

ZONING ORDINANCE

VILLAGE OF TILTONSVILLE, OHIO

NOVEMBER 5, 2000

ORDINANCE NO.

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ORDINANCE NO.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TILTONSVILLE, COUNTY OF JEFFERSON, STATE OF OHIO:

Section 1: The purpose of the Ordinance shall be to promote the public health, safety, comfort, and general welfare, to conserve the water, sewage, schools and other public improvements, and to lessen or avoid congestion in public streets and highways.

Section 2: DISTRICTS

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes: to regulate and restrict the height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces, the amount of parking spaces and the density of population, the Village is hereby divided into districts, of which there shall be six (6) in number as:

R-1 RESIDENCE DISTRICT
R-2 RESIDENCE DISTRICT
R-3 RESIDENCE DISTRICT
B-1 NEIGHBORHOOD COMMERCIAL DISTRICT
B-2 GENERAL BUSINESS DISTRICT
P-1 PUBLIC LANDS DISTRICT

- A. The Boundaries of the districts 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 notations, references, and other information shown thereupon were all fully set forth or described herein, the original of which District Map is properly attested and is on file at the Village Offices.
- B. The district boundary lines on said map are intended to follow either streets or alleys or lot lines, and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street, alley, or lot line shall be construed to be the boundary of the district unless such boundary is otherwise indicated on the map. In the case of undivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.
- C. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- D. Within (30) thirty days after annexation, the Planning Commission shall formulate and transmit to the Village Council its recommendation as to permanent zoning for all newly annexed land. Whereupon, the Village Council shall conduct at least one public hearing, giving thirty (30) days prior public notice in a newspaper of general circulation.

- E. Whenever any street, alley, or other public way is vacated by official action of the Village Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 3: COMPLIANCE WITH REGULATIONS: EXCEPT AS HEREINAFTER PROVIDED

- A. No land may be used except for a purpose permitted in the district in which it is located.
- B. 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 main building on one lot.
- C. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- D. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
- E. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
- F. The minimum yards, parking space, open spaces, including lot area per family, required by this Ordinance, for each and every building existing at the time of passage of the Ordinance, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance, for the district in which such lot is located.

Section 4: NON-CONFORMING BUILDINGS

- A. Any lawful use of a building existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for use at the time of adoption of this Ordinance.

- B. Whenever the use of a building shall become non-conforming through a change in the Zoning Ordinance or in the district boundaries, such use may be continued; and if no structural alterations are made, may be changed to another non-conforming use of the same or of a more restricted classification.
- C. A non-conforming use of a building or portion thereof which is hereafter discontinued for a continuous period of one year shall not again be used except in conformity with the regulations of the district in which such building is located.
- D. Any building arranged, intended, or designed for a non-conforming 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 non-conforming use, providing it is done within one year after the Ordinance takes effect.
- E. A non-conforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than sixty percent (60%) 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 sixty percent (60%) of its reproduction value, a non-conforming building may be repaired or reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within one year of the date of such damage.
- F. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy will comply with the requirements governing new construction in such district with respect of minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the Ordinance applying to such district.
- G. The non-conforming use of land involving any building or structure existing on the effective date of this Ordinance may be continued, even though such use does not conform to the provisions, hereof, provided, however, that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property. If such non-conforming use of land or any portion thereof is discontinued for a continuous period of one (1) year, or changed, any future use of such land shall be in conformity with the provisions in this Ordinance.
- H. Council may, after public notice and hearing, authorize in any location a structure or premises to be used by a public service corporation or for public utility or municipal purposes which it deems reasonable and necessary for the public convenience and welfare.

Section 5: DEFINITIONS

For the purpose of this Ordinance, words used in the present tense include the future; the singular number includes the plural and plural includes the singular; the word "lot" includes the word "plot" the word "building" includes the word "structure" and certain words and terms are herewith defined.

ACCESSORY USE OR STRUCTURE:

A use or structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure.

ADULT USE:

"Adult use" means an establishment using or offering materials, entertainment or personal services which is open only to one or more classes of the public excluding any minor by reason of age, including but not limited to:

- (a) "Adult book store" means any premises which has a substantial or significant portion of its stock and trade books, periodicals, films, slides or video tapes and which is not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (b) "Adult picture theaters" means any property on which motion pictures, slides or video tapes are shown as the principal use of the premises and which is not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (c) "Adult night club" means a cabaret which features go-go-dancers, exotic dancers, strippers, burlesque performers or similar entertainment which is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

ALLEY:

A narrow thoroughfare upon which abut generally the rear of a premises and which is twenty (20) feet or less in width.

AUTOMOTIVE REPAIR:

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

AUTOMOTIVE WRECKING:

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

BOAT:

Any vehicle or structure designed to float in water for the purpose of transporting persons or cargo on any river, lake, stream, or other waterway for business, recreation, or any other purpose.

BUILDING:

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

COURT:

An open, unoccupied, unobstructed space, other than a yard on the same lot with a building or group of buildings.

(a) INNER COURT:

A court not extending to a street or way or to a front or rear yard.

(b) OUTER COURT:

A court extending to a street or way.

DEPTH OF A REAR YARD:

The minimum horizontal distance between the extreme rear line of a building, and the rear lot line.

DWELLING:

"Dwelling" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or mobile home, boarding or rooming house, hotel or motel.

(a) "Single-Family dwelling" means a building designed for or occupied by one family.

(b) "Two-Family dwelling" means a building designed for or occupied by two families living independently of each other.

(c) "Multiple dwelling" means a building or portion thereof designed for or occupied by three or more families, living independently of each other.

