

VILLAGE OF PEMBERVILLE, OHIO
ZONING ORDINANCE

PREPARED BY:

THE VILLAGE OF PEMBERVILLE, OHIO
PLANNING COMMISSION
1998

ZONING ORDINANCE
VILLAGE OF PEMBERVILLE, OHIO

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Dwight Fertig

ZONING INSPECTOR

Brian Heestand

Prepared with the assistance of Feller, Finch & Associates, Inc., Maumee, Ohio

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AN ORDINANCE AMENDING THE ZONING AND BUILDING ORDINANCE OF THE VILLAGE OF PEMBERVILLE, OHIO, REQUIRING CERTIFICATES FOR THE ERECTION OR ALTERATION OF BUILDINGS AND STRUCTURES AND FOR MODIFICATION OF THE USES OF LAND, BUILDINGS AND STRUCTURES LOCATED THEREON; REGULATING THE LOCATION, HEIGHT, AREA, NUMBER AND SIZE OF BUILDINGS AND OTHER STRUCTURES, PERCENTAGES OF LOT AREAS WHICH MAY BE OCCUPIED AND DENSITY OF POPULATION; PRESCRIBING THE MINIMUM PLAT SIZE, SET BACKS, SIDE AND BACK YARDS; DIVIDING THE VILLAGE INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS ARE DEEMED BEST SUITED TO CARRY OUT SAID PURPOSES; REGULATING THE USES PERMITTED IN SUCH DISTRICTS; PROVIDING A METHOD OF ADMINISTRATION; AND PRESCRIBING PENALTIES AND PROCEEDINGS FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PEMBERVILLE, COUNTY OF WOOD AND STATE OF OHIO:

ARTICLE I. GENERAL PROVISIONS

SECTION 100. Enacting Clauses

The Village Council of the Village of Pemberville, Wood County, Ohio, in accordance with enabling legislation for municipal zoning as provided in Chapter 713.06 of the Ohio Revised Code hereby provides as follows:

SECTION 101. Purpose

This Ordinance is adopted for the purpose of protecting and promoting public health, safety, morals, comfort and general welfare; preventing overcrowding; conserving and protecting property and facilitating adequate but economical provision of public improvements; avoiding congestion in the public streets and highways; and to amend Ordinance No. 335 of the Village of Pemberville, Wood County, Ohio, as amended by Ordinance Nos. 525, 745, 799, 818, 845, 846, 904, 910, 928, 952 and 1053 effective August 17, 1994, in each and every part thereof that is inconsistent with this amending Ordinance, as of the date of the adoption of this amending Ordinance.

SECTION 102. Interpretation and Conflict

102.1 In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any Ordinance rules or regulations previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other Ordinances or agreements, the provisions of this Ordinance shall control.

SECTION 103. Compliance with Regulations

103.1 No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located.

103.2 No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located.

103.3 No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this Ordinance.

103.4 No lot held under one ownership at the time of the effective date of this Ordinance shall be reduced or subdivided in any manner below the minimum area and yard provision required by this Ordinance.

103.5 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided hereinafter. Every lot shall have access to a public right-of-way and have a minimum width per the dimensional requirements of Section 500.

103.6 Exceptions to these regulations in specific cases may be authorized by the Zoning Board of Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance providing such exception is in harmony with the general purpose and intent of the Ordinance and in accordance with the procedures and provisions specified in Article XII. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

SECTION 104. Uses Exempted from Provisions of Ordinance

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility owned by the Village of Pemberville, or the use of land by any public utility owned by the Village of Pemberville for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Ordinance and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility owned by the Village of Pemberville.

SECTION 105. Validity

If any article, section, subsection, paragraph, sentence or phrase 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.

SECTION 106. Effective Date

This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

SECTION 107. Ordinance Name

This ordinance shall be known as the Zoning Ordinance of the Village of Pemberville, Ohio.

SECTION 108. Ordinance Contents: Text and Map

This ordinance shall consist of the text hereof together with that certain map marked and designated the map of the zoning ordinance of the Village of Pemberville, Ohio, dated and identified by the signatures of the Mayor and the Village Clerk-Treasurer. Whenever zone classifications are established or modified, the zoning district map shall be corrected to show such changes and shall be published unless the amending ordinance clearly identifies the zone classification changes without reference to the zoning district map. Either the zoning district map or the text in amending ordinances shall be sufficient to establish zone changes. The latest dated zoning district map shall be the effective one.

SECTION 109. Scope of Regulations

Except as provided by this Ordinance and except after obtaining a written zoning certificate from the Zoning Inspector, it shall hereafter be prohibited in Pemberville, Ohio:

109.1 To erect any new building or structure or to relocate, enlarge, or substantially alter any existing building or structure.

109.2 To establish, expand, change or re-establish any nonconforming use of a building, structure or land.

109.3 To reduce the open structure or plot area required for a building, structure, parking space or similar facility or to include any part of such open space or plot area as that required for an adjoining building or structure.

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ARTICLE II. DEFINITIONS

For the purpose of this Ordinance, certain terms and words are herein defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

Abandoned Sign: A sign or sign structure which no longer identifies or advertises a business, service, owner, product or activity. Such sign(s) and sign structures shall be removed within 30 days of notification by the Village Zoning Inspector.

Accessory Building: A detached subordinate building or portion of a main building, the use of which is clearly incidental to that of the main building or the use of this land.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Advertising Sign: A sign which directs attention to a business, commodity or service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises, if at all.

Agriculture: Includes farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry; and only the sale of such products as are raised on the premises; agriculture shall not include kennels. Includes the necessary accessory uses, provided however that:

(a) The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and

(b) 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 feedyard

Airport or Aircraft Landing Field: Any landing area, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons 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: A public thoroughfare which typically affords a secondary means of access to the back or side of properties abutting another street.

Alteration, Structural: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Animal Care Facilities: Structures, buildings, or enclosures used for medical treatment including care and temporary housing of animals.

Animated Sign: A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical or other means.

Area Identification Sign: A sign which identifies a neighborhood, a residential subdivision, a multi-family residential complex or a commercial or industrial complex.

Area of a Sign: The area of the largest single face of the sign where the copy is placed, but excluding the necessary supports or uprights on which the sign may be placed. Embellishments and other architectural features are not included in the square footage of the sign area calculation, and are not to exceed 25 percent of the single face area.

Assisted Living Facility: A licensed residential care facility that is designed, maintained and operated for persons in need of assistance/medical/rehabilitative care where in addition a limited number of support services such as meals, housekeeping, transportation, and social and recreational activities are provided.

Athletic Field: An area substantially open to the sky that may include, along with the natural environmental features, any other recreational facilities that the Planning Commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

Automobile Service Station: Any premises used for supplying gasoline, oil, grease, batteries, tires and motor vehicle accessories, at retail direct to the customer, and where in addition, auto repairs and services may be rendered and sales made. See also "Convenience Gas Station."

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

Automotive, Travel Trailer, and Farm Implement Sales: An open area, other than a street, used for the display or sale of new or used automobiles, travel trailers and farm implements, and where no repair work is done except minor incidental repair of automobiles, travel trailers and farm implements to be displayed and sold on the premises.

Awning Sign: A sign attached to an awning covering a doorway, window or face of the building.

Backlit Awning Sign: A sign attached to an awning that is covered with translucent fabric and is internally illuminated.

Balcony: A railing enclosed platform projecting from the outer wall of a building.

Banner: A temporary sign not exceeding 30 square feet in aggregate displayed on a flag or strip of lightweight material made of paper, cloth or fabric which is attached to a building, another sign (but as not to obstruct the view of traffic) or some other existing structure. One banner sign is allowed for two (2), 30 day periods per year and requires a Sign Zoning Certificate.

Basement: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where one-half (1/2) of its height is above average level of the adjoining ground.

Bed and Breakfast: A building in which board or rooming, or both are offered to the traveling public for compensation, and open to transient guests, in contradistinction to a hotel, boarding or rooming house.

Board: The Zoning Board of Appeals of the Village of Pemberville, Ohio

Boarding House: A building or portion thereof, other than a hotel where meals, or lodging and meals for five (5) or more persons are provided for compensation.

Boats and Boat Trailers: Shall include boats, floats and rafts, plus the normal equipment to transport same on the highway.

Building: A structure having a roof supported by columns or walls designed or intended for the shelter, support, protection or enclosure of persons, animals, property, or chattels.

Building, Community: A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

Building Face or Wall: All window and wall area of a building in one plane or elevation.

Building, Front Line of: The line of the face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building Frontage: The length of an outside building wall on a right-of-way.

Building Height: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deckline of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip, or gambrel roof, provided that where the buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Building, Main: A building in which is conducted the principal use of the lot on which it is situated.

Building, Unit Group: Two (2) or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as universities, hospitals and institutions.

Business Classifications:

(a) **Business, General:** Retail and service establishments which, in addition to catering to the community residents's and workers's daily needs for convenience goods and services, also include establishments offering comparative-type shopping facilities. General business includes, but is not limited to, supermarkets and stores for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services and other similar or related activities. Establishments in this classification are located in the "C-2," General Commercial and "C-3," Central Business District zoning districts.

(b) **Business, Highway:** Includes commercial uses requiring locations on major thoroughfares and at their principal intersections. Highway uses include motels, motor vehicle service stations, motor vehicle repair, restaurants, drive-in establishments, automotive and farm implement rental, sales and services, building trades and services, commercial recreation and similar commercial activities, when maintained inside an enclosed building. Establishments in this classification are located in the "C-2," General Commercial zoning district.

(c) **Business, Neighborhood:** Retail and service establishments which primarily serve a day-to-day need in local market areas and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than 10 persons. Permitted uses include drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and hardware and grocery stores if less than 10,000 square feet of floor area. Other small businesses of an equally restricted and local nature may be permitted, based on the discretion of the Zoning Board of Appeals. Establishments in this classification are located in the "C-1," Neighborhood Commercial zoning district and "C-3," Central Business District zoning district.

(d) **Business, Office-Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. The term "Office-Type 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. Establishments in this classification are located in the "C-2," General Commercial and "C-3," Central Business District zoning districts.

(e) **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. Establishments in this classification are located in the "M-1," Light Industrial and "M-2," Heavy Industrial zoning districts.

Business Services: Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or business.

Business Sign: A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "For Rent" sign relating to the property on which it is displayed shall be deemed a "business sign."

Canopy Sign: Any sign attached to or constructed on a roof like covering with poles or an overhanging shelter.

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.

Changeable Copy Sign: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Child Care Clinic: Is an establishment where patients up to and including the age of 12 are not lodged overnight but are admitted for examination and treatment by a physician or a group of physicians practicing medicine together.

Child Day Care: Administering to the needs of infants, toddlers, pre-school children and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage or adoption for any part of the 24-hour day in a place or residence other than the child's own home. The following are child day care facilities:

(a) **Child Day Care Center:** Any place in which child day care is provided, with or without compensation, for 13 or more children at any one (1) time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) to 12 children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

(b) **Family Day Care Home, Type A:** A permanent residence of the administrator in which child day care is provided for four (4) to 12 children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Family Day Care Home, Type A" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Church: A place of worship that typically includes an assembly room, rooms for religious education and administrative offices. A church is considered a semi-public use.

Clearance (of a Sign): The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework extending over that grade.

Clinic: An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians practicing medicine together or professionals licensed to practice the healing arts.

Club: A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial Entertainment Facilities: Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, carnivals, night clubs and similar entertainment activities.

Commercial Message: Any sign wording, logo or other representation that directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Commission: Shall mean the Planning Commission of the Village of Pemberville, Ohio.

Community Water and Sewerage Facilities or Services: Are the water distribution and/or sewage collection system provided by or authorized or franchised by a public authority.

Conditional Use: A use permitted within a district other than a principally permitted use which is subject to conditional approval by the Zoning Board of Appeals and requires a conditional use permit. A conditional use may be granted by the Board only when there is a specific provision for such made in this Ordinance. A conditional use is not considered to be a nonconforming use.

Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the Zoning Board of Appeals to allow a use other than a principally permitted use to be established within a district.

Condominium (Zero-Lot Line Development): A form of real property ownership in fee simple of a cubic air space including only interior surfaces (the individual dwelling unit), and undivided ownership share, in common with other purchasers, of the common elements of the project including the land and its appurtenances.

Construction Sign: A temporary sign identifying an architect, engineer, financial institution, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

Convenience Gas Station: Any premises used for supplying gasoline as well as convenience goods, at retail direct to the customer, and wherein auto repairs and services are not rendered.

Copy: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.

Court: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

(a) **Inner Court:** A court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

(b) **Outer Court:** A court which opens onto a required yard, or street or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width.

Cul-de-Sac: See Street.

Curb Grade: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the Village Engineer shall establish such curb grade or its equivalent for the purpose of this Ordinance.

Day Care Facilities: A place other than a permanent residence which, administers to the need of children or adults providing social, recreational, or educational activities on a daily basis with no provisions for residential care.

Dead-End Street: See Street.

