This category includes uses licensed, supervised or under contract by any Federal, State, County or other political subdivision. The term “residential social service facility” includes, but is not limited to the following listed categories:

Halfway Houses: Residential homes for adolescents or adults who have been institutionalized and released or who have alcohol or drug problems which make operation in society difficult and who require the protection of a group setting.

Intermediate Care Homes: Residential homes for children or adolescents who have been judged delinquent and have been assigned by a court to a residential home in lieu of placement in a correctional institution.

Social Care Homes: Residential homes for children or adolescents who lack social maturity or have emotional problems and who have not been judged delinquent. These individuals may be physically handicapped, disabled, or undergoing rehabilitation, and are provide services to meet their needs.

“Restaurant” = an establishment providing for the sale of prepared food products to the general public. Alcoholic beverages may be sold on the premises.

Restaurant, Carry-Out: An establishment whose primary function is the offering of food and beverages which are sold only inside the building, and are usually packaged to be carried and consumed off of the premises, but may be consumed within the restaurant building or on the premises.

Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.

Restaurant, Sit Down: An establishment whose primary function is the offering of food and beverages, which are sold and normally consumed within the restaurant building. Entertainment may be provided on the premises.

“Retail Sales and Service” – an establishment which not only sells merchandise but provides service for the repair or replacement of that or other merchandise purchased or previously owned by consumers.

“Sign” – means any device designed to inform or attract the attention of persons not on the premises on which the sign is located. The word “sign” includes the word “billboard”, but does not include the flag, pennant or insignia of any Nation, State, City, or other political unit, or of any political, education, charitable, religious, or like campaign, drive, or movement or event.

“Single Family Dwelling” – a dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space, and designed for occupancy exclusively by one family.

“Special Use” – a use permitted within a district other than a principally permitted use, requiring a special use permit and approval of the Board of Zoning Appeals that all prior conditions for approval have been met.

“Special Use Permit” – a permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

“Street” – means an improved right-of-way that is established by record to provide the principal means of access to abutting property.

“Structural Change” – means a substantial change in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.

“Structure” – means a combination of materials forming a construction that is safe and stable and includes among other things, stadiums, gospel and circus tents, reviewing stands, platforms, staging, observation towers, commercial radio and television towers, *car ports*, satellite receivers (disc), water tanks and towers, trestles, piers, wharves, sheds, storage bins, walls, fences and display signs. The word “structure” shall be construed as if followed by the words “or part thereof”.

“Structure, Temporary” – structures of a temporary nature, erected for a period not to exceed six (6) months for such uses as construction offices or storage buildings at a construction site.

“Swimming Pool” – a pool, pond, or open tank not located within a completely enclosed building and contains at least one and one-half (1.5) feet of water at any point.

“Three Family Dwelling (Triplex)” – a dwelling consisting of three dwelling units, each separated by a partition or wall and designed for separated living quarters for three families.

“Through Lot” – means a lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

“Travel Trailer” – means a vehicle or other portable structure forty (40) feet or less in length that is designed to move on the highway and designed or used as a temporary dwelling.

“Travel Trailer Park” – means an area of land on which two (2) or more travel trailers 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.

“Two-Family Dwelling (Duplex)” – a dwelling consisting of two dwelling units, separated by a partition or wall and designed for separated living quarters for two families.

“Use” – means the employment or occupation of a building, structure, or land for a person’s service, benefit, or enjoyment.

“Variance” – a variation from a strict interpretation of the terms of the Zoning Ordinance owing to peculiar conditions or circumstances which apply only to the property in question, and no other. As used in the Zoning Ordinance, a variance is never issued to allow a change in the permitted use requirements.

“Wholesale Establishment” – an establishment that engages in the sale of goods, merchandise, and commodities for resale by the purchaser.

“Yard” – means a space on the same lot with a principal building that is open and unobstructed, except as otherwise specified by this Ordinance.

“Yard, Front” – means a yard that is bounded by the front line of the principal building, by the adjacent street right-of-way or easement line, and by the segments of side lot lines that they intercept; except that on double frontage lots, one such front yard may be used as a “rear yard” provided that, the minimum front building line in such case shall be complied with placement of accessory buildings and structures.

“Yard, Rear” – means a yard that extends across the full width of the lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance from the rear lot line and the rear of the principal building.

“Yard, Side” – means a yard, between the principal building and the adjacent lot line, which extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the building.

“Zoning Certificate” – the document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of the Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.

Chapter 2

Districts

2.1 Kinds of Districts

The Village is hereby subdivided into the following Districts:

- (1) Residence Districts, designated “**R-1**”, are established for low to medium density single-family residences.
- (2) Residence Districts, designated “**R-2**”, are established for medium density single, two-family residences *and triplexes*.
- (3) Residence Districts, designated “**R-3**”, are established for single, two, multi-family residences.
- (4) *Central Business District “**CB**” = The purpose of the CB is to encourage the viability of the central commercial core of the Village. By locating more intensive commercial uses in close proximity to each other, each use will support and benefit the others. Placing some restrictions on other, non-commercial, uses will also serve to reduce conversion of use and avoid reducing the Districts viability.*
- (5) General Business Districts, designated “**GB**”, are established to include areas that are appropriated to providing business and services tot he larger community area.
- (6) Manufacturing Districts, designated “**M-1**”, are established for those areas where limited nuisance manufacturing and other uses are appropriate.
- (7) Manufacturing Districts, designated “**M-2**”, are established for those areas where high nuisance manufacturing and other uses are appropriate.
- (8) Agricultural Districts, designated “**A**”, are established for those areas devoted to agricultural production.
- (9) Residential Mobile Home Districts, designated “**R-MH**”, are established for high-density mobile home parks.

2.2 **Boundaries of Districts**

Boundaries of the districts established by Section 2.1 are shown on the Zoning Map of the Village of Green Springs, made part hereof by reference, and shall be interpreted as follows:

- (1) Such boundaries as shown on the Zoning Map shall be changed only by amendment as provided in the Ohio Revised Code as specified herein. After any such amendment has been made, the proper changes shall be incorporated on the Zoning Map, such change being certified to the Commission within 30 days after said amendment takes effect.
- (2) When the exact boundaries of a zoning district are uncertain, they shall be determined by use of the scale on the Zoning Map.
- (3) When a right-of-way is vacated, the districts adjoining each side thereof are respectively extended to the center of the right-of-way so vacated.
- (4) Boundaries within 10 feet of and apparently following lines of lot record shall be assumed to be corresponding to the lot line in question unless otherwise specifically noted on the Zoning Map.
- (5) All notes, dimensions, and other graphics appearing on the Zoning Map are hereby declared to be a part of this Ordinance.

Chapter 3

Permitted Uses

3.1 Primary Uses

Primary uses are authorized in the Districts established by Section 2.1 as shown by an “X” in the following table. Where the use is designated by an “S”, the use is permitted as a Special Use subject to the provisions outlined herein.