Directional, Sign (Private): An on-premise sign giving directions or instructions to facilitate traffic flow. Such signs shall not contain the business name or business logo.

Disabled Vehicle: A vehicle that is inoperable and can not move under its own power.

Dish: Shall mean that part of a signal-receiving antenna characteristically shaped like a saucer or dish.

Dish Antenna (Earth Station) (Ground Station): An accessory structure that shall mean one (1) or a combination of two (2) or more of the following:

(a) a signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

(b) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify,

store, transfer and/or transmit electronic or light signals.

(c) a coaxial cable the purpose of which is to carry or transmit the signals into a receiver which may be located in the interior of the building.

District, Zoning Districts: Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the zoning district map which is part of this Ordinance. Regulations concerning the use of land or buildings are uniform within said tracts.

Double Faced Sign: A sign with two faces.

Drive-in Commercial Uses: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters and similar uses.

Dwelling: A building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple-family dwellings. The term "dwelling" shall include Ohio Basic Building Code (OBBC) approved units, but not include house trailers or mobile homes as defined by Ohio Revised Code 4501.01, recreational vehicles, hotels and boarding and lodging houses. Residential purposes shall mean use or intention to use for living or sleeping by one or more human occupants.

(a) Unit: One or more rooms in a dwelling or in a commercial building for which a special residential conditional use has been approved, and designed for occupancy by one (1) family and its household employees for living, dining and sleeping purposes, and having cooking, bathing and toilet facilities and space for storage.

(b) One-family: A detached building designed exclusively for occupancy by one (1) family and separated from other dwelling units by open space.

(c) Two-family: A building designed exclusively for occupancy by (2) families living independently of each other, including a duplex [one (1) dwelling unit above the other], or a semi-detached dwelling [one (1) dwelling unit beside the other] and each unit having a separate or combined entrance or entrances.

(d) Multiple-family: A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

(e) Row: A row of three (3) to six (6) attached, one family dwellings, not more than two (2) rooms deep.

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

Educational Institution: A college or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Elderly Housing Facility: A building or buildings containing 12 or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities and recreational facilities, and provide for independent or semi-independent living. For the purposes of this definition, "Elderly Housing Facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

Embellishment: The decorative or ornamental detail on a sign or sign structure.

Erected: Set up, raised, built or moved into place.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; 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.

Exempted Signs: Exempted from normal permit requirements.

Facade: The entire building front including the parapet.

Family: An individual or married couple and natural or adopted children thereof, or of either of them, occupying a dwelling for the purposes of habitation, and including other persons related directly to the individual or married couple by blood or marriage, and including not more than two (2) lodgers or boarders.

Family Day Care Home, Type A: See Child Day Care.

Field, Athletic: See Athletic Field

Flood Plain: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.

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

Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Folding Camper: A folding or collapsing structure of low silhouette, mounted on wheels and designed for travel, recreational or vacation uses.

Food Processing: The preparation or processing of food products. Examples of activities included are bakeries and dairies.

Frontage: All of the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured at the set-back building line. Or if the street is a dead-end street, then all of the property abutting on one side between an intersecting street and the dead-end of the street. (For individual lots, see "Lot Frontage.")

Funeral Home: See Mortuary.

Future Development Sign: A temporary sign indicating the future construction or development of a building or area but not fitting under the definition of construction sign.

Garage, Private: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises, and wherein:

- (a) storage shall not exceed three (3) motor vehicles;
- (b) not more than one (1) space is rented for parking to persons not resident on the premises;
- (c) not more than one (1) commercial vehicle per dwelling unit is parked or stored; and
- (d) the commercial vehicle permitted does not exceed two (2) ton capacity.

Garage, Public: A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

Garage: See Automobile Service Station.

Gas Station, Gasoline Service Station: See Automobile Service Station.

Golf Course: An extensive recreational facility that typically includes nine or 18 holes of golf plus a driving range and a clubhouse which typically includes a restaurant and a bar.

Grounding Rod: Shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

Guest House: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of occupants of the premises; such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling.

Height (of a Sign): The vertical distance measured from the highest point of the sign, including decorative embellishment, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Highway, Major: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

Home Occupation: An occupation for gain or support, such as millinery, dressmaking, hairdressing, upholstering or repairing, carried on by the occupant of a dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not

change the external character of the dwelling, does not produce a sound that is audible beyond the dwelling, does not involve the employment of any person other than a resident of such dwelling, and that no articles are sold or offered for sale except such as are produced by the residents of the dwelling, and provided that such occupation shall not occupy more than one-third of the area of the residence.

Hotel: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by ten (10) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Identification Sign: A sign whose copy is limited to the name and address of a building, institution or person and/or to the activity or occupation being identified.

Industrial Park: Any parcel containing more than one industry.

Institution: Building or land occupied by a nonprofit corporation or a nonprofit establishment for public use.

Institutional Home: A home or institutional facility for the care of babies, children, pensioners or elderly people, except those for correctional or mental cases.

Kennel: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept.

Library: A public or semi-public educational institution that, among other activities, catalogues and stores books and other educational media for research and archival purposes, disseminates information, and provides books and other media for recreational reading and learning.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

Lot: Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and other open spaces and a lot area as are required by this Ordinance to meet minimum zoning requirements for use, coverage, and area, and having its principal frontage upon 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; or

(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.

(a) Lot Area: the total horizontal area within the lot lines of a lot.

(b) Lot, Corner: a lot, or portion thereof, not greater than 100 feet in width and situated at the intersection of two (2) or more streets, having an angle of intersection of not more than 135 degrees.

(c) Lot Coverage: the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

(d) Lot 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.

(e) Lot Frontage: The length of the property line of any one parcel along a public right-of-way on which it borders. 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, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

(f) Lot, Interior: a lot other than a corner lot.

(g) Lot of Record: any lot which individually or as part of a subdivision has been recorded in the Office of the Wood County Recorder.

(h) Lot Lines: the lines bounding a lot as described and defined herein.

(i) Lot, Minimum Area of: the area of a lot computed exclusive of any portion of the right-of-way of any public or private street.

(j) Lot, Reversed Corner: a corner lot the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

(k) Lot, Through: an interior lot having frontage on two (2) or more streets.

(l) Lot Width: the width of a lot at the building set-back line measured at right angles to its depth. The width of lots fronting on a cul-de-sac shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front yard.

Low Profile Sign: A sign mounted directly to the ground with the maximum height not to exceed five (5) feet measured from the ground surface and not to exceed seven (7) feet measured from the center line of the road.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufactured Home: A factory built, single family structure that is transportable in one or more sections, is built on a permanent chassis and is used as a place of occupancy which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame.

Manufacturing: Any production or industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process.

(a) Manufacturing, General: any manufacturing, industrial production or storage, which by the nature of the materials, equipment and processes utilized, is generally conducted within an enclosed building and if outside storage of material is required such storage is conducted within a well-maintained enclosure which shall have an opaqueness of 75 percent or more. General Manufacturing shall include the manufacturing of dairy, canned fruit and vegetable, bakery, soft drink and confectionery products; textile mill products and apparel; lumber wood products, furniture and fixtures; plastic products; perfumes and cosmetics; fabricated products from metal coils and sheets, the rolling and finishing of ferrous and nonferrous metals; screw machine products and bolts, nuts and screws, and washers; cutlery, hand tools and general hardware; electrical machinery, equipment and supplies; radio and television sets; electronic components and accessories; and products of a similar nature.

(b) Manufacturing, Heavy: any industrial use which requires buildings and open area for manufacturing, fabricating, processing, heavy repair, dismantling, testing, storage or disposal of raw materials, manufactured products or wastes, which is not injurious to health or safety of humans or animals. Typically, heavy manufacturing requires large sites, open storage and service areas, extensive services and facilities, and ready access to regional transportation. Normally, such uses generate some nuisances such as smoke, noise vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

Heavy manufacturing shall include primary metal industrial operations involving the use of blast furnaces, the rolling and finishing of ferrous and nonferrous metals, iron and steel foundries, primary and secondary smelting and refining facilities, metal plate and sheet fabricating facilities for metal plates and sheets and any other operations which shall be deemed to be of a similar nature. Heavy manufacturing shall also include the manufacture of food and meat products; paper and allied products; chemicals and allied products, including plastic materials, synthetic rubber and man-made fibers, soaps and detergents, paints and agricultural chemicals, petroleum refining and related industries, including production of paving and roofing materials, tire products, glass products and any other products of a similar nature.

(c) 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.

(d) Manufacturing, Restricted: Any industrial use which is conducted entirely within enclosed, substantially constructed buildings; involving the use of only light machinery and equipment; does not use the open area about the buildings for the storage of materials or equipment other than for the unloading or loading operations at the rear or within an enclosure which abuts a building. Restricted manufacturing shall include the manufacture of drugs, jewelry, musical instruments, sporting goods; the processing and assembly of small glass products; small household appliances; small electronic products, scientific instruments, and parts for the production of finished equipment; office, computing and accounting machines; research and laboratory testing; printing, publishing and engraving plants; and other similar products and operations.

Message: The wording or copy on a sign.

Metal Salvaging and Storage: The salvaging of metal in all forms for sale and storage.

Mineral processing: The processing of coal, limestone, clay and other mineral resources except sand and gravel, provided no chemical change in the mineral is involved in the process.

Mobile Home: A transportable factory built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 which became effective June 15, 1976.

Mortuary: A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Motel: A group of attached or detached dwellings containing less than 300 square feet of floor area for each sleeping or living unit and which are provided for transient guests; including auto courts, motels and motor lodges.

Motorized Home: A portable dwelling designed and constructed as an integral part of a self propelled vehicle for travel, recreational or vacation use.

Nonconforming Sign: A sign which was constructed legally, but which does not comply with subsequently enacted sign restrictions and regulations.

Nonconforming Use: The use of land or a building, or portion thereof, lawfully existing at the time this Ordinance or amendments thereto became effective, which does not conform with the use regulations of the district in which it is situated and are therefore incompatible.

Nursery, Children's: See Child Day Care.

Nursery, Plant Materials: Land, buildings, structures, or combination thereof, for the storage, cultivation and/or transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises including products used for gardening or landscaping.

Nursing Home: An establishment where persons are housed or lodged and furnished with meals and nursing or convalescent care for hire.

Off-Premise Sign: Any sign or advertisement situated on private premises used as an outdoor display for the purpose of making anything known on which the written or pictorial information is not directly related to the principal use of the land on which such sign is situated.

Open Space: An area substantially open to the sky which may be on the same lot with a building. Along with the natural environmental features, the area may include any other recreational facilities that the Planning Commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

Park: An open space that is set-aside for passive and/or active recreational purposes. The range of development of a park can extend from no development to highly developed. A park may include recreational facilities, a shelter house, rest rooms, and ball fields. Typically, a public parking area is included.

Parking Area, Private: An open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

Parking Area, Public or Customer: An open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or semi-public use.

Parking Space, Automobile: Space within a building or a private or public parking area for the parking of one (1) automobile.

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.

Pennant: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string usually in series designed to move in the wind.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors and similar activities.

Pickup Camper: A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation uses.

Playground: A park or a portion of a park that typically includes recreational equipment that is youth-oriented in nature, e.g. swings, slides, and play structures.

Pole Sign: Any sign supported by upright structures or supports that are anchored in the ground and that are independent from any building or other structure.

Political Sign: A temporary sign used in connection with a local, state, or national election or referendum.

Pond: A body of water, of which none of the excavated material has been removed from the site for commercial purposes, and is used for the following purposes: to provide water for livestock, fish and wildlife, recreation, fire control, irrigation or crop and orchard spraying.

Porch: An entrance one story high to a building, projecting out from a main wall, partially or fully enclosed but not heated.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; inflated devices such as balloons and other gas-filled figures; umbrellas used for advertising; and signs attached to or painted on vehicles. Such vehicles are to be located in a designated off-street parking space that is in compliance with Section 600 of this Ordinance.

Professional Activities: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, engineers, ministers, authors, artists or musicians.

Projecting Sign: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Public Service Facility: The erection, construction, alteration, operation or maintenance of a utility or service building, power plant or substation, water treatment plant, sewage disposal or pumping facility or similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other government agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewerage services.

Public Service Information Sign: Any sign intended primarily to promote items of general interest to the community such as time, temperature and date. Public service information signs are permitted in commercial and industrial districts, are not included in the total square footage of sign area allowed, and require a Zoning Certificate.

Public Uses: Public parks, schools, administrative, e.g. village halls and town halls, cultural and service buildings and structures, e.g. fire stations and police stations, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Receiver: Shall mean a television set or radio receiver.

Recreational 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.

(a) **Commercial Recreational Facilities:** Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, swimming pools, ice skating rinks, riding stables, campgrounds, race tracks, carnivals and similar commercial enterprises.

(b) **Non-Commercial Recreational Facilities:** Private and semi-public recreational facilities which are not operated for commercial gain including private country clubs, riding clubs, golf courses, game preserves, campgrounds, hunting and trapping, and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools. Noncommercial recreational facilities may be leased to outside groups and organizations provided the fee for such purposes is limited to incidental maintenance and custodial expenses.