Permitted Primary Uses

<u>USE</u>	<u>DISTRICT</u>									
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-MH</u>	<u>CB</u>	<u>GB</u>	<u>A</u>	<u>M-1</u>	<u>M-2</u>	
<u>Residential</u>										
Single-family dwellings	X	X	X			X	S			
Two-family dwellings		X	X	S		X	S			
Three-family dwellings		X	X	S		X	S			
Multiple-family dwellings			S	S		S				
Single-Family Condominiums	X									
Duplex & Triplex Condominiums		X	X							
Multi-Family Condominiums			X							
Residential Units Above a Business					X	X				
Mobile Homes (permanent foundation)		X	X	S			S			
Mobile Homes (temporary foundation)				S						
Mobile Home Parks				S						
Non-transient* Boarding & Rooming Houses			S			S				
Dormitories, Nursing Homes			X			X	S			
Home Occupations	S	S	S			X	S			
Planned Unit Developments**	X	X	X			X	S	X	X	

<u>Residential</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-MH</u>	<u>CB</u>	<u>GB</u>	<u>A</u>	<u>M-1</u>	<u>M-2</u>
<u>Business, General</u>									
Accounting & auditing services					X	X			
Administrative & sales offices					X	X			
Advertising services offices					X		X	X	
Animal hospitals						X			
Antique, novelty shops					X	X			
Art-school					X	X			
Association & club offices					X	X			
Attorneys' offices					X	X			
Auto, marine, mobile home sales & service					X	X			
Automats, self-serve car washes					X	X			
Bakery, dairy, egg, ice cream, candy retail					X	X	S		
Banks, savings & loan institutions					X	X			
Beauty, barber, florist shops					X	X			
Blueprint & photocopy offices					X	X			
Business consulting services					X	X			
Camera, photo studio shops					X	X			
Chiropractors' offices		S	S		X	X			
Clothing, shoe, & tailor shops					X	X			
Collection agencies, investment & consumer services					X	X			
Credit & finance related business					X	X			
Dance halls, private lodges					X	X			
Dentists' offices		S	S		X	X			
Detective & protective services					X	X			
Drive-in movies, amusement parks						S			
Employment & placement offices					X	X			
Engineering, architectural, urban planning services					X	X			
Farm equipment sales & service					X	X			
Fruit stands, greenhouses					X	X	S	X	
Funeral homes, mortuaries					X	X			
General & health resorts					X	X			
General merchandise stores					X	X			
Go cart & commercial race tracks						S			
Grocery, meat, fish, fruit, carry-out, delicatessen stores					X	X			

<u>Residential</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-MH</u>	<u>CB</u>	<u>GB</u>	<u>A</u>	<u>M-1</u>	<u>M-2</u>
Hardware, paint, glass, electrical, drapery, appliance stores					X	X			
Household goods stores					X	X			
Household repair services					X	X			
Insurance, real estate, title offices					X	X			
Labor, civic, & fraternal offices					X	X			
Lapidary & watch repair shops					X	X			
Laundry & dry cleaning pick-up stations					X	X			
Mailing services					X	X			
Motels, hotels, tourist courts						X			
Movie theaters, penny arcade, video arcade					X	X			
Music, dancing schools					X	X			
Office supply stores					X	X			
Physicians' offices		S	S		X	X			
Pool halls, bowling alleys & similar uses					X	X			
Printing, publishing					X	X			
Public offices					X	X			
Radio stations					X	X			
Restaurants & eating places					X	X			
Riding stables						S	S		
Self-service laundry & dry-cleaning					X	X			
Service Stations					X	X			
Shoes, hat shops					X	X			
Skating, miniature golf, golf driving ranges					X	X			
Sporting goods stores					X	X			
Stationary, book, & jewelry stores					X	X			
Taverns, night clubs, liquor retail					X	X			
Telegraph & telephone exchanges					X	X			
Television stations					X	X			
Trade schools					X	X			
Trailer camps & travel trailer parks						S			
Transient boarding & rooming houses						X			
Travel & ticket offices					X	X			
Truck stops						S			
Utility services offices					X	X			
Veterinarian offices						X			

<u>Residential</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-MH</u>	<u>CB</u>	<u>GB</u>	<u>A</u>	<u>M-1</u>	<u>M-2</u>
Extensive Services									
Commercial laundry, dry cleaning					X	X		X	X
Linen supply & industrial laundry services						S		X	X
Milk products, bakery products								X	X
Other disinfecting & cleaning services								X	X
Poultry hatchery, fishery							X	X	X
Public utility substations						S	S	X	X
Soft drink & bottling works								X	X
TV, radio, other transmission towers						S	S	X	X
 Manufacturing, Chemical Related									
Ammunition, ordinance equipment									S
Coal & fuel storage									S
Explosives, petroleum products processing									S
Inorganic & organic industrial chemicals, & agricultural chemicals, production, distribution and storage									S
Paints & finishing materials									S
Petroleum products storage & distribution									S
 Manufacturing, General									
Electrical equipment manufacturing								S	X
Fiber & clothing goods & materials								S	X
Food products mfg. & processing									S
General metal fabrication								S	X
Heavy machinery testing laboratories									S
Instrument & miscellaneous mfg.								S	X
Machinery, office furniture & equipment								S	X
Non-metallic goods like glassware, ceramics paperboard, porcelain								S	X

<u>Residential</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-MH</u>	<u>CB</u>	<u>GB</u>	<u>A</u>	<u>M-1</u>	<u>M-2</u>
Manufacturing & Processing: Miscellaneous									
Building products & materials								S	S
Canning & Curing									S
Fish cleaning, rendering								S	X
Incinerators, garbage, landfills									S
Livestock, wholesale & storage							S		S
Meat rendering									S
Medical, cleaning supplies mfg.									S
Natural resource mining							S		S
Oil & natural gas wells							S	S	S
Plastics, rubber, lumber processing & mfg.									S
Primary metal processing & mfg.									S
Rail equipment mfg.									S
Sawmill, logging operation									S
Slaughter houses							S	S	s
Manufacturing & Processing: (Small Items)									
Book & Newspaper publishing						X		X	X
Brooms, window shades								X	X
Buttons, notions								X	X
Jewelry & lapidary products								X	X
Office machines, service industry machines								X	X
Paper products manufacturing								X	X
Pencils, pens, and other office & artists' materials								X	X
Photoengraving, typesetting, electrotyping						X		X	X
Sign, die cut product								X	X
Tobacco products									X
Open Uses									
Crop Farms	S	S	S	S			X	X	X
Dairy Farms							X	X	X
Livestock & Poultry Farms							X	X	X

<u>Residential</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-MH</u>	<u>CB</u>	<u>GB</u>	<u>A</u>	<u>M-1</u>	<u>M-2</u>
Public Service Facilities									
Airports, heliports (commercial or private)						S	S	S	S
Airports, heliports (medical service related)		S	S			S	S	S	S
Churches	S	S	S		S	X	S		
Cemeteries									
Emergency & charitable services					X	X			
Governmental service buildings					X	X	S	X	X
Hospitals, clinics, sanitariums, rest homes		S	S		X	X			
Orphanages, children's home		S	S			X			
Rail, bus, marine, air terminals					X	X		X	X
Residential social service facilities		S	S			X	S		
Recreation: (private)									
Boat rental						X			
Tennis, swimming clubs		S	S			X			
Recreation: (public indoor)									
Amphitheater, auditoriums			S			X	S	S	
Libraries, museums	S	S	S			X			
Schools (all levels)	S	S	S			X	S		
YMCA, YWCA, music halls						X			
Recreation: (public open spaces)									
Golf courses (public & private)			S			X	S		
Native wildlife forest reserves (non-commercial)			S			X	X		
Park, playgrounds, tot lots	X	X	X			X	S		
Stadium, fairgrounds, athletic fields			S			S	S		

Non-transient means at least 75% of the guests live on the premises for 30 days or more.