(c) **Restricted Commercial Recreational Facilities:** Concessions for the sale of food, non-alcoholic beverages and boating and fishing supplies and accessories.

Recreational and Utility Equipment: Travel Trailers, Pickup Campers, Motorized Homes, Folding Campers, Boats, Boat Trailers, Utility Trailers, Snowmobiles and All-Terrain Vehicles.

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.

Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Ordinance.

Residential Floor Area: The interior floor area of a dwelling including stairways, halls and closets but not including basement, porches, garages, breezeways or carports.

Retail Store: A store serving a limited local area or neighborhood selling commodities, not processed on the premises, direct to the public.

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.

Right-of-Way Line: A dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Rooming House: A building or portion thereof other than a hotel, where lodging for five (5) or more persons is provided for compensation.

Row House: Same as "Dwelling, Row."

Seasonal Sign or Holiday Sign: Any sign such as Christmas decorations or those used for a holiday and installed for a limited period of time.

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 24 lineal inches of benches, pews or space for loose chairs.

Self-Service Storage Facility: Any real property designed and used for the purpose of renting or leasing of storage spaces for storage of personal property.

Semi-Public Uses: Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Setback Line: A line established by zoning, platting or other legal means on a lot, a specified distance from and parallel to the lot line defining the limits of a yard in which no building or structure may be located above ground to restrict the encroachment of buildings on the lot line, except as may be provided in this Ordinance. (See Yard.)

Sewage Disposal System, On-Site: A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

School, Elementary and High: An institution which offers instructions in the several branches of learning and study required to be taught in the public schools by the Ohio School Code. High schools include junior and senior.

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

Sign: Any visual communication display, object, device, fixture, placard, graphic or structure situated indoors or outdoors, or attached to, painted on or displayed from a building or structure in order to direct or attract attention to or to announce or promote an object, person, service, product, event, location, organization or the like or to communicate information of any kind to the public by means of letters, words, designs, colors, symbols, images, forms or illuminations. Architectural design features such as building accent lighting are not considered signs.

Sign Face: The entire area of a sign on which copy could be placed.

Sign Structure: Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

Snowmobiles and All-Terrain Vehicles: Self-propelled units designed to travel on land and/or water for recreational uses.

Social Activities: Any building and land used for private or semiprivate club activities, including lodges, fraternities and similar activities.

Solicitor: Village Legal Advisor.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no

floors above it, then the space between such floor and ceiling next above it.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street: A dedicated public thoroughfare the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic access to abutting properties. For the purpose of this Ordinance, the word "street" shall include the words "road," "thoroughfare" and "highway."

(a) **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

(b) **Dead-End Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

(c) **Local Street:** A street primarily designed for providing access to residential or other abutting property.

Street line: See Right-of-Way Line.

Street Width: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

Structural Alterations: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Structure: Anything constructed or erected.

Subdivision: The division of a lot, tract or parcel into two or more lots, tracts or parcels or other divisions of land for sale, development or lease.

Substantially to Alter: Shall mean any exterior alteration or any structural alteration amounting to a minimum dollar amount established through ordinance by Council.

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.

Temporary Sign: Any portable sign, flag, pennant, garage sale sign, or public election and candidate sign that is used temporarily and is not permanently mounted.

This Ordinance: Whenever the term "this Ordinance" is used, it shall be deemed to include where the text permits any and all amendments thereto as the same may be hereafter from time to time adopted.

Travel Trailer: A vehicular, portable structure, not over 32 feet long or eight (8) feet wide designed to be used as a temporary dwelling for travel, recreational and vacation use.

Use: The specific purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Variance: A variance is a relaxation of the strict requirements of this Ordinance where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

Village Council: The Village Council for the Village of Pemberville, Wood County, Ohio.

Wall Sign: A sign attached to or placed against a wall of a building with the face parallel to the building wall and extending not more than one (1) foot therefrom, which advertises the use carried on within such building.

Waste Disposal: Disposition of garbage, combustible and noncombustible waste material.

Warehousing Activities: The receiving, storage, sale and distribution of manufacturing products and equipment, such storage to be within wholly enclosed structures or buildings.

Window Sign: Any sign, picture, symbol or combination thereof designed to communicate information about a business, commodity, sale or service that is placed inside a window or upon the interior window panes or glass and is visible from the exterior of the window.

Yard: A required open space other than a court, on the same lot with a building or structure or group of buildings and structures, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed 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.

(a) Yard, Front: A yard extending across the full width of the lot between side lot lines, the depth of which is the minimum horizontal distance between the front lot line and the front of the principal building.

(b) Yard, Rear: A yard extending across the full width of the lot between side lot lines and from the rear lot line to the rear of the nearest principal building. The depth of the required rear yard shall be measured horizontally from the nearest part of the principal building to the nearest point of the rear lot line.

(c) Yard, Side: A yard between the principal building and the side lot line extending from the front yard, or front lot line, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the principal building.

Zero-Lot Line Development: See Condominium.

Zoning Certificate: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Zoning District Map: The Zoning District Map or maps of the Village together with all amendments subsequently adopted.

Zoning Inspector: The person designated by the Mayor and Council to administer and enforce this Ordinance.

Zoning Permit: See Zoning Certificate.

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ARTICLE III. ESTABLISHMENT OF DISTRICTS

The Village is hereby divided into districts under four (4) general categories which shall be known as: "Open Space Districts," "Residential Districts," "Commercial Districts" and "Industrial Districts."

SECTION 301. Open Space Districts

301.1 "A" Agriculture: Land which is level or gently rolling and is best reserved for agricultural and other rural purposes.

SECTION 302. Residential Districts

302.1 "R-A" Rural Residential: For low density residential development which may or may not have community water and sewerage services.

302.2 "R-1" Single-Family Residential: For relatively low density residential development which may or may not have community water and sewerage facilities developed.

302.3 "R-2" Single-Family Residential: For medium density residential development served by community water and sewerage services.

302.4 "R-3" Multiple-Family Residential: For moderately high density residential development which has ready access to most community facilities. Community water and sewerage facilities are required.

SECTION 303. Commercial Districts

303.1 "C-1" Neighborhood Commercial: Areas for small local business with convenience-type goods such as are handled in small food markets and drugstores, plus personal services such as barber shops and beauty salons. Uses in these areas must be compatible with surrounding residential uses and not be large generators of traffic. All uses and activities shall be inside buildings unless related to the existing primary use of the property.

303.2 "C-2" General Commercial: Areas of general business, highway business and office-type business located along major thoroughfares which provide sales and services. All uses and activities shall be inside buildings unless related to the existing primary use of the property.

303.3 "C-3" Central Business District: Areas of general business, neighborhood business and office-type business concentrated in the core area of the Village. All uses and activities shall be inside buildings unless related to the existing primary use of the property.

SECTION 304. Industrial Districts

304.1 "M-1" Light Industrial: Areas which, because of their access to transportation and community services, and because of the nature of their light industrial operation, with restricted manufacturing operations, research facilities and offices of a restricted nature, will have little or no detrimental effects on neighboring land uses.

304.2 "M-2" Heavy Industrial: Areas which, because of their access to transportation and community services, and isolation from other land uses, can accommodate industrial uses which might cause detrimental effects in other areas.

SECTION 305. Zoning District Map

305.1 The boundaries of the district are shown upon the map which is made a part of this Ordinance, which map is designated as the "Zoning District Map." The zoning district map and all of the notations, references and other information shown thereon, are a part of this Ordinance and have the same force and effect as if the zoning district map and all of the notations, references and other information shown thereon were all fully set forth or described herein, the original of which zoning district map is properly attested and is on file with the Village Council.

305.2 In the event that the Official Zoning District Map becomes damaged, destroyed or lost, the Village Council may by Ordinance adopt a new Official Zoning District Map which shall supersede the prior Official Zoning District Map.

SECTION 306. District Boundaries

306.1 The district boundary lines on said zoning district map are intended to follow either centerlines of streets or alleys or lot lines; and where the districts designated on the zoning district map are bounded approximately by such alley or lot line, such alley or lot line shall be construed to be the boundary of the district unless such boundary is otherwise indicated on the zoning district map. In the case of unsubdivided property, wherever a district is indicated as a strip adjacent to or paralleling an adjacent street or highway, the depth of such strip shall be 250 feet measured at right angles from the street or highway line and the length of the frontage shall be the entire tract of land along such street or highway unless otherwise indicated. In the case of the vacation of a street, alley, water course or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the centerline of said vacated street, alley, water course or right-of-way.

306.2 Where boundaries appear to approximately follow such aforesaid lines and are not more than 10 feet distant therefrom, such lines shall be construed to be the boundary lines unless specifically shown otherwise.

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ARTICLE IV. USE REGULATIONS

The permitted and conditional uses for each district are shown in the following tabulations which shall constitute Article IV of the Zoning Ordinance. The interpretation of Uses given in categorical terms shall be as defined in Article II. Uses not specifically listed or interpreted by the Board to be included categorically under this Article shall not be permitted, except by action of the Planning Commission and the Village Council.

SECTION 401. "A" AGRICULTURAL:

401.1 Permitted uses:

401.101 Agriculture

401.102 Dwelling, One-Family

401.103 Nursery, Plant Materials

401.104 Home occupation

401.105 Public uses

401.106 Accessory uses

401.2 Conditional uses requiring Board approval:

401.201 Airports

401.202 Cemeteries

401.203 Off-premise signs

SECTION 402. "R-A" RURAL RESIDENTIAL:

402.1 Permitted uses:

402.101 Dwelling, One-Family

402.102 Home occupation

402.103 Public uses

402.104 Accessory uses

402.2 Conditional uses requiring Board approval:

402.201 Athletic fields

402.202 Bed and breakfast

402.203 Cemeteries

402.204 Churches

402.205 Family day care home, Type A

402.206 Golf courses

402.207 Parks and playgrounds

SECTION 403. "R-1" SINGLE FAMILY RESIDENTIAL:

403.1 Permitted uses:

403.101 Dwelling, One-Family

403.102 Churches

403.103 Home occupation

403.104 Public uses

403.105 Accessory uses

403.2 Conditional uses requiring Board approval:

403.201 Bed and breakfast

403.202 Churches

403.203 Family day care home, Type A

403.204 Golf courses

SECTION 404. "R-2" SINGLE FAMILY RESIDENTIAL:

404.1 Permitted uses:

404.101 Dwelling, One-Family

404.102 Home occupation

404.103 Parks and playgrounds

404.104 Public uses

404.105 Accessory uses

404.2 Conditional uses requiring Board approval:

404.201 Athletic Fields

404.202 Bed and breakfast

404.203 Cemeteries

404.204 Churches

404.205 Dwelling, Two-Family

404.206 Family day care home, Type A

404.207 Golf courses

404.208 Libraries

404.209 Schools

SECTION 405. "R-3" MULTIPLE FAMILY RESIDENTIAL:

405.1 Permitted uses:

405.101 Dwelling, Two-Family

405.102 Dwelling, Multiple-Family

405.103 Child day care center

405.104 Public uses

405.105 Accessory uses

405.2 Conditional uses requiring Board approval:

405.201 Clubs

405.202 Elderly Housing Facility

405.203 Assisted Living Facility

405.204 Nursing home

405.205 Semi-public uses

SECTION 406. "C-1" NEIGHBORHOOD COMMERCIAL:

406.1 Permitted uses:

406.101 Business, neighborhood

406.102 Child day care center

406.103 Clinics

406.104 Libraries

406.105 Mortuaries

406.106 Personal services

406.107 Public service facility

406.108 Public uses

406.109 Professional activities

406.110 Recreational facilities

406.2 Conditional uses Requiring Board Approval:

406.201 Convenience gas station

406.202 Clubs

406.203 Dwelling, Single-Family

SECTION 407. "C-2" GENERAL COMMERCIAL:

407.1 Permitted uses:

407.101 Automobile Service Station

407.102 Automotive repair

407.103 Automotive, travel trailer and farm implement sales

407.104 Banks and Office-type businesses

407.105 Business, neighborhood

407.106 Business, general

407.107 Business, highway

407.108 Business, office-type

407.109 Child day care center

407.110 Commercial entertainment facilities

407.111 Convenience Gas Station

407.112 Hospitals and clinics

407.113 Hotels and motels

SECTION 407. "C-2" GENERAL COMMERCIAL: (continued)

407.114 Mortuaries

407.115 Nursing homes

407.116 Personal services

407.117 Professional activities

407.118 Public uses

407.119 Recreational facilities

407.120 Restaurants, standard and fast food

407.121 Trade or technical schools

407.122 Animal care facilities

407.2 Conditional Uses Requiring Board Approval:

407.201 Clubs

SECTION 408. "C-3" CENTRAL BUSINESS DISTRICT:

408.1 Permitted uses:

408.101 Banks and Office-type businesses

408.102 Business, neighborhood

408.103 Business, general

408.104 Hotels and motels

408.105 Personal service

408.106 Professional activities

408.107 Public uses

408.108 Restaurants, standard

408.109 Trade or technical schools

408.2 Conditional uses requiring Board approval:

408.201 Dwelling, One-Family

408.202 Dwelling, Two-Family

408.203 Dwelling, Multiple-Family

408.204 Clubs

SECTION 409. "M-1" LIGHT INDUSTRIAL:

409.1 Permitted uses:

409.101 Business services

409.102 Business, wholesale

409.103 Food processing

409.104 Manufacturing, light

409.105 Professional activities

409.106 Public service facility

409.107 Research activities

409.108 Animal care facilities

409.2 Conditional uses requiring Board approval:

409.201 Business, highway

409.202 Hospitals

409.203 Manufacturing, general

409.204 Manufacturing, restricted

409.205 Recreational facilities

409.206 Self-service storage facilities

409.207 Warehousing activities

SECTION 410. "M-2" HEAVY INDUSTRIAL:

410.1 Permitted uses:

410.101 Business, wholesale

410.102 Food processing

410.103 Maintenance and storage facilities

410.104 Manufacturing, general

410.105 Manufacturing, light

410.106 Manufacturing, heavy

410.107 Manufacturing, restricted

410.108 Public service facility

410.109 Warehousing activities

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ARTICLE V. DIMENSIONAL REQUIREMENTS

SECTION 500. Basic Yard, Area and Height Requirements for Dwellings

The following schedule establishes minimum yard and area and maximum lot coverage and height requirements for dwellings and structures accessory to dwellings by district.

District	Lot Area (Sq. Ft.)	Lot Width (Ft.)	Front Yard (Ft.)	Rear Yard (Ft.)	Side Yard (Ft.) (3)	Max. Lot Coverage (%) (4)	Max. Height (Ft.)
A	1 Acre	150	35	30	10	25	35
R-A	12,000	90	35	30	10	25	35
R-1	8,400	70	35	30	10	25	35
R-2	6,000	50	35	30	10	50	35
R-3	3,500 (1)	NA	35	30	10	40	35
C-1	----	----	35	15	10	50	35
C-2	----	----	35	15	10	50	45
C-3	----	----	35	15	(2)	NA	35
M-1	----	----	35	15	10	----	45
M-2	----	----	50	15	10	----	45

Notes:

(1) Per dwelling unit.

(2) When abutting a residential district, the minimum side yard shall be the same as required in the abutting district; otherwise, no side yard is required.

(3) Required side yards may be reduced to zero (0) for zero-lot line developments subject to the approval of a site plan or subdivision by the Planning Commission.

(4) Includes all dwellings and structures accessory to dwellings on property.

(5) No structure located within the C-3 District shall be occupied or used as a dwelling on the ground floor or at street level.

NA: Not Applicable

SECTION 501. Floor Area Requirements for Dwellings

The floor area per unit in dwellings erected on any lot shall not be less than that established by the following table. In determining floor area, only the area used for living quarters shall be counted. Garages, carports, porches, and basements are to be excluded.

All figures are in square feet.

District	Single-Family Detach	Single-Family Condo (Zero-Lot Line)	Two-Family	Multi-Family			
				Efficiency	One Bedroom	Two Bedroom	Three or More Bedrooms
A	1,500	----	----	----	----	----	----
R-A	1,500	----	----	----	----	----	----
R-1	1,500	----	----	----	----	----	----
R-2	1,500	----	1,000 (1) (2)	----	----	----	----
R-3	----	1,000	1,000 (2)	500	600	700	800
C-3	1,500 (1)	750 (1)	750 (1) (2)	500 (1)	600 (1)	700 (1)	800 (1)

Notes:

(1): Conditional Use

(2): Per Dwelling Unit

SECTION 502. Height Regulations for Institutional, Office, Industrial and Apartment Buildings and Structures

The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flag poles, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 503. Existing Lots of Record

Any lot of record 60 feet or wider existing at the effective date of this Ordinance in the "R-1" District may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of ten (10) feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the Board may require that the lot be combined and used for one (1) main building. In either case, the prevailing setback shall be met. Where three (3) or more contiguous unimproved lots of record with less than the required area and width are held by one (1) owner, the Board may restrict the use to fewer lots to permit compliance with minimum yard requirements.

SECTION 504. Architectural Projections

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

SECTION 505. Special Yard Requirements

505.1 Lots having frontage on more than one street shall provide the required front yard along all streets.

505.2 No accessory buildings shall be located in any front or side yard except under unusual circumstances where such activity shall not conflict with the intent and purpose of this Ordinance; or, where enforcement shall result in extreme hardship. Either exception shall require approval of the Board. Accessory buildings such as garages may be located in the rear yard provided such buildings are set back at least three (3) feet from the side lot lines and six (6) feet from the rear lot lines.

505.3 No accessory uses or structures, except off-street parking incident to the principal use, nor material or equipment storage shall be located in any required front yard without approval of the Board.

SECTION 506. Traffic Visibility Across Corner Lots

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within 30 feet of the "corner" at a height greater than two and one-half (2-1/2) feet above curb or street grade, or so as to interfere with traffic visibility across the corner. The "corner" shall be the point of intersection of the two right-of-way lines.

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ARTICLE VI. OFF-STREET PARKING

SECTION 600. Off-Street Parking Requirements

600.1 General Requirements: In all districts, in connection with every industrial, commercial, institutional, recreational, residential, or other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

(a) Each off-street parking space shall have a width of not less than ten (10) feet and a minimum length of 18 feet exclusive of access drives or aisles, and shall be of usable shape and condition.

(b) There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling, and not less than 20 feet in width in all other cases, leading to the parking or storage or loading or unloading spaces required hereunder.

600.2 Number of Spaces Required: The number of off-street parking spaces to be provided shall not be less than the following:

Use	Parking Spaces Required
One Family Units	Two (2) for each dwelling
Two-Family & multiple dwellings	Two (2) for each dwelling unit
Rooming or boarding house, hotel or motel or dormitory	One (1) for each sleeping room or suite
Private club, golf club or lodge or similar establishment	One (1) for each four members
Church or Temple	One (1) for each five seats in main auditorium
School (Except High School or College)	One (1) for each five seats in auditorium or main assembly room, or two (2) for each classroom, whichever is greater
Use	Parking Spaces Required
Community Center, Library, Museum or art gallery or similar establishment	Ten (10) plus one additional for each 300 square feet of floor area in excess of 2,000 square feet
Commercial Golf Course	40 for each nine holes plus one for each employee
Hospital	One (1) for each bed
Sanitarium, convalescent home, home for the aged or similar institutions	One (1) for each two beds
Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium or similar venue	One (1) for each five seats or each 10 lineal feet of bench seating spaces
Bowling Alley	Five (5) for each lane; plus one additional space for each 200 square feet of area used for eating, drinking or other recreation
Mortuary or Funeral Home	One (1) for each 50 square feet of floor space in slumber rooms, parlors or individual funeral service rooms
Adult Day Care	One (1) for every 150 square feet of gross floor area
Child Day Care or Nursery School	Six (6) or two for each classroom, whichever is greater

Restaurants, Night clubs, Cafes or similar recreation or amusement establishments, dance halls, assembly or exhibition halls, without fixed seats, barber shops, beauty parlors and health salons	One (1) for each 75 square feet of floor area
Medical and Dental offices and Clinics	One (1) for each 125 square feet of floor area with a minimum of four spaces required
Personal services other than barber shops, beauty parlors, and health salons and professional activities other than medical and dental offices and clinics	One (1) for each 150 square feet of floor area with a minimum of four spaces required
Use	Parking Spaces Required
Retail business, shopping center or business service establishment except as otherwise specified herein	One (1) for each 150 square feet of gross floor area plus one for each 2 employees on the maximum work shift
Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service or similar establishment	Two (2) plus one additional for each 200 square feet of floor area over 1,000 square feet with a minimum of four spaces required plus space to accommodate all trucks and other vehicles used in connection therewith
Printing or plumbing shop or similar service establishment	One (1) for each person employed therein plus one (1) for each 150 square feet of floor area with a minimum of four spaces required plus space to accommodate all trucks and other vehicles used in connection therewith
Manufacturing or industrial establishment, research or testing laboratory, dairy processing, bakery, bottling plant, warehouse or similar establishment	One (1) for each two employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith
Assisted Living Facility	One (1) for every four beds

600.3 Interpretation: The following rules shall govern the determination of spaces required:

- (a) "Floor area" shall mean the gross floor area of the specified use. The outside wall dimensions shall be used in determining the area of a structure.
- (b) Fractional numbers shall be increased to the next whole number.
- (c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (d) Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- (e) One (1) additional space of proper size and construction over and above the parking space requirements of this section shall be provided for each additional operational motor vehicle owned and/or continuously stored on a residential property by the resident or owner.

SECTION 601. Special Parking Provisions

Every parcel of land hereafter used as a public, commercial, or private parking lot shall be developed and maintained in accordance with the following requirements:

601.1 Screening and Landscaping: Off-street parking areas for more than 10 vehicles shall be effectively screened on each side which adjoins or faces premises situated in any "A" or "R" District, or institutional premises, by a fence of acceptable design. Such fence shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises in any "A" or "R" District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall, or fence, a strip of land not less than 10 feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height or more than six (6) feet in height, may be substituted.

601.2 Minimum Distance and Setbacks: No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any dwelling, 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 five (5) feet to any established street or alley right-of-way. For

residential uses, access drives shall have a minimum side yard of three (3) feet from the boundary lines of adjoining properties. For non-residential uses, access drives shall have a minimum side yard requirement of 25 feet and a minimum rear yard requirement of 40 feet. The wall or hedge required in Section 601.1 hereof shall be set back from each street, the same as if it were a building wall, so as to observe the front yard requirements of this Ordinance.

601.3 Joint Use: Two (2) or more nonresidential 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 Solicitor and accepted by the Zoning Board of Appeals shall be filed with the application for a Zoning Certificate.

601.4 Other Locations: Parking spaces may be located within 300 feet on a lot other than that containing the principal use with the approval of the Zoning Board of Appeals, provided a written agreement, approved by the Village Solicitor and accepted by the Zoning Board of Appeals, shall be filed with the application for a Zoning Certificate.

601.5 Surfacing: Any off-street parking area shall be graded for proper drainage and surfaced so as to provide a durable surface constructed of one of the following materials: asphalt, concrete, or tar and chip.

601.6 Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any "A" or "R" District.

601.7 All vehicles parked off-street shall be parked in an approved parking area constructed according to the requirements of Section 601.5. All vehicles shall not be parked in front, side or rear yards except in approved parking areas.

601.8 Disabled Vehicles: The parking of a disabled and/or unlicensed vehicle within a residential district for a period of more than two (2) weeks shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

601.9 Truck tractors and/or truck trailers shall not be parked, except for making deliveries, in any "A", "R" or "C" districts; except for Agricultural purposes.

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ARTICLE VII. SPECIAL PROVISIONS FOR RESIDENTIAL USES

SECTION 701. Parking and Storing of Boats, Recreational Vehicles, Utility Equipment and Mobile Homes

701.1 Parking or Storing of Mobile Homes: Parking or storing of a mobile home on any residential property for 72 hours or more shall be prohibited.

701.2 Parking or Storing of Recreational and Utility Equipment: Any owner of recreational and utility equipment may park or store such equipment on residential property subject to the following conditions:

(a) Recreational and utility equipment parked or stored shall be owned by the occupant of the residence, shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.

(b) If the recreational or utility equipment is parked or stored outside of a garage it shall be parked or stored to the rear of the front line of the building. The setback requirement in the side or rear yard shall be a minimum of three (3) feet. On one lot there shall be no more than two (2) pieces of equipment parked or stored outside. A mounted piece of equipment is construed as one piece; disassembled as two pieces.

(c) Notwithstanding the provisions of sub-paragraph (b), recreational and utility equipment may be parked anywhere on the premises for loading and unloading purposes, for a period of not more than 72 hours.

(d) All recreational and utility equipment must be kept in good repair.

SECTION 702. Swimming Pools

A private swimming pool shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one half (1-1/2) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be allowed in any "A" or "R" District except as an accessory use and unless it complies with the following conditions and requirements:

(a) The pool is no greater than 1,200 square feet in surface area of water and no more than 12 feet in depth.

(b) 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.

(c) The pool, including any walks or paved areas or accessory structures adjacent thereto, shall not be constructed so as to extend into the required front or side yards, nor may it be located closer than ten (10) feet to any property line of the property on which it is located.

(d) The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and shall be maintained in good condition with a gate and lock, with a latch on any gate on the inside thereof, preferably out of the reach of small children.

(e) As an alternative to installing a separate fence or wall around an above ground pool, the wall of the pool and, if necessary, a railing built around the top of the pool wall to a height not less than four (4) feet, may be considered the enclosure for the pool. All access ladders, stairs, or similar apparatus for this type of pool shall be removed when the pool is not in use or is left unattended.