**

See Chapter 6 for specific procedures and requirements for the approval of Planned Unit Developments.

3.2 **Accessory Uses**

Accessory uses such as the following are allowed in all Districts: bird baths and bird houses, buildings, curbs, driveways, detached garages, fences, and hedges, lamp posts, mail boxes, name plates, parking spaces, public utility installations, retaining walls, trees, plants, shrubs, flowers, recreational greenhouses, other landscaping, and the like.

All accessory buildings shall be subject to the following requirements:

- (a) it shall be located in the rear yard
- (b) In a residential district, it shall be no closer than ten (10) feet from the main building. When attached to the main building, such structure shall be considered part of the principal building.
- (c) in all districts, accessory buildings shall be at least six (6) feet from any alley right-of-way or the rear lot line
- (d) such accessory building shall not project into the minimum rear yard of a double frontage lot
- (e) where the rear yard abuts a side yard of a corner lot, the accessory buildings shall not project beyond the front yard of said corner lot
- (f) an accessory building may not occupy more than thirty (30) percent of the required rear yard
- (g) an accessory building must conform to the height requirements in Section 4.6 of this Ordinance

3.3 **Fences, Hedges, and Walls**

Fences, hedges, barriers, and walls are permitted as an accessory use in any required yard, or along the edge of any yard, provided that no fence, hedge, or wall along the sides or front edge of any front yard shall exceed four (4) feet in height, or be over two and one-half (2 ½) feet in height if it visually impairs sight distance. In other yards, such structures shall not exceed seven (7) feet in height above the average finished grade of the lot. No barbed wire, electrified, or other dangerous fences shall be permitted.

3.4 **Swimming Pools**

All swimming pools one and one-half (1 ½) feet or more in depth, or the entire back yard in which they are located, shall be fenced or walled to prevent uncontrolled access from the street or adjacent properties. Said barrier shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. No pool shall be located closer than six (6) feet to any lot line.

3.5 **Special Uses: (Procedure)**

The Joint Board of Zoning Appeals / Zoning-Planning Commission may grant special uses where Section 3.1 indicates a special use may be permitted. Such permission may be granted only after:

- (a) Written application for approval is submitted to the Commission accompanied by a fee as established by the Village Council.
- (b) The Commission shall hold a public hearing on the matter after a public notice is provided in a newspaper of general circulation in the Village at least ten (10) days prior to the date of the hearing. The notice shall set forth the time, date, and location of the hearing as well as the special use to be considered. The property in question shall be posted at least ten (10) days prior to the date of the hearing and said sign shall include the same basic information as in the required public notice in the newspaper.
- (c) The applicant shall submit such plans as are necessary to make the determination as to whether or not such special use shall be permitted.
- (d) Within forty (40) days of the date of filing of the application, the Commission shall hold its hearing and make a written determination of approval, disapproval, or modification.
- (e) The Commission shall not approve a special use except in accordance with Section 3.1 and 3.6 herein.

3.6 **Special Uses: (Criteria of Approval)**

- (1) The Commission may grant a special use as permitted herein provided that:
 - (a) Such special use is deemed essential or desirable to the public convenience or welfare.
 - (b) Such use is in harmony with existing recommendations and objectives of a Comprehensive Plan, hither regional or local.
 - (c) Such use is not granted merely for the personal convenience of the applicant.
 - (d) All district regulations regarding required setbacks, yard areas, off-street parking, and other regulations are met.
 - (e) The performance standards of the special use are similar to the district in which it is located except that necessary public facilities need not meet this requirement where such facilities are necessary to meet the public welfare and safety.

- (f) The Commission may require such landscaping, buffering, or other improvements to protect the general public.
- (2) In addition, the following requirements for special uses shall be met as applicable:
- (a) Mobile Homes, Motor Homes, and Travel Trailers: Individual motor homes and travel trailers may be stored in the rear yard of a lot in any district provided that said motor home or travel trailer is not inhabited for residential or business purposes, nor used for manufacturing. Mobile homes may be permitted if located in a mobile home park or as a temporary office incidental to a construction site. Motor homes or travel trailers may be occupied only as provided in travel trailer parks or overnight camping facilities.
 - (b) Mobile Homes, replacement: Existing, non-conforming mobile homes may be replaced by a newer unit providing that all of the requirements are met for the district in which it is located. Special Use permit is required.
 - (c) Mobile Home Parks: Such uses may be permitted as specified in Section 3.1 herein provided that:
 - (1) The proposal is approved by the Ohio Department of Health and the Sandusky County General Health District.
 - (2) No less than a ten (10) acre site is planned and approved.
 - (3) No less than thirty (30) mobile homes site are ready for occupancy at first opening.
 - (4) The bulk, area, and other requirements of the district in which it is located are met.
 - (5) The mobile home park is retained in single ownership and not as individual lots under separate ownership.
 - (6) The park shall have not less than one-half (1/2) acre of developed recreation area for each one hundred (100) mobile homes or part thereof.
 - (7) No lot in the park shall be less than four thousand, three hundred (4,300) square feet.

- (d) Certain Entertainment Facilities: Go cart track, race tracks, drive-in theaters, amusement parks, riding stables, general resorts, and health resorts may be permitted as specified herein provided they are deemed necessary for the public need and are not detrimental to any present or future adjacent commercial or residential use.

- (e) Travel Trailer Parks and Overnight Camps: Such uses may be permitted as specified herein provided that:
 - (1) The proposed facilities are approved by the Ohio Department of Health and the Sandusky County General Health District, and/or Seneca County General Health District.
 - (2) No permanent residence, except that of the owner/operator, is maintained.
 - (3) Surrounding properties and uses are not detrimentally affecting by such uses.
 - (4) The site is properly buffered from adjacent uses.
 - (5) No permanent buildings, structures, or sewage facilities are located in a flood hazard area.

- (f) All Other Special Uses: Such uses may be permitted according to the general criteria of this section.