SECTION 703. Conversion of Dwellings

In an "R-3" District a residence may be converted to accommodate an increased number of dwelling units provided:

(a) If the building is to be altered on the outside, the yards shall not be reduced to less than the yard dimensions required by the zoning regulations for new structures in that district.

(b) The lot area per family is equal to the lot area requirements for new multifamily structures in that district.

(c) The number of square feet of living area per family unit is not less than that which is required for new construction in that district.

SECTION 704. Family Day Care Facilities

In all "R" Districts and "C-1" and "C-2" districts, a permanent residence may be used to provide day care services. All day care operations shall conform to applicable local and state licensing provisions.

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ARTICLE VIII. SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

SECTION 800. Performance Requirements

800.1 Requirements: No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

(a) Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices that 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 at any point of any equipment other than that of the creator of such disturbance.

(c) Noise: Noise which is objectionable as determined by the Board because of intermittence, beat, frequency or shrillness, shall be muffled or otherwise controlled. Noises may equal but shall not exceed average street traffic noise during such periods that traffic noise exceeds the following decibel readings as measured at the boundary or boundaries of the district or at any point in any adjacent "A," "C" or "R" District:

"M-1": 75 Decibels

"M-2": 85 Decibels

(d) Vibration: No continuous vibration shall be permitted which will have the effect of destroying adjoining property and is found to be detrimental to the legal use of any adjoining lot or property.

(e) Smoke: Smoke shall not be emitted with a density greater than No. 2 on the Ringlemann chart as issued by the U.S. Bureau of Mines. Smoke of a density of No. 4 on the Ringlemann chart shall be permitted for a period of up to eight (8) minutes in each hour, provided the following conditions exist:

1. Breakdown of equipment

2. Starting new fires

3. Clean-up time

(f) Odors: No malodorous gas or matter shall be permitted which produces a public nuisance or hazard on any adjoining lot or property.

(g) Air Pollution: No pollution of air by fly ash, dust, vapor or other substances shall be permitted which can cause damage to health, animals, vegetation or other property, or which can cause damaging soiling.

(h) Glare: No direct or reflected glare shall be permitted which is visible from any property outside an "M" District or from any public street, road or highway.

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

(j) Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the Ohio EPA.

800.2 Enforcement Provisions: The Zoning Inspector or Zoning Board of Appeals, prior to the issuance of a Zoning Certificate, 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.

800.3 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, N.Y.; the Manufacturing Chemists Association, Inc., Washington, D.C.; and the United States Bureau of Mines.

SECTION 801. Signs and Outdoor Advertising Structures

801.1 The purpose of these sign regulations is to provide standards for the placement, display and use of signs. These standards are designed to enhance the aesthetic environment of the Village; improve pedestrian and traffic safety; and minimize possible adverse effects of signs on nearby public and private property.

801.2 General Provisions

(a) Unless otherwise provided by this Ordinance all new signs shall require a certificate. Application for sign certificates shall be made to the Zoning Inspector. Payment of fees shall be in accordance with the Permit Fee Schedule. No certificate is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs, so long as the sign area or structure is not modified in any way for the existing owner and/or tenant.

(b) Each application for a Zoning Certificate shall include a drawing of the proposed sign showing the following information:

1) Name and address of the owner of the sign.

2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.

3) The type of sign or sign structure as defined in this Ordinance.

4) A site plan with dimensions showing the proposed location of the sign with the measurements from all property lines along with the location of all existing signs and buildings on the same premises and adjacent roadways.

5) A drawing of the proposed sign showing the following specifications: dimensions, height, design, copy, illumination and construction details (materials, structural supports and electrical components of the proposed sign).

6) Computations showing total number and area of existing and proposed signs on the lot.

(c) No sign shall project into any public right-of-way or obstruct traffic visibility at street or highway intersections.

(d) If a sign is installed, constructed or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Any owner, lessee or sign contractor who installs a new sign without a permit is subject to three (3) times the normal fee schedule.

(e) All nonconforming signs, sign structures and off-premise signs will be permitted to remain in place on the same premises of such use. When the existing use is no longer in business all nonconforming signs shall be removed. All new signs on the premises shall conform to

the provisions of this Ordinance.

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

(g) One (1) temporary sign not exceeding an aggregate of 50 square feet, announcing the opening of a business in a Commercial or Industrial District is permitted for one (1), 30-day period.

(h) A temporary sign (construction sign) not exceeding an aggregate of 50 square feet advertising the construction of a building including the contractor, architect, engineer, financial institution, etc. is permitted in a Commercial or Industrial District during the construction period. Within the agricultural and residential districts, a temporary sign (construction sign) not exceeding an aggregate of 32 square feet is permitted during the construction period.

(i) Directional signs shall be permitted for off-street parking areas, provided:

(1) Height not to exceed 42 inches from grade level.

(2) Each sign shall not exceed five (5) square feet per display area.

801.3 Prohibited Signs

The following types of signs are prohibited in all districts:

(a) Abandoned Signs

(b) Animated Signs. No sign shall be permitted which is animated by means of flashing, blinking or traveling lights or any other means not providing constant illumination. Public service information signs and changeable copy signs are not considered animated signs.

(c) Search lights, rotating signs, sandwich board signs, moving figures, balloons or other gas-filled figures.

(d) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.

(e) Any sign or other object attracting attention to a business which interferes with the safety of the traveling public.

(f) Roof Signs

(g) Pole signs in "A" and "R" districts.

801.4 Exemptions

The following types of signs are exempt from sign permit requirements:

(a) Any public notice or warning required by a valid and applicable federal, state, local law or regulation.

(b) Any sign inside a building.

(c) Works of art that do not include a commercial message.

(d) Holiday lights and decorations with no commercial message.

(e) Traffic directional signs on private property which contain no commercial message.

(f) Non-illuminated real estate signs not exceeding six (6) square feet in sign area in "A" and "R" districts and 32 square feet in sign area in "C" and "M" districts that advertise the sale, rental or lease of the premises upon which such sign is located.

(g) Non-illuminated signs not exceeding 32 square feet per face in sign area which advertise the sale or lease of a subdivision or undeveloped acreage.

(h) Memorial signs or tablets, names of buildings and the date of construction; placed on the building provided that such signs do not exceed two (2) square feet in area.

(i) The following temporary signs. These signs shall be removed no later than five (5) days after completion of the event or transaction.

(1) Garage/yard sale signs.

(2) Public election and candidates signs.

801.5 Signs in Agricultural and Residential Districts

Signs shall be permitted as follows:

- (a) One (1) low-profile or one (1) wall sign shall be allowed for each lot which contains a main building other than a dwelling. Low-profile signs in "A" and "R" Districts shall not exceed five (5) feet in height measured from the ground surface and shall be no higher than seven (7) feet measured from the center line of the road and 32 square feet per face in area.
- (b) Signs for home occupations shall not exceed eight (8) square feet in area and shall be wall mounted and flush against the wall.
- (c) Signs for churches, schools or other public or semi-public buildings shall not exceed 32 square feet per face in area.
- (d) At any entrance to a residential subdivision or multi-family development there may be not more than two signs identifying such subdivision or development and said signs shall be setback from the right-of-way line a minimum distance of ten (10) feet. The total sign area of a single sign located at a single entrance shall not exceed 32 square feet, shall not exceed 42 inches in height and shall contain only the name of the subdivision or development. Any subdivision entrance/ identification sign proposed to be located within the center of a boulevard entrance shall be located in a manner so as not to create a traffic hazard from the standpoint of adequate sight distances.
- (e) All signs permitted in Section 801.5 (a) and (c) shall be located a minimum distance of 25 feet from the right-of-way line and not less than ten (10) feet from any adjacent lot line.

801.6 Signs in Commercial and Industrial Districts

(a) Except as indicated, only one (1) of each sign type listed below shall be permitted per lot in Commercial and Industrial Districts:

District	Type of Sign Permitted	Max. Size of Pole Sign (Sq. Ft.)	Max. Size of Wall Sign (1) (2)	Max. Size of Low Profile Sign (Sq. Ft.) (3)	Max. Size of Projecting Sign (Sq. Ft.) (4)
C-1	Wall, low profile, projecting, pole	40 per face	1.5 sq. ft. per lineal ft. of building width	40 per face	40
C-2	Wall, low profile, projecting, pole	100 per face	1.5 sq. ft. per lineal ft. of building width	100 per face	40
C-3	Wall, low profile, projecting, pole	60 per face	1.5 sq. ft. per lineal ft. of building width	60 per face	40
District	Type of Sign Permitted	Max. Size of Pole Sign (Sq. Ft.)	Max. Size of Wall Sign (1) (2)	Max. Size of Low Profile Sign (Sq. Ft.) (3)	Max. Size of Projecting Sign (Sq. Ft.) (4)
M-1	Wall, low profile, pole	100 per face	1.5 sq. ft. per lineal ft. of building width	50	NA
M-2	Wall, low profile, pole	100 per face	1.5 sq. ft. per lineal ft. of building width	50	NA

Notes:

- (1) Lineal building width facing the rights-of-way; multiple wall signs are permitted provided the combined square footage is within the wall sign size limit indicated.
- (2) Awning, backlit awning and canopy signs are treated as wall signs for the purposes of this table. The sign area for awning, backlit awning and canopy signs is the copy area.
- (3) No low profile sign is permitted when a pole sign is used.
- (4) No projecting sign is permitted when a pole sign is used.

(b) Pole Signs and Low Profile Signs on Double Frontage Lots

If a development is located on a lot that is bordered by two streets that do not intersect at the lot's boundaries (double front lot), then the development may [subject to total sign area limitations in Section 801.6 (a)] have a pole or low profile sign on each street.

(c) Location and Height of Pole Signs

All pole signs shall be located at least ten (10) feet from the right-of-way line, not less than ten (10) feet from any adjacent lot line and may not exceed a height of 30 feet.

(d) Low-profile signs shall be setback from the right-of-way line a minimum distance of 15 feet and not less than ten (10) feet from any adjacent lot line.

(e) Exceptions to these regulations in specific cases may be authorized by the Zoning Board of Appeals where there are practical difficulties or hardships in carrying out the strict letter of this section of the Ordinance providing each exception is in harmony with the general purpose and intent of the Ordinance and in accordance with the procedures and provisions specified in Article XII. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

801.7 Common Signage Plans for Multiple Uses

(a) In lieu of the requirements elsewhere in this section, in Commercial and Industrial Districts, when a structure contains more than one (1) business establishment, or when the owners of two (2) or more contiguous lots voluntarily agree to develop common signage, a common signage plan may be submitted to the Zoning Inspector.

(b) A common signage plan shall specify standards for consistency among all signs affected by the plan in regard to:

1. Color scheme
2. Lettering
3. Lighting
4. Location of signs
5. Material
6. Sign Proportion

(c) Common signage plans may not exceed the following limitations:

- 1) Maximum Sign Area: The total maximum aggregate area of all signs (pole, wall, low profile or projecting) shall not exceed either three (3) square feet of sign per lineal foot of street frontage, or five (5) percent of the ground floor of the principal building, or 1,000 square feet, whichever is less.
- 2) Maximum Number of Pole or Low Profile Signs: Pole or low profile signs, are limited to one (1), for each 500 feet of lot frontage.

801.8 Off Premise Sign

Off premise signs are permitted in the M-1 and M-2 districts, subject to the following:

- (a) Off-premise signs shall not exceed 32 square feet per sign face.
- (b) Height of off-premise signs shall not exceed eight (8) feet above grade.

SECTION 802. Temporary Buildings

Temporary buildings and construction trailers used in conjunction with construction work only may be permitted in any "C" or "M" district during the period construction work is in progress, but such temporary buildings shall be removed upon substantial completion of the construction work.

SECTION 803. Open Storage and Display of Material and Equipment

803.1 The open storage and display of material and equipment incident to permitted or conditional uses in "C" or "M" Districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any "A" or "R" District by means of walls, fences or plantings. In no case shall this storage be maintained beyond the front building line except for items displayed for sale or rental. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of

such wall or fence a strip of land not less than 10 feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

803.2 The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of such equipment and material beyond the date of completion of the project shall be subject to a special permit authorized by the Zoning Board of Appeals.

SECTION 804. Day Care Facilities

Day Care Facilities operated as an accessory use to serve employees of a principal use, located on-site and less than 5,000 square feet, shall not be subject to any commercial site plan review beyond that required for the principal use.

SECTION 805. Animal Care Facilities

(a) Animal Care Facilities located in a "C-2" or "M-1" District shall be contained within a building(s) and shall not have holding pens or enclosures for housing animals external to any building.

(b) Accessory buildings, pens or enclosures used for housing or containing animals shall be a minimum of 50 feet from all property lines and/or any dwelling unit.

(c) Suitable fencing or landscaping shall be installed around pens and/or enclosures used for housing or containing animals.

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ARTICLE IX. SPECIAL PROVISIONS FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES

SECTION 901. Dish Antennae

No person, firm, partnership, corporation, trust or other legal entity shall construct a dish antenna without a permit, nor shall construction commence before a permit is issued.