Chapter 4
Lot, Coverage, Yard, Bulk, and Height Requirements

4.1 Minimum Lot Area

- (1) A lot on which a structure is used, or intended to be used for residential purpose shall meet the following minimum lot areas as follows:

Minimum Lot Area per Dwelling (in thousands of square feet)

Type of Dwelling	District					
	R-1	R-2	R-3	A	GB	CB
Single-family	8.0	8.0	7.5	8.0	7.0	2.8
Two-family		10.0	7.5	10.0	7.0	2.8
Three-family		10.0	7.5	10.0	7.0	2.8
Multiple-family (per unit)			2.8		2.8	

Note: Dwellings not permitted in M-1 and M-2 Districts.

- (2) A multiple-family use with single and two-family structures shall meet the same requirements as two-family structures in subsection 4.1 (1).
- (3) *Residential uses are not permitted on the ground floor in the CB District.*
- (4) A lot on which one of the following uses is located may not be smaller in area than noted as follows:

<u>Use</u>	<u>Minimum Lot Area</u>
Cemetery or Crematory	20 acres
Commercial Greenhouse	25,000 square feet
Hospital	5 acres
Kindergarten or Day Nursery	110 square feet per child
Mobile Home Park	10 acres
Planned Unit Development	10 acres
Riding Stable	20,000 square feet plus 5,000 square Feet for each horse over 4
Stadium, Coliseum, etc	5 acres
Travel Trailer Park or Overnight Camp	5 acres

4.2 **Minimum Lot Width and Depth**

- (1) All lots used, or intended to be used, for residential purposes shall meet the requirements as follows:

<u>Minimum Lot Width per Dwelling Unit</u> Type of Dwelling	<u>(in feet)</u> District					
	R-1	R-2	R-3	A	GB	CB
Single-family	75	75	75	75	50	N/A
Two-family		75	75	75	50	N/A
Three-family		85	85	85	50	N/A
Multiple-family			50		50	N/A

- (2) A multiple-family use with single and two family structures shall meet the same requirements as two-family structures in subsection 4.2 (1).
- (3) No new residential lot shall be less than 100 feet in depth.

4.3 **Lot Coverage**

- (1) Residential structures, including accessory buildings, on a lot may not exceed in coverage the following percentages of total lot area:

<u>Maximum Lot Coverage for Residences (in percentages)</u>						
<u>District</u>	R-1	R-2	R-3	A	GB	CB
Percentage of Coverage	30	40	40	50	50	100

- (2) Non-residential structures, including accessory buildings, on a lot may not exceed the following percentages of total lot area:

<u>Maximum Lot Coverage for Non-residential Uses</u>					
<u>District</u>	CB	GB	A	M-1	M-2
Percentage of Coverage	50	60	75	75	75

Note: Lot coverage requirements for non-residential buildings in the R-1, R-2, and R-3 Districts are the same as required in subsection 4.3 (1) herein.

4.4 **Minimum Building Setbacks**

- (1) The minimum depth of front yards is measured from the right-of-way and is as follows:

Use	Minimum Front Yard Requirements (in feet)							
	District							
	R1	R-2	R-3	GB	A	M-1	M-2	CB
Residential	35	30	30	30	35	-	-	10
Business	35	30	30	30	35	35	35	10
Industrial and Others	35	30	30	30	35	35	35	10

- (2) The minimum widths of each side yard are as follows unless otherwise specified herein:

Use	Minimum Side Yard Requirements (in feet for each side yard)							
	District							
	R-1	R-2	R-3	GB	A	M-1	M-2	CB
Residential	6	6	6	6	6	-	-	0
Business	10	10	10	6	10	10	10	0
Industrial and Others	10	10	10	6	10	10	10	0

- (3) The minimum depth of a rear yard, excluding detached accessory structures, shall not be less than 25 feet. Detached accessory structures shall maintain a six (6) foot rear lot line setback.
- (4) In addition to the required building setbacks, at the intersection corner of each corner lot, the triangular space determined by two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are 15 feet respectively from the corner shall be kept free of any obstruction to vision between the heights of 2 ½ feet to 12 feet above the established grade.

- (5) In addition to the yards required in this section, the following uses shall require the setbacks as shown below. Omission indicates the normal District setback applies:

Use	Minimum Yard (in feet)		
	Front	Side (each)	Rear
Commercial Greenhouse	30	30	30
Drive-in Theater	100	40	40
Hospital	100	40	40
Kindergarten & Nursery	40	20	25
Livestock Sales Barn	300	300	300
Mobile Home & Travel Trailer Park	100	25	25
Outdoor Commercial Entertainment	100	40	40
Overnight Camp	100	40	40
Riding Stable	100	100	100
Stadium, Coliseum, etc	100	100	100

- (6) Yards for buildings with the following uses shall have setbacks on interior roads as follows:

Use	Minimum Yard (in feet)		
	Front	Side (each)	Rear
Mobile Home Park	20	5	10
Overnight Camp	20	5	10
Travel Trailer Park	20	5	10

- (7) No industrial structure shall be erected closer than sixty (60) feet to any “**R**” District nor shall any parking or loading area serving an industrial use be closer than thirty (30) feet to any “**R**” District.

- (8) The following projections into required yards may be permitted:

Open Fire Escapes – 6 feet into a rear yard or 3 feet into a side yard

Awnings or Movable Canopies – 6 feet into front or rear yard or

3 feet into a side yard

Uncovered Steps & Porches – at ground level into any yard

4.5 **Bulk Requirements**

- (1) No single or two-family dwelling may be erected or modified so that its livable ground floor area, in square feet, is less than that noted as follows:

Ground Floor Area Per Dwelling Unit (in square feet)

Type of Dwelling	District					
	R-1	R-2	R-3	A	GB	CB
Single-family (1 story)	750	600	600	750	600	-
Single-family (more than 1 story)	600	500	500	600	500	-
Two-family (1 story)	-	600	600	600	600	-
Two-family (more than 1 story)	-	500	500	500	500	-
<i>Units above Businesses</i>	-	-	-	-	-	600

- (2) Multiple-family dwellings of one story shall have a minimum ground floor dwelling bulk of 600 square feet for each unit over two (2). Multiple-family dwellings of more than one story shall have a minimum ground floor dwelling bulk of 500 square feet plus 100 square feet for each unit over two (2).

4.6 **Height Restrictions**

- (1) No building may be erected or altered to a height in the district within which it is located to exceed the following in feet, except as otherwise permitted herein:

Maximum Permitted Height (in feet)

District	R-1	R-2	R-3	GB	A	M-1	M-2	CB
Height Limit	25	25	35	50	100	50	100	100

- (2) Special uses may be permitted to a height not to exceed 45 feet in the “R” District and to a height not to exceed 75 feet in the “GB”, “M-1”, “M-2”, and “A” Districts.
- (3) In the “R-3” or “GB” Districts, a multiple-family dwelling may be erected or altered to a height greater than prescribed for the district when all specified minimum side and rear yard requirements are increased by 2 feet for each foot that exceeds the maximum height limit for the district or the use as prescribed.
- (4) Height requirements shall not apply to flagpoles, radio or television antenna, transmission towers or cables, chimneys, spires, elevator or stair bulkheads, railings, water tanks or cooling towers, silos and similar bulk storage structures, grain elevators, mineral extraction, and processing structures, and any similar structures provided that they, in their aggregate coverage, occupy no more than 10 percent of the roof area of a building.