The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the Village of Pemberville, Ohio, who desires to construct a dish antenna on said lot, premises or land parcel, must first obtain a permit to do so from the Village of Pemberville Zoning Inspector or the agent thereof.

The Zoning Inspector shall issue such permit, provided the applicant submits a written application upon forms provided and approved by the Planning Commission, along with a plot plan of the lot, premises or land parcel attached, showing the exact location and dimensions of the proposed dish antenna; a description of the kind of dish antenna proposed; and the exact location and dimensions of all buildings or structures. Each application shall specify, among other things, the name and address of the owner of the real estate; the applicant; and the person to be permitted to construct the proposed dish.

The applicant shall submit with each application a sum in accordance with scheduled fees established by Council which represents the permit fee. The permit fee shall cover the costs of reviewing the construction plans, inspecting the final construction and processing the application.

The following shall apply to the location of ground-mounted dish antennae:

(a) No dish shall be constructed in any front or side yard, but shall be constructed to the rear of the residence or main structure.

(b) The dish, including its concrete base slab or other substructure, shall not be constructed less than ten (10) feet from any main building; shall have rear and side property line setbacks equal to or greater than the height of the proposed structure but in no case shall the rear and side yard setbacks be less than eight (8) feet from any property line or easement; and, in the case of a corner lot, shall not project beyond the front yard required or existing on the adjacent lot. In any "C" or "M" District, a dish antennae shall not be located closer than 15 feet to any public street.

(c) No dish shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the dish.

(d) A dish shall not exceed a grade height of fifteen (15) feet.

(e) Wiring between a dish and a receiver shall be placed at least four (4) inches beneath the surface of the ground within rigid conduit.

(f) Such dish shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.

(g) Any driving motor shall be limited to 110v maximum power design and be encased in protective guards.

(h) A dish must be bonded to a grounding rod.

The following shall apply to the location of roof-mounted dish antennae:

(a) Dishes shall be mounted directly upon the roof of a primary or accessory structure as defined in the Building Code and shall not be mounted upon appurtenances such as chimneys, trees, poles or spires.

(b) A dish shall not exceed a height of more than four (4) feet above the roof upon which it is mounted.

(c) A dish shall not exceed three (3) feet in diameter.

(d) A dish shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.

(e) Any driving motor shall be limited to 110v maximum power design and be encased in protective guards.

(f) A dish must be bonded to a grounding rod.

If used for advertising purposes, a dish antenna shall be deemed to be a sign and shall also be governed by the sign regulations applicable to the property.

SECTION 902. Ponds

902.1 General

(a) Ponds shall be permitted as a conditional use in the "A," "R-A" and all "M" Districts on parcels of three (3) acres or greater.

(b) All ponds shall require a permit and meet requirements of Section 1103, "Application and Issuance of Zoning Certificates," which includes written application for a Zoning Certificate (1103.2) accompanied by a site plan (1103.3). All parcels of five (5) acres or less shall meet the additional requirements of site plan review under Section 903, "Site Design and Development, Multiple-Family and Non-Residential Uses," and Section 1103.4 which includes site plan review by the Planning Commission.

(c) Ponds shall conform to the U.S. Soil Conservation Service specifications and recommendations.

(d) If a pond is deemed to pose a safety hazard because of increased density of development in the vicinity of the parcel, the Village may require fencing be installed as specified under Section 702.1 (d) and (e) "Swimming Pools," subject to the review of the Zoning Board of Appeals.

(e) Ponds which abut more than one lot and or serve as an accessory use for more than one lot, and all of the respective lots associated with the pond, shall be platted in accordance with applicable subdivision regulations.

(f) Lots containing ponds used for drainage retention shall be platted in accordance with applicable subdivision regulations.

902.2 Area and Design Requirements

(a) Minimum pond surface area shall be one half (1/2) acre. Maximum surface area shall not exceed 25 percent of the net acreage of the parcel.

(b) The side slope of a pond shall be horizontal to vertical at a ratio of three-to-one (3:1) except where a beach is desired. The ratio shall be maintained to a minimum depth of 17 feet.

(c) Beach areas may be sloped no less than at a horizontal to vertical ratio of ten-to-one (10:1) and shall not exceed 25 percent of the pond surface area.

(d) Ponds shall be graded not to exceed four (4) feet in height so as not to obstruct an adjoining property owner's view. Excess dirt may be redistributed on the parcel, but may not be removed from the site unless determined in the site plan approval that it is deemed necessary for landscaping or to provide adequate drainage of the site.

(e) To prevent effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, then diverted to a suitable outlet or drainage ditch.

902.3 Setback

- (a) A pond shall have a 100 foot minimum setback from any roadway right-of-way centerline.
- (b) Ponds on parcels of five (5) acres or less shall have a side yard setback of not less than 10 percent of the width of the parcel, with a minimum setback of 25 feet.
- (c) A pond shall be located no closer than 100 feet to a septic tank, or leach field.

902.4 Refilling

The refilling of an area which has been excavated for the development of a pond shall be considered waste disposal and shall meet the requirements as set forth by the Wood County Board of Health for solid waste disposal under 3734.05 Ohio Revised Code.

SECTION 903. Site Design and Development - Multiple-Family Dwellings and Non-Residential Uses

Site plan review and landscaping shall be required for new uses; or existing uses, when a building or structure is erected, changed, or enlarged by 50 percent or more or is 5,000 square feet or greater in floor area.

903.1 Site Plan Review - Basic Requirements

- (a) A formal letter of submittal shall accompany the site plan. The letter shall provide the name, address and phone number of any parties who should be informed of the progress of the request. Parties to be notified should include the land owner, developer, attorney, architect, engineer, landscape architect or other appropriate consultant.
- (b) All site plans shall have a title indicating the type of request being made, e.g., a request for a zone change, special use permit, etc.
- (c) The site plan shall be accompanied by a complete legal description of the subject property and a general location sketch showing nearby section lines and/or residential and major roadways.
- (d) The site plan shall indicate the scale of the drawing and shall use an engineer's scale.
- (e) The site plan shall have the north arrow pointing either toward the top of the drawing or to the right side of the drawing.
- (f) Ten (10) blue-line or black-line prints of the site plan on paper no larger than 24" by 36" must be submitted. Detailed drawings other than the site plan need not be submitted at this time for the site plan review process.

903.2 Site Plan Requirements

- (a) The site plan shall show the zoning classification(s) and existing uses of the subject property and all abutting property. It shall also show the approximate location of buildings and driveway locations opposite to and adjacent to the subject property.
- (b) The site plan shall indicate the dimensions of the property and shall show the dimensions of existing and proposed buildings to be constructed. The site plan shall indicate any building removals or other alterations to occur on the property.
- (c) The site plan shall indicate the distance of existing and proposed structure(s) to the right-of-way line and the distances of the structure(s) to the side and rear property lines.
- (d) The site plan shall indicate by name all adjacent roadways. The site plan shall show both right-of-way and pavement widths measured from the centerline of the roadway.
- (e) The site plan shall indicate the locations, size (height), and material of all existing and proposed fencing and/or walls on the subject property.
- (f) The site plan shall show the location, height and dimensions of existing or proposed signs on the property.
- (g) The site plan shall indicate the width(s) and location(s) of existing or proposed sidewalks if any and drive approach aprons. The drive approach width(s) shall be dimensioned where the apron meets the roadway pavement and shall be dimensioned at the throat.
- (h) Site plans shall show any ditches, creeks, or other natural features that may affect the development of the property. Where appropriate, the two-foot (2') contours and the 100-year high water elevation shall be shown on the site plan.
- (i) The site plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention.
- (j) The site plan shall show existing and proposed sanitary and storm sewers, watermains and the location(s) of fire hydrants if present.

(k) The site plan shall indicate the location of existing or proposed off-street parking spaces and drive aisles with complete dimensions. The drawing shall include the number and size of the proposed parking stalls including handicap spaces. The type of pavement composition of the parking area, i.e., treated gravel, asphalt or concrete shall be indicated. If the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any between the two areas, shall be shown.

(l) A site plan with a proposed drive-thru window operation shall indicate where the vehicles will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and/or drive-up window.

903.3 Landscaping

(a) Landscaping shall be required along all road frontage.

(b) Depth of the landscaping strip shall be a minimum of 15 feet or 50 percent of the required minimum yard depth whichever is greater as applicable under Section 500.

(c) Landscaping shall be a minimum of four (4) feet in height and a sufficient height to shield the view of parking areas from adjacent roadways.

(d) Where uses are within, abut or opposite an "A" or "R" District, landscaping shall be required for those yards which are adjacent to the "A" or "R" District. Landscaping shall be a minimum of six (6) feet in height to effectively shield the view from these respective adjacent parcels.

(e) Landscaping shall consist of natural materials such as plantings, mounding, stone, walls or fences of wood, decorative stone or masonry.

(f) Landscaping shall not obstruct visibility and shall be maintained at a height not to exceed 36 inches within five (5) feet of any street or road right-of-way. Traffic visibility across corner lots shall be governed by Section 506, "Traffic Visibility Across Corner Lots," of this Ordinance.

903.4 Application Procedure

(a) Site plans shall be filed with the Village of Pemberville Zoning Inspector.

(b) The Zoning Inspector shall transmit the site plan to the Planning Commission for review and recommendation, and shall request professional review, if deemed necessary.

(c) No permit shall be issued for any use or change in use prior to the review and approval of the site plan by the Planning Commission. Conditions and modifications may be attached to these plans.

(d) Any change in the site plan, after its approval, must be submitted to the Planning Commission for review and shall require the approval of the Zoning Inspector.

SECTION 904. Specifications for Fences and Walls (*Amended by Ord. #1273 on 12/16/2003*)

The following fence and wall specifications shall apply to all land uses in all zoning districts.

I. Definitions.

(a) FENCE. Any structure composed of wood, metal, stone, plastic, or other natural and permanent material erected in such a manner and positioned as to enclose or partially enclose any premises or any part of any premises. Trellises, or other structures supporting, or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose or partially enclose or separate any premises shall be included within the definition of the word "fence." Structures erected other than on lot lines or within five feet of lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing premises, separating premises from adjoining premises, hedges, retaining walls, or radio-controlled fences, shall not be included within the definition of the word "fence."

(b) FENCE, SOLID. A fence or wall designed to inhibit public view and provide seclusion and, when viewed at right angles, having more than 50 percent of its vertical surface area closed to light and air. Permitted solid fences are:

i. FENCE, BOARD ON BOARD or ALTERNATING BOARD ON BOARD. A fence constructed of vertical wood boards or other natural and permanent material with one-inch nominal size boards between, or upon, a frame of 2-inch nominal members and 4x4 nominal posts.

ii. FENCE, LOUVER or VENTILATING. A fence made of a series of wood slats or other natural and permanent placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

- iii. FENCE, SOLID PICKET. A fence made up of upright one-inch by two inch nominal wooden boards or other natural and permanent material that abut one another, side by side with no openings. The top of the fence may be pointed or blunt.
- iv. FENCE, HEDGE. A row of dense closely spaced living plant material composed of vines, trees, shrubs, bushes or combination thereof.
- v. FENCE, STOCKADE or PALISADE. A fence constructed with a row of large pointed stakes of wood or other natural and permanent material placed upright against each other having more than 50% of the area of its vertical plane closed to light or air.
- vi. WALL. A solid fence constructed of stone, brick, or masonry.

(c) FENCE, OPEN. A fence constructed for its functional, ornamental or decorative effect and, when viewed at right angles, having not less than 50% of its vertical surface area open to light and air. Open ornamental fences include:

- i. FENCE, ACCENT. A fence that is used solely for ornamental purpose and does not enclose or partially enclose an area.
- ii. FENCE, CHAIN LINK. A commercial or industrial fence, usually made of metal, loops of wire interconnected in a series of joined links and including vinyl plastic-coated or painted varieties.
- iii. FENCE, ELECTRIFIED. All fences or structures, with a device or object that emits or produces an electric charge, impulse or shock when the same comes into contact with any other object or any person, animal or thing, or which causes or may cause burns to any person or animal. So called wireless or radio controlled fences that utilize radio signals and control collars are excluded from this definition.
- iv. FENCE, RADIO CONTROLLED. The use of insulated wire (typically low voltage and located underground) to transmit a radio signal to a receiving device. Radio controlled fences are exempt from these regulations.
- v. WALL, RETAINING. A wall composed of wood, stone, brick or other masonry material designed to hold back a portion of higher ground from a lower one. A retaining wall permits two elevation levels to be placed adjacent to each other with an abrupt vertical change between them.
- vi. FENCE, SMOOTH RAIL, SPLIT RAIL, MILLED RAIL or CONTEMPORARY RAIL. A fence constructed of narrow, whole or split, wooden timbers or boards placed horizontally between upright supporting posts. Smooth rail, split rail, milled rail or contemporary rail fences may have supplemental wire fencing or mesh attached to the interior of the fence. For the purpose of improved containment, the opening size shall be not less than 3" X 3" and designed in a horizontal grid.
- vii. FENCE, WROUGHT IRON. A fence constructed of metal, including aluminum, iron or steel, pipe, tubes or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.
- viii. FENCE, SECURITY or INDUSTRIAL. A fence made with metal wire having sharp points, barbs, edges or other attached devices designed to discourage physical contact along its length.