4.7 Corner Lots

Lots that border the intersection of two public streets have two front yards facing the streets and two side yards facing the adjoining lots. The appropriate yard regulations for setbacks apply.

4.8 Corner Clearance

Corner lots are required to have an additional setback. For safety visibility, a corner clearance of 35' is required. This clearance is measured along the front property lines a distance of 35' each directions from the intersection of the right of ways.

Chapter 5

Parking, Loading, Buffer, Sign Requirements

5.1 Location of Off-Street Parking and Loading Areas

A parking area or loading berth for any of the following uses may not be located closer to a residential district than the distance, in feet, listed opposite it in the following table; or in the case of being located within a residential district, no closer to the lot line than herein provided:

<u>Use</u>	<u>Minimum Distance from Residential Districts (in feet)</u>	
	<u>Parking</u>	<u>Area Loading Berths</u>
Commercial Greenhouse	25	50
Hospital	25	50
Livestock Sales Barn	25	100
Mobile Home Park	25	-
Private Recreational Development	25	-
Stadium, Coliseum, etc.	25	50
Travel Trailer Park, Overnight Camp	25	-
Truck Freight Terminal	25	100
Wholesale Produce Terminal	25	100

5.2 Off-Street Loading Berths

- (1) All non-residential uses as described herein shall have a minimum number of off-street loading berths of dustproof surface as prescribed below.
 - (a) All uses generally permitted in the “**GB**” (General Business) District, whether located in a business or manufacturing district shall have one (1) berth for 3,000 to 15,000 square feet of total gross floor area, and an additional berth for each additional 25,000 square feet, or fraction thereof, of total gross floor area.
 - (b) All uses generally permitted in the manufacturing districts shall require one (1) loading berth for 15,000 square feet or less of total floor area, two (2) berths for 15,000 to 40,000 square feet of total floor area, three (3) berths for 40,000 to 100,000 square feet of total floor area, and three (3) berths plus one (1) berth for each additional 40,000 square feet or fraction thereof above 100,000 square feet of total floor area.
 - (c) Office district uses of 15,000 square feet of total floor area or more shall have one (1) berth for each 100,000 square feet of total floor area, or fraction thereof.
 - (d) All special uses shall have the same requirements as a manufacturing use.

- (2) Each loading berth shall be at least 12 feet by 45 feet in size with a minimum of 14 feet height clearance.

5.3 **Off-Street Parking**

To reduce traffic problems and hazards by eliminating on-street parking, every use of land hereafter started or changed must include on premises parking sufficient for the needs normally generated by the use as provided herein. Parking spaces or bays contiguous to the street required by subdivision regulations or other ordinances or voluntarily supplied are in addition to and not in place of the spaces herein required.

- (1) Each parking space shall be at least nine (9) feet wide and twenty-two (22) feet long for parallel parking; ten (10) feet wide and twenty (20) feet long for right angle parking; ten (10) feet wide and eighteen (18) feet long for sixty (60) degree angle parking; or (10) feet wide and eighteen (18) feet long for forty-five (45) degree angle parking; the length of non-parallel parking being measured at right angles to the edge of the usable parking area formed by the angles exclusive of passageways. Access driveways into off-street parking shall be ten (10) feet wide for parallel spaces; twelve (12) feet wide for diagonal spaces; and sixteen (16) feet wide for perpendicular spaces.
- (2) The parking spaces required herein shall be located on the premises, or within three hundred (300) feet of the premises, and shall not be part of an alley, street, or other roadway.
- (3) Parking spaces may not be located in the required front yard except in business and manufacturing districts.
- (4) Any parking space for business use, if in the open, must be paved with a hard or dustproof surface.
- (5) A group of uses may provide a joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for the several uses and other regulations are met.
- (6) A church or temple that requires parking area at times when nearby uses do not need their parking facilities may by agreement approved by the Commission use those facilities instead of providing their own except that such other facilities must be off-street, dustproof, and meet the requirements for the church or temple.
- (7) *There are no requirements for off street parking requirements for the CB District, except that residential uses above a business shall be required to provide 1-1/2 spaces per unit.*

Use	Required Parking Spaces
Airport or heliport	1 per 2 employees plus 1 permanently based aircraft, Plus 1 per daily transient
Auto sales & repairs	1 per 200 square feet of floor area
Auto, trailer, other vehicle Sales area (open)	1 per 1,000 square feet of land used for retail areas
Banks, business & professional Offices, similar business use, Post office, telephone offices, etc.	Minimum of 5 spaces plus 1 space for every 300 square feet of floor area over 1,000 square feet.
Boarding, lodging homes, dorms	1 per 3 occupants
Bowling alleys	3 per lane plus 1 per 6 Spectator seats
Business use not listed	1 per 200 square feet of floor area
Church or temple	1 per 6 seats in largest area used At any one time
Hospital	1 per 4 beds plus 1 per doctor, plus 1 per 3 employees on the largest shift Plus 1 per hospital vehicle
Hotel, Motel	1 per sleeping room, plus 1 per 3 employees
Industrial uses not listed	1 per 3 employees
Kindergarten or day nursery	1 per 4 children
Mobile Home Park or Travel Trailer Park	1 per lot plus 1 per 10 lots
Mortuary	1 per 6 seats in main room
Nursing Home	1 per 7 persons
Overnight Camp	1 per campsite, trailer, cabin
Private Club	1 per 6 active members

Residential Uses	1-½ spaces per dwelling unit
<i>Residential uses above a Business use in the CB district</i>	<i>1-½ spaces per unit</i>
Riding Stable	1 per horse
Schools, Elementary	1 per 3 staff members plus 1 per 6 auditorium seats
Schools, High	Same as elementary plus 1 per 2 seats
Stadium, Coliseum, etc	3 per 4 employees plus 1 per 2 seats
Theater, Indoor	1 per 3 seats
Transportation terminals (Bus, train, etc)	1 per 5 waiting room seats
Wholesale, distribution uses	1 per 2 employees
Apparel shop	1 per 125 square feet of floor area
Appliance	1 per 125 square feet of floor area
Bakery	1 per 125 square feet of floor area
Barber & Beauty Shops	1 per 125 square feet of floor area
Billiard Room	1 per 125 square feet of floor area
Clothing Services	1 per 125 square feet of floor area
Delicatessen	1 per 125 square feet of floor area
Drug Stores	1 per 125 square feet of floor area
Dry Cleaning	1 per 125 square feet of floor area
Flower Shop	1 per 125 square feet of floor area
Grocery	1 per 125 square feet of floor area
Hardware	1 per 125 square feet of floor area

Home Occupation	1 per 125 square feet of floor area
Laundry Services	1 per 125 square feet of floor area
Locker Services	1 per 125 square feet of floor area
Meat & Supermarkets	1 per 125 square feet of floor area
News Stores	1 per 125 square feet of floor area
Nightclub & Similar Uses	1 per 125 square feet of floor area
Photo Studio	1 per 125 square feet of floor area
Restaurants	1 per 125 square feet of floor area
Retail Showroom	1 per 125 square feet of floor area
Roadside Stands	1 per 125 square feet of floor area
Shoe Repair	1 per 125 square feet of floor area
Stationery	1 per 125 square feet of floor area
Taverns	1 per 125 square feet of floor area

5.4 **Buffers, Screen Planting**

- (1) The following uses shall be fenced by 6 foot high chain-link or solid fence:

Airport
Kindergarten or Day Nursery
Natural Resource Development
Private Swimming Pool (see Section 3.2 (d))
Wholesale Distributing Terminals

- (2) The following uses shall have an 8 foot high solid painted fence:

Junk Yard or Salvage Yard
Outdoor Drive-In Theater

- (3) Tight screen planting, effective at all times to block the view from residential districts, shall be provided for the following uses abutting residential districts or located within residential districts. Such planting shall provide at the lot lines or district boundaries on which such uses abut and shall have reached six (6) feet in height and three (3) feet in width within five years after the use is established:

All Industrial Uses
Landfills, Dumps, Sewage Plants
Natural Resource Development (if not fenced)
Outdoor Commercial Recreation Enterprises
Public Utility Substations
Riding Stables
Wholesale, Freight or Distribution Terminal (when not fenced)

- (4) Mobile Home Parks shall have screen planting suitable to the Commission and approved as part of the Special Use.

5.5 **Signs**

(1) In any district, except as prescribed, the provisions of this subsection shall be applied to effect the safety of motorists & pedestrians and to facilitate traffic movement:

- (a) No sign shall be erected or maintained at any location, where, by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control signal, signs, or device.
- (b) No sign shall contain or make use of any phrase, symbol, shape, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.
- (c) No exterior sign having flashing, intermittent, or animated illumination shall be permitted except in the “GB” District, wherein general street lighting is provided and traffic movement on adjoining streets is regulated at thirty-five (35) miles per hour or less

(2) In any district, the following provisions shall apply:

- (a) No part of any sign, which is attached to a building, shall be erected to a height greater than the height of the building.
- (b) No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not reflect or shine light onto such property.
- (c) No part of any freestanding sign shall be erected to a height greater than that specified for accessory structures in the district in which the sign is located.
- (d) The minimum setback of freestanding signs from the street right-of-way line shall not be less than those given below:

<u>Area of sign per face</u>	<u>Minimum setback</u>
5 square feet or less	2 feet
5 to 14.9 square feet	10 feet
15 to 49.9 square feet	20 feet
50 to 99.9 square feet	30 feet
100 or more square feet	60 feet

- (e) The area of a sign shall be determined by the smallest circle, triangle or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message or symbol.
 - (f) No freestanding sign shall be erected or maintained within ten (10) feet of any side lot line.
 - (g) Home occupation signs are permitted with legal home occupation use as permitted herein. Such signs shall not be larger than four (4) square feet in area and shall be located in a manner acceptable to the Commission.
- (3) In any residence district the following regulations shall apply:
- (a) A nameplate, which shall not exceed one square foot in area, is permitted for each dwelling unit of a single-family, or row house structure; such nameplate shall indicate nothing other than the name and/or address of the occupant, and/or the customary home occupation. No other sign shall be allowed. This section shall not be construed to prohibit a house numbering plate for identification.
 - (b) Multiple-family residences and residential projects of all types may display identification signs indicating nothing other than name and/or address of the premises and/or the name of the management. Such signs shall not exceed nine (9) square feet in area.
 - (c) For uses other than those listed in paragraphs (a) and (b), bulletin boards or identification signs indicating nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises; such sign not to exceed twelve (12) square feet in area.
 - (d) For any use eligible to display a sign in paragraph (b) and (c), only one sign per street frontage shall be permitted; except that uses occupying extended frontage shall be permitted one such sign for each 500 feet of frontage.
- (4) In any business district, except as herein provided, the provisions of this subsection shall apply:
- (a) Residential uses shall be subject to the provisions of Section 5.5 (3).

- (b) Each public recreation, community facility or clinic use shall be permitted one bulletin board of identification sign not to exceed twelve (12) square feet in area, except that uses occupying extended frontages may have one such sign for each 500 feet of frontage.
- (c) Each primary use other than those listed in paragraphs (a) and (b) shall be permitted as accessory uses according to the number and net area of signs set forth as follows:

<u>District</u>	<u>No. of Signs</u>	<u>Net Sign Area</u>
<u>(Each)</u>		
GB	2	40 square feet

- (5) In any industrial district, each business or industrial use shall be permitted identification signs on the lot only as incidental uses, not to exceed two (2) such signs or a new area of 300 square feet.
- (6) The following signs shall be permitted in any district:
 - (a) Each permitted or required parking area that has a capacity of more than five (5) cars shall be permitted one sign, not more than two (2) square feet in area, designating each entrance or exit from such parking area; and one sign, not more than nine (9) square feet in area, identifying or designating the conditions of use of such parking area for each 25 spaces, or fraction thereof.
 - (b) One “for sale” or “for rent” sign not more than 12 square feet in area for each dwelling unit, garage, or other quarters where appropriate.
 - (c) One sign, not more than 20 feet square in area, pertaining to the sale of agricultural products raised on the premises.
 - (d) Signs established by, or by order of any governmental agency.
 - (e) One sign not more than 12 square feet in area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development activity is underway.

- (f) For an event of public interest such as a county fair, or church event, one sign, not over 24 square feet in area and located on the site of the event shall be permitted. Such sign shall be erected not more than 30 days before the event in question and shall be removed immediately after the event. Also directional signs, not more than three (3) square feet in area, showing only a directional arrow and the name of the event, shall be permitted, provided such sign shall not be erected more than 14 days before the event and shall be removed immediately after such events.

- (g) For each real estate subdivision more than five (5) lots that has been approved or officially recorded, one sign, not to exceed 300 square feet in area, shall be permitted on any portion of the property being advertised; provided that such sign shall not encroach upon required yards and shall be maintained only while lots are available for sale. Permits for such signs shall be issued for periods of one year, with renewal granted each year for reasonable time.

Chapter 6
Planned Unit Developments

6.1 Intent and Purpose

The intent and purpose of this section shall be to accommodate and encourage development of large tracts of land for residential, commercial, industrial, public, or compatible mixed uses, in accordance with the overall plan for the area.