(d) FENCE, PARTIALLY OPEN. A fence designed to offer a vertical, but not totally blocked, visual separation. This fence is used where a low level of screening is adequate to soften the impact of the use or where partial visibility between areas is more important than a total visual screen. Permitted partially open fences are:

- i. FENCE, ARBOR or TRELLIS. A fence of latticework used as a screen or as a support for climbing plants.
- ii. FENCE, PICKET. A partially open fence made of upright wooden or vinyl poles or slats. This fence may be an open fence if the space between the vertical boards is greater than the width of the boards.

2. General Requirements for Fencing and Walls.

(a) Fences and walls shall be permitted in any required yard, or along the edge of any yard.

(b) Height. Except as otherwise specifically permitted herein, no fence or wall shall exceed:

- i. Front Yard. Three (3) feet in height above the established grade forward of the principal structure or in a required front yard;
- ii. Side Yard. Seven (7) feet in height above the established grade in the required side yard adjacent to the principal structure;
- iii. Rear Yard. Seven (7) feet in height in the required rear yard projected forward to a line parallel to the rear side of the principal structure.

(c) Supporting members for fences and walls shall be located so as not to be visible from the adjoining property unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.

(d) No fence or wall shall be constructed in any floodway, floodplain or drainage easement for any parcel or subdivision.

(e) All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.

(f) The fence, wall, or hedge shall not be permitted to encroach upon public rights-of-way or easements or no build zones, conservation/no disturb zones.

(g) The fence, wall, or hedge shall not be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.

(h) The height of a fence shall be measured from the established grade line to the highest point of the fence including posts and finials. The height of the fence may not be artificially increased by the use of mounding unless, otherwise required by the zoning district regulations.

(i) In the event a property owner chooses placement of a fence on a property line, the applicant shall certify to the Zoning Inspector, that the property has been surveyed and that all corners or change in survey course are established and readily discernible. In lieu of a survey, the applicant can use a signed, notarized fence agreement, indicating acknowledgement of said property line for fence placement between adjoining property owners.

3. Specific Requirements for Individual Types of Fencing and Walls.

(a) Open and Partially Open Fences.

i. Accent Fences and Picket Fences. Accent fences and picket fences shall be permitted in all zoning districts if limited to four (4) feet height from grade and if designed only to partially enclose an area and serve only an ornamental purpose. These fences may be used to enclose the entire perimeter of the rear yard if the total lot area is greater than 30,000 square feet.

ii. Arbors; trellises. Arbors or trellises shall be permitted in all zoning districts. Arbors or trellises, which are detached from the building, may encroach on a required side yard which abuts a street and forward of the structure provided that:

(1) The maximum height is eight feet;

(2) The maximum width is five feet;

(3) The maximum depth is three feet and;

(4) The surface of the arbor or trellis shall be at least 50% open.

iii. Chain Link and Security or Industrial Fences. A chain link fence shall be permitted in all districts with the exception of A & R zoning areas where chain link fences are prohibited in front yards. Security and industrial fences shall only be permitted in agricultural or industrial zoning districts. Such fences may not be placed forward of the primary structure and are restricted to side and rear yards. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding seven feet above the established grade

(b) Solid fences.

Solid fences shall be permitted in all zoning districts only in rear yards or to enclose a deck or patio. Solid fences shall not be used to enclose the entire perimeter of the property. Solid fences shall not be located within a required side yard and shall be of an approved type.

i. Brick, Stone or Masonry Walls. Brick, stone or masonry walls are permitted forward of the building line but cannot exceed three feet in height.

ii. Hedges. Hedges shall be permitted in all zoning districts. Hedges shall not be located within a drainage easement, floodway, or flood plain.

4. Prohibited Fencing.

(a) Electrified, barbed wire and razor wire fences are hereby prohibited in all zoning districts except C & M. This prohibition shall not be construed to prohibit electrified and/or barbed wire fences when used in conjunction with a purely agricultural use as defined by the Ohio Revised Code.

5. Corner Lots

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within 30 feet of the "corner" at a height greater than two and one-half (2-1/2) feet above curb or street grade, or so as to interfere with traffic visibility across the corner. The "corner" shall be the point of intersection of the two right-of-way lines.

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ARTICLE X. NONCONFORMING

SECTION 1000. Nonconforming Uses

1000.1 Any lawful uses of buildings or land existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions hereof. The nonconforming use of a building may be extended throughout those existing parts of the building which were arranged or designed for such use. No nonconforming building or structure shall be moved, extended, enlarged or altered, and no nonconforming use of land shall be expanded, except when authorized by the Zoning Board of Appeals in accordance with the provisions of Article XII of this Ordinance.

1000.2 Whenever the use of a building or land becomes nonconforming through a change in the amended Zoning Ordinance or in the district boundaries, such use may be continued.

1000.3 After the effective date of this Ordinance, a nonconforming use which is discontinued for a period of one (1) year shall not again be used except in conformity with the regulations of the district in which it is located.

1000.4 A nonconforming use which has been damaged by fire, explosion, act of God, or the public enemy to the extent of 60 percent or more of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than 60 percent of its reproduction value, a nonconforming use may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are started within one (1) year of the date of such damage.

1000.5 Nonconforming trailer or mobile homes located on a lot in any district, once removed, shall not be relocated on such lot unless the unit was "traded-in" for another unit. In this instance, the replacement shall be on site within one (1) week of the removal of the previous unit.

1000.6 It is not the intention herein to classify as nonconforming a use or building allowed in a district as a conditional use under the regulations of this Ordinance.

1000.7 Any building arranged, intended or designed for a nonconforming use the construction of which has been started at the time of the passage of this Ordinance, but not completed, may be completed and put into such nonconforming use, provided it is done within one (1) year after this Ordinance takes effect.

1000.8 Whenever a nonconforming use has been changed to a conforming use, such use cannot thereafter be changed to a nonconforming use.

SECTION 1001. Zoning Certificates for Nonconforming Uses

A Zoning Certificate shall be required for all lawful nonconforming uses of land and buildings created by adoption of this Ordinance in accordance with the provisions of Article XI of this Ordinance. Within one year of the date of passage of this Ordinance, the Village shall identify all nonconforming uses within the Village limits and notify the property owners. To the owners of properties that contain nonconforming uses at the time of the passage of this Ordinance, the Village will issue a zoning certificate without fee.

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ARTICLE XI. ENFORCEMENT

SECTION 1100. Zoning Inspector

1100.1 It shall be the duty of the Village Zoning Inspector, who shall be appointed by the Village Council, to enforce this Ordinance. It shall also be the duty of all officials and employees of the Village to assist the Zoning Inspector by reporting to said inspector upon new construction, reconstruction, or land uses or upon seeming violations.

1100.2 Appeal from the decision of the Zoning Inspector may be made to the Zoning Board of Appeals, as provided in Article XII.

SECTION 1101. Zoning Certificates

1101.1 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided said inspector is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Ordinance. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Ordinance.

1101.2 Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Ordinance. No charge shall be made for issuing a Zoning Certificate in accordance with this paragraph.

SECTION 1102. Conditions under which Certificates are 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.
- (b) Change in use of an existing building or accessory building to a use of a different classification.
- (c) Occupancy and use of vacant land.
- (d) Change in the use of land to a use of a different classification.
- (e) Any change in the use of a nonconforming use.
- (f) A Zoning Certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance or any amendments.

SECTION 1103. Application and Issuance of Zoning Certificates

1103.1 Written application shall be made for a Zoning Certificate for the construction of a new building or the alteration of an existing building. A Zoning Certificate shall be issued within 10 days after written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Ordinance.

1103.2 Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector, If the proposed use is in conformity with the provisions of this Ordinance, the certificate therefore shall be issued within 16 days after the application for same has been made.

1103.3 Every application for a Zoning Certificate shall be accompanied by the permit fee hereafter provided for, a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

(a) Each plan shall show:

1. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
2. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
3. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location, size and use of any existing structure thereon.
4. The location, size and use of the proposed structure and/or the proposed enlargement of the existing structure.
5. Plans of the new construction showing material to be used.
6. Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.

(b) Each plan shall bear statements declaring:

1. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
2. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.

(c) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.

(d) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

(e) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

(f) The Zoning Inspector shall issue or reject the application according to this Ordinance and shall inform the applicant.

(g) Where construction or physical improvement of the land is involved, work must begin within one (1) year of the date of the issuance of the zoning certificate and be completed within three (3) years of the issuance of the zoning certificate.

1103.4 The Zoning Inspector shall not issue a Zoning Certificate for any application requiring site plan review by the Planning Commission until the Commission approves the site plan.

SECTION 1104. Fee for Zoning Certificate

1104.1 A fee, in accordance with the Village of Pemberville Zoning Certificate Fee Schedule, as set forth by ordinance of Village Council, shall accompany each application for a Zoning Certificate.

1104.2 The Zoning Inspector shall forthwith deposit all permit fees with the Village Clerk who shall credit such fees to the credit of the Zoning and Building Fund of the Village of Pemberville and shall be used for administration of this Ordinance.

1104.3 Every Zoning Certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Zoning Certificates shall be kept on file in the Office of the Zoning Inspector or his agent. Copies shall be furnished upon request within two working days to any person having proprietary or tenancy interest in the building or land affected after due notice to the Zoning Inspector.

1104.4 Applications for variance permits heretofore provided for in this Ordinance shall also be submitted to the Zoning Inspector or his agent. Such applications shall be accompanied by the variance permit fee hereafter provided for, together with information required for a regular zoning certificate and such additional information as the Zoning Inspector shall require.

1104.5 Applications for temporary permits shall be submitted to the Zoning Inspector or his agent together with the temporary permit fee and such information as the Zoning Inspector shall require.

1104.6 The granting of a certificate under this Ordinance allows the construction or alteration of buildings or structures and the modification of use as applied for in the permit and according to the plans, plats and specifications submitted with the application. Construction, alteration of buildings or structures and modifications of use contrary to such plans, plats or specifications or contrary to Article V, "Dimensional Requirements," of this Ordinance unless authorized by the Commission shall constitute violation of this Ordinance.

SECTION 1105. Granting of Temporary Permits

The Zoning Inspector shall have the power to grant temporary permits for the following purposes and subject to the following conditions:

1105.1 A temporary permit may be granted for the use of a house trailer as a residence in connection with the granting of a zoning certificate for the construction of a dwelling. The permit shall allow such use on the premises on which the dwelling is to be constructed and shall expire on completion or occupancy of the dwelling, and in any event, within one (1) year of the date granted. Such trailer must be equipped with adequate sanitary facilities which shall include a connection to the Village sanitary sewer system.

1105.2 A temporary permit may be granted in conjunction with the remodeling of a home for the use of a house trailer as a residence on a lot or tract of land which has a dwelling thereon. Such permit shall expire in 30 days. No more than one permit shall be issued each year per property without the approval of the Planning Commission.

1105.3 A temporary permit may be granted for the erection and use of construction buildings in connection with the granting of any zoning certificate. Such permit must expire within 30 days of completion of the construction.

1105.4 A temporary permit may be granted for the use of lands in an "A," "R-A," "R-3," "C" or "M" district as a fair or circus grounds. Such permit shall expire within two (2) weeks of issue.

1105.5 In the granting of such permits, the Zoning Inspector shall determine that the site for which the permit is requested is of sufficient size and so located that adequate parking facilities are available.

SECTION 1106. Violations and Penalties

1106.1 It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provision of this Ordinance or any amendment or supplement thereto adopted by the Village Council. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance or amendment thereto, shall be deemed guilty of a misdemeanor and shall be fined in any sum not more than \$100.00 for each offense. Each and every day, during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.

1106.2 Any certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Village Council, the certificate shall be revoked by notice in

writing to be delivered to the holder of the void certificate upon the premises concerned, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new certificate in accordance with this Ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum not more than \$100.00 for each offense. Each and every day, during which such illegal work or use continues, may be deemed a separate offense.

1106.3 In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Zoning Inspector, Village Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings, to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

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ARTICLE XII. ZONING BOARD OF APPEALS

SECTION 1200. Organization and Procedures

1200.1 To carry out the provisions of this Ordinance there shall be a Zoning Board of Appeals appointed by the Mayor and approved by the Council. This Zoning Board of Appeals shall consist of three (3) regular members, one of which shall be the Mayor, none of which shall be members of Council and three (3) alternate members. If a regular member of the Zoning Board of Appeals is unable to serve because of absence in the Village, illness or is disqualified to serve by reason of having an interest in property affected by a matter before the Zoning Board of Appeals or otherwise disqualified by reason of conflict of interest, an alternate member shall serve instead. Selection of an alternate member or members to serve in each particular instance where a regular member is unable to serve, shall be determined by lot. If sufficient alternate members are unable to serve for any of the reasons that a regular member would be unable to serve, the Mayor may select and Council may confirm sufficient additional alternate members to serve in a particular instance.