6.2 Procedure

- (1) The applicant or applicants shall apply in writing to the Commission for Planned Unit Development Permit; said application to be accompanied by all necessary general and detailed plans for determination.
- (2) The Commission shall treat such application as an amendment, certifying its recommendations to the Council.
- (3) The Council of the Village shall act in the same manner prescribed by law for amending this Ordinance.
- (4) If a Planned Unit Development is permitted, permits shall be issued according to such approval given by Council; and the approved development shall become a part of this Ordinance as would any other amendment.
- (5) If, after twenty-four (24) months, no construction has been started, and if, within five (5) years, the development has not been completed, the area involved shall revert back to the original district.
- (6) All appropriate parts of the Unit Development Plan shall be recorded in the Office of the County Recorder.
- (7) The application for a Planned Unit Development shall be accompanied by the fee for review as established by Council.

6.3 Performance Standards

All Planned Unit Developments shall meet the following requirements:

- (1) The Plan must be in conformity with a comprehensive plan;
- (2) The minimum site area shall be ten (10) acres unless otherwise approved.

- (3) The plan must include the following:
 - Lot layout design;
 - Street, right-of-way, and public utilities design;
 - Surface water drainage design;
 - Building design principles;
 - And landscaping plans if appropriate.
- (4) The layout, design, and improvements proposed shall be approved within the review procedure and shall be binding on the applicant; densities within various portions of the development may be higher than normally permitted but the overall density for the development shall not exceed that for the existing zoning district unless otherwise approved.
- (5) The Plan must be in the interests of the public, generally following the purposes and intentions of this Ordinance; and must be in complete conformance with all other applicable regulations.
- (6) The Commission and Council may require such information and agreements as necessary to protect the intent of this Chapter.
- (7) Mixed density, open spaces, mixed uses, and the location and arrangement thereof, shall be compatible with one another and with the surrounding areas; and must be in the interest of total community development.

Chapter 7
Non-Conforming Uses

7.1 Non-Conforming Buildings

The lawful use of any building which does not conform to these regulations, whether original adoption or by subsequent amendment, may be continued after such adoption or amendment, under the conditions herein specified:

- (1) The addition to, enlargement or expansion of any such non-conforming building may be permitted provided such addition, enlargement or expansion complies with all height, area, parking, setback and other requirements of the district it is located in, and that total aggregate floor area of such addition or additions do not exceed twenty (20) percent (%) of the floor area in such building at the time it became non-conforming.
- (2) A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity, or the public enemy, may be restored and the same use and occupancy continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion. Any lot whose buildings are destroyed beyond ninety (90) percent (%) if their total value shall not be restored to its original use and the land used by such buildings shall thereafter be used in conformance with the district regulations.
- (3) The use of a non-conforming building may be changed to a use of the same or more restricted classification but shall not thereafter be changed back to a less restrictive use.
- (4) A non-conforming building, or portion thereof, which is or hereafter remains vacant and unoccupied for a period of one (1) year or more, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

7.2 Non-Conforming Use of the Land

- (1) A non-conforming use of land shall not be expanded or extended into any other portion of the lot or adjoining property; nor shall the use be changed except to a conforming use.
- (2) A non-conforming use of the land, where principal buildings are involved, shall not be expanded or extended into any other portion of the lot or any adjacent lot; and use of such land that exists at the time of adoption of this Ordinance and any subsequent amendment may be changed only as specified for changes in use for non-conforming buildings as specified in Section 7.1; provided such change in use is due to a change in use of the principal building.

7.3 Non-Conforming Special Uses

Any use herein shown as a special use in the district use regulations shall be considered non-conforming uses in the same manner as other uses as specified in Section 7.1 and 7.2 and shall be legal uses, upon expansion only after approval of said expansion as a special use under the terms prescribed in this Ordinance.

7.4 Non-Conforming Standards of Non-Conforming Uses

Any use, non-conforming in the district, that does not conform to the regulations herein pertaining to yard requirements, lot requirements, off-street parking, height regulations and other regulations, shall be permitted to continue under such non-conforming conditions; except that any enlargement, change of use, or addition shall not cause the aggregate use to violate the provisions of this Ordinance beyond such existing non-conformance which exists at the time of adoption of this Ordinance or any subsequent amendment.

7.5 Non-Conforming Lots of Record

Any lot of record existing at the effective date of adoption of this ordinance or any of its subsequent amendments, which does not conform to the lot requirements of the district in which it is located, is to be considered to be a non-conforming lot of record.

- (A) Where one (1) non-conforming lot of record in single ownership, with frontage along a public right-of-way exists, such shall be considered a buildable lot for the district in which it is located. However, any use must comply with the other requirements pertaining to the use and district.
- (B) Where two (2) or more contiguous, non-conforming lots of record are in single ownership, the Zoning Inspector may require re-platting to minimize the non-conformity. The re-platted lots must be approved by the Zoning Commission, and once approved, the re-platted lots shall be considered as having met the lot size requirements of the Zoning Ordinance. The number of re-platted lots of record shall, at least, equal one-half (1/2) of the original number of lots of record.

Chapter 8
Board of Zoning Appeals and Planning-Zoning Commission

8.1 **Organization and Procedure**

(1) Appointment:

There is hereby established a Joint Board of Zoning Appeals and Planning-Zoning Commission, which shall consist of five (5) electors, appointed by Council. Council, by a majority vote of its members, shall choose a successor to fill any vacancy. Appointments shall be for five (5) year terms. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable by the Council, upon written charges having been filed with the Council and after a public hearing had been held regarding such charges, a copy of the charges having been served against the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at his/her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(2) Organization and Procedure:

The Board shall organize and adopt rules for its own government not inconsistent with law or with any other ordinances of the municipality.

(a) Meetings of the Board 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 and the Board may compel the attendance of witnesses. All meetings of the Board 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 immediately filed in the office of Municipal Clerk and shall be a public record.

(b) Quorum:

Three (3) members of the Board shall constitute a quorum. The Board shall act by Resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Administrative Officer, or to decide original jurisdiction under this Ordinance or to grant variance from the requirements stipulated in this Ordinance. Amendment procedures for the Board are specified in Chapter 10 of this Ordinance.

- (c) Department Assistance:
The Board may call upon the various departments of the municipality for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

8.2 **Applications and Appeals**

(1) Applications for Variance:

An application, in cases in which the Board has original jurisdiction under the provisions of this Ordinance, may be taken by any property owner, including a tenant or by a governmental officer, department, board, or bureau. Such application shall be filed with the Administrative Officer who shall transmit the same to the Board. A fee as established by Council shall accompany any application for variance.

(2) Appeals:

- (a) An appeal to the Board may be taken by any person aggrieved or by an officer of the Municipality affected by any decision of the Administrative Officer. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Administrative Officer and with the Board a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (b) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Officer shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court or equity, after notice to the officer from whom the appeal is taken and on due cause shown.
- (c) The Board in conformity with the provisions of this article may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, is made in/on the premises; and to that end, shall have all powers of the Administrative Officer from whom the appeal is taken. A fee as established by Council shall accompany any application for appeal.