1200.2 Appointments shall be for five (5) year terms beginning January 1st. The Village Council shall choose a successor to fill any vacancy. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Village Council and shall be for the respective unexpired term. The members of the Zoning Board of Appeals may receive such compensation as the Village Council provides.

1200.3 The Zoning Board of Appeals shall interpret the provisions of this Ordinance in such manner as to carry out the intent and purpose thereof.

1200.4 The Zoning Board of Appeals shall rule on all proper applications for permits in such a manner as to carry out the intent and purpose of this Ordinance.

1200.5 The Chairperson of the Zoning Board of Appeals shall appoint a Clerk of the Zoning Board of Appeals, who may be a member thereof and who shall serve at the discretion of the Zoning Board of Appeals; it shall be the duty of the Clerk to keep a complete record of all the proceedings of the Zoning Board of Appeals.

1200.6 The Clerk shall prepare a complete record of the location, nature and extent of all nonconforming uses. When such a nonconforming use ceases to exist, it shall automatically become a conforming use and the Clerk shall so inform the Zoning Board of Appeals and record such fact upon the records of the Zoning Board of Appeals.

1200.7 The Clerk of the Zoning Board of Appeals shall receive as compensation such amount as the Council shall set, payable from the Zoning Fund.

1200.8 The hearings of the Zoning Board of Appeals shall be public. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance. The Board shall hear any owner of property adjacent to the lot for which the granting of any Zoning Certificate is pending, and shall also hear any other parties having substantial interest as determined by the Board.

1200.9 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's actions, all of which shall be immediately filed in the office of the Village Council and shall be a public record.

1200.10 The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

1200.11 The Board may call upon the various officials and employees of the Village 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.

SECTION 1201. Application and Appeals

1201.1 An application, in cases in which the Board has original jurisdiction under the provisions of this Ordinance, may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board, or bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board. If not contrary to the Ohio Revised Code enabling statutes for municipal zoning, a deposit shall be paid upon the filing of each appeal for each conditional use, and for each variance or miscellaneous use, for the purpose of defraying the costs of the proceedings described herein.

1201.2 Appeals:

(a) An appeal to the Board may be taken by any person aggrieved or by an officer of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

(b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Zoning Board of 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 restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

(c) The Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

SECTION 1202. Hearings

1202.1 The Board shall fix a reasonable time for the hearing of an appeal, give at least 10 days public notice thereof in a newspaper of general circulation in the Village and at least 10 days notice to parties having proprietary interest in land within 200 feet, and decide upon the appeal within a reasonable time after it is submitted. At this hearing, any party may appear in person or by attorney.

1202.2 The hearings of the Board shall be public.

1202.3 Upon the day for hearing 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 deems 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.

SECTION 1203. Decision of the Board

1203.1 The Board shall decide all applications and appeals within 30 days after the final hearing thereon.

1203.2 A certified copy of the Board's decision shall be transmitted to all parties of interest. Such decision shall be binding upon the Zoning Inspector 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.

1203.3 A decision of the Board shall not become final until the expiration of five (5) days from the date of such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

1203.4 The Board may reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of the County, on the ground that the decision was unreasonable or unlawful.

SECTION 1204. Powers and Duties

The Zoning Board of Appeals shall have the following powers and it shall be its duty:

1204.1 To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Ordinance or any amendments thereto.

1204.2 In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

- (a) Interpret provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning district map fixing the several districts accompanying and made a part of this Ordinance, where the street layout actually on the ground varies from the street layout as shown on the zoning district map aforesaid.
- (b) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 60 percent of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
- (c) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit (a) the waiver of the requirement that automobile space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building; or (b) the dual use of parking facilities (e.g. by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.
- (d) Permit in the "A" or "R" Districts public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial or industrial districts.
- (e) Determine whether an industry should be permitted within an "M" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
- (f) The substitution of a nonconforming use existing at the time of enactment of this Ordinance for another nonconforming use, if no structural alterations except those required by law or Ordinance, are made; provided, however, that in an "A" or "R" District and in a "C" District, no change shall be authorized to any use which is not a permitted or conditional use in any "A," "R," or "C" District.
- (g) Permit the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Ordinance for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12 month period in undeveloped sections of the Village and not more than six (6) months in developed sections, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

SECTION 1205. Variances

1205.1 The Board shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Ordinance. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of the Zoning Ordinance only if all of the following findings are made:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (c) That such unnecessary hardship has not been created by the appellant.
- (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1205.2 Subject to the above general standards in the granting of variances, the Board shall further be guided by the following principles:

- (a) Use variances may be granted to secure appropriate development of a lot or tract of land only when:
 - 1) Side lot line of said lot adjoins a nonconforming building or use existing on the effective date of this Ordinance; or
 - 2) Side lot line adjoins a less restricted use district; or

3) There was an existing nonconforming use on said lot on the effective date of this Ordinance.

(b) Lot coverage and set back variances may be granted to secure appropriate development of a lot or tract of land only in the following situations:

1) Site area required for residence use may be varied not more than 20 percent where a given lot or tract of land was by the last conveyance prior to the adoption of this Ordinance of such size or restricted area that it cannot be appropriately improved without such variance, and where the owner owns no adjoining property which can be added to said tract to create sufficient area to comply with the Ordinance.

2) Minimum floor area required for a dwelling may be varied by not more than 10 percent where by exceptional arrangement of site design the result of said variation will be in harmony with the character of the neighborhood.

3) Yard size regulations may be varied by not more than 20 percent provided that the light and ventilation after the variation will be adequate to avoid unhealthy and unsanitary conditions.

1205.3 The Board shall have the authority to grant an extension or permit completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension shall not exceed in all 100 percent of the floor area of the existing building or buildings devoted to a nonconforming use.

SECTION 1206. Conditional Uses

1206.1 Under the authorization granted in Chapter 713.11 of the Ohio Revised Code, to hear and decide special exceptions to the terms of this Ordinance, the Board shall have the power to decide applications for conditional uses in those cases specified in Article IV of this Ordinance. In considering such applications the Board shall give due regard to the nature and purpose of the proposed conditional use and to the nature and condition of all adjacent uses and structures; may impose such requirements and conditions as the Board may deem necessary for the protection of adjacent properties and the public interest, including specific limitations as to future expansion; and, may reject applications for conditional uses other than churches, educational institutions, and parochial schools (elementary and high) where the actual and specific use proposed would, in the reasonable judgment of the Board, be inappropriate for the zoning district and detrimental to adjacent uses and structures or to the neighborhood. Where a proposed conditional use is both specifically and generally described under Articles II and IV of the Zoning Ordinance, the use shall be permitted only in the District where it is most specifically described.

1206.2 The following basic standard shall apply to conditional uses in any "A" or "R" District:

(a) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous, inconvenient or conflict with the normal traffic on residential streets, both at the time and as the same may be expected to increase with any prospective increase in the population of the area, taking into account convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections, and the general character and intensity of development of the area.

(b) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

(c) The actual and specific use for which application is made [other than churches, educational institutions, and parochial schools (elementary and high)] shall be appropriate to the zoning district in which the site is located and shall not be detrimental to adjacent uses and structures or to the neighborhood.

1206.3 The following basic standard shall apply to conditional uses in any "C" or "M" District:

(a) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase with increasing development of the Village, taking into account vehicular turning movements in relation to routes of traffic flow, street intersections, sight distances, and pedestrian traffic.

(b) The nature, location, size and site layout of the use shall be such that it will be a harmonious part of the business or industrial district in which it is situated, taking into account prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationships of one type of use to another, and characteristic groupings of uses in a commercial or industrial district.

1206.4 Upon receipt of an application for approval of a conditional use and prior to setting a date for a public hearing thereon pursuant to this Article, the Board shall submit the application for approval of the conditional use and all supporting documentation to the Planning Commission for review and shall receive its recommendation. The Planning Commission shall review the application and materials submitted for compliance with the criteria set forth in this Ordinance for such conditional use and shall review such application's general compliance with the objectives of this Ordinance. The Planning Commission may recommend approval or disapproval of the application or may recommend conditions or restrictions upon the approval of the application. The Board shall consider the recommendation of the Planning Commission in reaching its decision on the application.

SECTION 1207. Performance Requirements

1207.1 The Board shall have the power to authorize issuance of a Zoning Certificate for uses that are subject to performance requirements as set forth in this Ordinance.

1207.2 The application for a Zoning Certificate for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products and specifications for the mechanisms and techniques to be used in meeting the Performance Requirements.

1207.3 The Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.

SECTION 1208. Interpretation of Zoning District Map

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning District Map, the Board, after notice to the owners of the property and after a public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning District Map may be made to the Board and a determination shall be made by said Board.

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ARTICLE XIII. DISTRICT CHANGES AND ORDINANCE AMENDMENTS

SECTION 1300. General

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Village Council may by Ordinance (after receipt of recommendations thereof from the Planning Commission, and subject to the procedures provided by law) amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Village Council.

SECTION 1301. Procedure for Change in Zoning Districts

1301.1 Amendments or supplements to the Zoning Ordinance may be initiated (1) by motion of the Village Planning Commission, (2) by the passage of an Ordinance therefore by the Village Council or (3) by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Village Planning Commission. The Village Council shall, upon the passage of such Ordinance, immediately certify it to the Village Planning Commission.

1301.2 Applications for any change of district boundaries or classifications of property as shown on the Zoning District 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 practical presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all the 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.

1301.3 Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties within and contiguous to and directly across the street from any part of the property the zoning classification of which is proposed to be changed.

1301.4 No such amendment or change shall become effective unless the proposed amendment or change is first considered for its approval, disapproval or recommendation by the Planning Commission. The Commission shall be allowed a reasonable time, to be not less than 30 days after referral or submittal, for consideration and report.

1301.5 The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested, in the application, or it may recommend that the application be not granted. These recommendations shall then be certified to the Village Council. Failure to file such report within 60 days after referral or the time otherwise provided, shall be accepted as and be deemed an approval of the proposed change or amendment submitted.

1301.6 Within 30 days after receiving from the Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the Village Council shall schedule a public hearing thereon. It shall publish notice of the time and place of such hearing in a newspaper of general circulation in the Village, adequately describing the nature of the pending legislation, once a week for two consecutive weeks on the same day of the week, the first of such publication to take place not less than 30 days prior to the public hearing. The notice shall state the place or places and times at which the proposed amendment to the Ordinance, including text and maps, may be examined and other notices as required by state statutes.

1301.7 If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village Clerk, by first class mail, at least 20 days before the date of the public hearing to all owners of property within and 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 Village Clerk-Treasurer's mailing list. The failure to notify, as provided in this section, shall not invalidate any recommendations adopted hereunder; it being the intention of this section to provide, so far as may be possible, due notice to persons substantially interested in the proposed change that a proposed amendment is pending before the Village Council proposing to make a change in the Zoning District Map or the regulations set forth in this Ordinance.

1301.8 After holding the public hearing, the Village Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or Zoning District Map. No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the Commission shall take effect unless passed or approved by not less than three-fourths of the membership of Council. No ordinance, measure, or regulation which is in accordance with the recommendation, plan or report submitted by the Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the Village Council.

1301.9 If a proposed amendment or supplement initiated by application is disapproved by the Village Council, another application for amendment or supplement affecting the property included in the disapproved application shall not be submitted within six (6) months from the date of disapproval, except with a statement by the Planning Commission or a Resolution by the Village Council, indicating that the changed or changing conditions affecting the land are sufficient to warrant reconsideration.

SECTION 1302. Application

1302.1 At the time that an application for change of zoning districts is filed with the Commission, as provided herein, if not contrary to the Ohio Revised Code enabling statutes for municipal zoning, a fee shall be deposited with the Village Clerk in accordance with scheduled fees established by Council. A written receipt shall be issued to the person making such payment and records thereof shall be kept in the manner as prescribed by law.

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APPENDIX A

Home Occupation- An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling. In all residential zoning districts, home occupations shall be conditional upon review and approval by the Zoning Board of Appeals provided:

(a) no offensive noise, vibration, smoke, dust odors, or glare shall be produced and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

(b) does not involve any extension or modification which alters the outward appearance as a dwelling unit, with the exception that one (1) non-illuminated commercial sign does not exceed one (1) square foot in total area and may be affixed to the exterior of the dwelling.

(c) the activity is conducted entirely within the dwelling, and does not involve an area of more than 20% of the floor area.

(d) a home occupation shall provide off-street parking area adequate to accommodate all needs created by the home occupation in addition to the requirements for the dwelling. Required off-street parking shall not be permitted in the front and side yards of the dwelling, other than in a driveway.

(e) no more than one (1) person other than members of the family residing in the dwelling, shall be engaged in a home occupation.

(f) the Zoning Board of Appeals may prescribe any additional conditions to preserve the residential integrity of the dwelling and/or

neighborhood.

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