8.3 **Hearings**

- (1) The Board shall, within twenty-one (21) days of receipt of an appeal or application for variance, set a time for a public hearing on said request. Notice of the hearing shall appear in a paper of local circulation at least ten (10) days prior to the hearing date. In addition, interested parties shall be notified by first class mail of the time and date of said hearing. The Board shall decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by the fee hereinafter specified. At this hearing, any party may appear in person or by attorney.
- (2) The hearings of the Board shall be public. However, the Board may go into executive session for discussion but not vote on any case before it.
- (3) Upon the day for hearing of any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it seems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons, previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

8.4 **Decisions of the Board**

- (1) The Board shall decide all applications for variance and appeals within thirty (30) days after the final hearing thereon.
- (2) A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Administrative Officer and observed by him and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

8.5 **Powers of the Board of Appeals**

The Board shall have the following powers:

- (1) Appeals:
To hear and decide appeals where it is alleged there is error in any interpretation, order, requirement, decision or determination by the enforcement officer in the administrative and enforcement of the provisions of this Resolution.

(2) Variances:

To authorize upon appeal, where by reason of exceptional narrowness, shallowness, or shape or exceptional topographic conditions, or other extraordinary situations or conditions of a lot, the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, to authorize a variance from such strict application to relieve such difficulties or hardships provided said relief may be granted without substantially impairing the intent of the Resolution, and providing further that no variance shall be granted unless the Board finds that all the following conditions exist:

- (a) Special circumstances or conditions apply to the land in question and are peculiar to such lot or property and do not generally apply to other land or building in the vicinity.
- (a) The granting of the application is necessary for the preservation and enjoyment of the property right and not merely to serve as a convenience to the applicant.
- (b) The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare to the inhabitants of the Community.

(3) Amendments:

The initiation, review and recommendation of amendments to this ordinance as specified in Chapter 10.

(4) Special Use:

To review and approve or deny special use permits as specified in Section 3.5 of these Regulations.

Chapter 9
Administration

9.1 Zoning Permit Required

- (1) No change in the use of the land, buildings or structures and no construction, alteration, change, addition or expansion of a building or structure which alters the exterior dimensions of said building or structure shall be made until, upon application to the Administrative Officer, a zoning permit is issued authorizing such change, alteration, addition or expansion.

Note: General maintenance (i.e.: roofing, painting, siding, spouting, windows, etc.) and internal improvements not changing the use do not require a permit as long as all other requirements of this Ordinance are met.

- (2) Application for Zoning Permit shall be made to the Administrative Officer in form by the Commission, said application to supply the following information:
- (a) Size and location of the lot or lots, showing lot lines, dimensions thereof, and location of all applicable streets, alleys, easements and other public ways.
 - (b) Size and location of the buildings and structures existing and/or proposed on the lot.
 - (c) Dimensions of all yards and open spaces.
 - (d) The types of use for which the structures and land will be used and such other information as may be necessary for the proper enforcement of these regulations.
- (3) Within ten (10) days of receipt of application for zoning permit, the Administrative Officer shall approve or disapprove issuance of said permit according to this Ordinance. Upon approval of the application, said permit shall be immediately issued to the applicant.
- (4) Fees for zoning permits including Special Use Permits shall be set from time to time by resolution of the Council. Such fee shall be paid at the time of the application and shall be intended to cover the cost of administration.

- (5) Application for Special Use Permit shall be made directly to the Commission. Upon approval of a Special Use Permit, the Administrative Officer shall issue Zoning Permits in accordance with said approval, upon application by the owner, lessor, or other legal agents thereof.
- (6) Zoning and Special Use Permits shall be valid for a period of one (1) year from the date of issuance. If no activity has commenced after one (1) year and completed within two (2) years, the permit shall be void and a new permit shall be gained prior to the commencement of any activity.

9.2 **Enforcement of Penalties**

- (1) The Ordinance shall be enforced by the Commission, Board, Council or their authorized agents in accordance with applicable sections of the Ohio Revised Code pertaining thereto.
- (2) Any permit issued upon false statement of any fact which is material to said issuance, shall be immediately null and void; and the Administrative Officer may post said premises with a notice of revocation of said permit or certificate.
- (3) In case of violation of this Ordinance, the Administrative Officer shall notify the responsible person in writing; and if such person cannot thereby be reached, cause notice of said violation to be conspicuously posted on the premises.
- (4) Any person aggrieved by violation of this Ordinance, the Commission, the Board, the Council, or their authorized agent or agents may institute appropriate legal remedy to abate such violation.
- (5) Any person violation any provision of this Ordinance may be deemed guilty of a misdemeanor and upon conviction thereof may be fined not more than one hundred dollars (\$100). Each day of violation shall be considered a separate offense.

Chapter 10 Amendments

10.1 **General**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Council may after receipt of recommendation thereon from the Joint Board of Zoning Appeals/Planning-Zoning Commission, know hereafter as “Joint Board”, and subject to the procedure provided by law – amend, supplement or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Ordinance.

10.2 **Procedures for Change in Zoning District**

- (1) Applications for any change of district boundaries of classifications of property as shown on the Zoning Map, shall be submitted to the Commission at its public office, upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

- (2) Public Hearing by Commission:
Thirty (30) days before submitting its recommendations on a proposed amendment to the Council, the “Joint Board” shall hold a public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in the area. The notice shall state the place or places and times at which the proposed amendment to the Ordinance, including test and maps, may be examined.

- (3) Notice to Property Owners:
In addition to the published notice as herein before specified, the “Joint Board” shall give notice of the time, place, and purpose of public hearings to be held by it on proposed amendments or supplements by mailing a postal card or letter notice not less than ten (10) days prior to the date of hearing, to the owners of all properties lying within two hundred (200) feet of any part of the property proposed to be changed. The failure to notify as provided in this Section, shall not invalidate any recommendation adopted hereunder: it being the intention of the Section to provide notice to the persons substantially interested in the proposed change that an application is pending before the Commission, proposed to make a change in the Zoning Map or the Regulations set forth in this Ordinance.

- (4) Action of Commission:
The Commission may recommend to Council that the application be granted as requested, or it may recommend a modification of the zoning amendment request in the application, or it may recommend that the application be not granted. These recommendations shall then be certified to the Council.
- (5) Public Hearing by Council:
After receiving from the Commission, the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the Council shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the Village.
- (6) Action of Council:
After receiving from the “Joint Board” certification of said recommendations on the proposed amendment and after holding the above public hearing, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. The Council may overrule the recommendations of the Commission by three-fourths (3/4) vote of the full membership of the Council, (5 out of 6).

10.3 **Application Fees**

At the time that an application for a change of zoning districts is filed with the “Joint Board” as provided therein, there shall be deposited with the Clerk of said Commission, such fee as adopted by Resolution of the Council, to cover investigation, legal notices and other expenses incidental to the determination of such matter.

Chapter 11
Validity and Effective Date

11.1 **Validity**

If an article, section, subsection, paragraph, sentence, or phase of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

11.2 **Effective Date**

This Ordinance shall take effect and be in force from and after the earliest period allowed by law following its approval and all previous zoning ordinances are hereby repealed.