(d) "Dwelling unit" means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having a kitchen or kitchenette.

(e) "Industrialized dwelling unit" means an assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement.

EASEMENT:

Authorization by a property owner for the use by another, and for a specified purpose, or any designated part of his/her property.

FAMILY:

(a) An individual or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit; or

(b) A group of not more than five (5) persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, with not more than two (2) persons per bedroom; in either case exclusive of usual servants.

FLOOD, REGIONAL:

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

FLOOR AREA OF A RESIDENTIAL BUILDING:

The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OF A NONRESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS):

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

GARAGE, PRIVATE:

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

- (a) Not more than one (1) space is rented for parking to persons not resident on the premises.
- (b) No more than one (1) commercial vehicle per dwelling unit is parked or stored; and
- (c) The commercial vehicle permitted does not exceed two (2) tons capacity.

GARAGE, PUBLIC:

A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

GARAGE, SERVICE STATION:

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

- (1) Sales and service of spark plugs, batteries, and distribution parts;
- (2) Tire servicing and repair, but not recapping or regrooving;
- (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- (4) Radiator cleaning and flushing;
- (5) Washing, polishing, and sale of washing and polishing materials;
- (6) Greasing and lubrication;
- (7) Providing and repairing fuel pumps, oil pumps, and lines;
- (8) Minor servicing and repair of carburetors;

- (9) Adjusting and repairing brakes;
- (10) Minor motor adjustments not involving removal of the head on crankcase or racing the motor;
- (11) Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
- (12) Provisions of road maps and other informational material to customers, provision of restroom facilities, and
- (13) Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage nor a body shop.

HALF STORY:

A half story is a story which is situate under a sloping roof, the floor area of which does not exceed one half of the floor area of the floor immediately below it and which does not contain an independent apartment. A half story shall not be counted as a story for the purpose of determining yard dimensions.

HAZARDOUS WASTE:

Any waste or combination of wastes in solid, liquid, semi-liquid or contained gaseous form which falls within the definition of hazardous waste under 3734.01(J) O.R.C.

HEALTH CARE CLINIC:

A health care facility which provides for diagnosis and treatment services on an emergency or outpatient basis with no provision for residential care.

HEIGHT OF BUILDING:

The vertical distance from the established sidewalk grade at the center of the front of the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs. For buildings set back from the street line "height of building" may be measured from the average elevation of the finished grade along the front of the building.

HOME OCCUPATION:

An occupation conducted in a dwelling unit, provided that:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five (25) per cent of floor area of the dwelling unit shall be used in the conduct of the home occupation;

- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building or such other unobtrusive area as approved by the Village Planner;
- (4) No home occupation shall be conducted in any accessory building.
- (5) There shall be no sales on the premises;
- (6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard; and
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

JUNKYARD:

A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packaged, disassembled or handled; including auto wrecking yards, house wrecking yards, used material yards, but not including pawn shops, antique shops and places for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations, or any business operation that occurs in a totally enclosed building.

LOT:

A piece or parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE:

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE:

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.

LOT MEASUREMENTS:

A lot shall be measured as follows:

- (1) Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) Width of lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.

LOT OF RECORD:

A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES:

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

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

MOBILE HOME:

A detached dwelling unit on a chassis to be towed or transported on wheels and designed as a single-family dwelling intended for year-round occupancy, and when arriving at the site for placement involving only minor and incidental unpacking, assembling, and connection to utilities.

NON-CONFORMING USE:

A use of a building or land that does not agree with the regulations of the use district in which it is located.

NURSERY, NURSING HOME:

- (1) A home or facility for the care and treatment of babies, children, pensioners, or elderly people; or
- (2) Any building or group of buildings providing personal assistance or nursing care for those dependent upon the services by reason of age or physical or mental impairment but not for the treatment of contagious diseases, addicts or mental illnesses.

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.

PERSONAL SERVICES:

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

PLANNING COMMISSION:

The Planning Commission of the Village of Tiltonsville, consisting of five (5) members appointed by the Mayor.

PRIVATE RESIDENTIAL SWIMMING POOL:

A receptacle for water, or an artificial pool of water having a depth at any point of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool having a depth of more than thirty (30) inches at any point, for the purpose of immersion or partial immersion therein of human beings for swimming or bathing and maintained primarily for the use of household members and guests; and not for the purpose of profit or in connection with any business operated for profit. No out of doors swimming pool intended for the use of members and guests of nonprofit clubs or organizations; or limited to household residents of multiple dwelling units on a block, sub-division, neighborhood, community or other specified area of residents shall be considered a private residential swimming pool.

PROFESSIONAL ACTIVITIES:

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

PUBLIC PROPERTY:

Any property within the Village that is owned by a governmental entity or subjected to public use, including public service facilities such as power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public services or utilities.

PUBLIC USES:

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

PUBLIC WAY:

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

QUASI-PUBLIC USE:

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

REAR YARD:

A space unoccupied for the full width of the lot between the extreme rear line of a building and the rear lot line, excluding steps, uncovered porches and covered but unenclosed porches on the first story which do not extend more than ten (10) feet beyond the rear wall of the building.

RECREATION FACILITIES:

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

RESEARCH ACTIVITIES:

Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering where no goods are produced in quantity. All research 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.

RIGHT-OF-WAY:

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

SEAT:

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

SETBACK LINE:

A line established by the subdivision regulations and/or zoning ordinance generally parallel with, and measured from, the lot line, defining the limits of a yard in which no building, other than an accessory building, or structure may be located above ground, except as may be provided elsewhere in this ordinance.

SIDEWALK:

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

SIDE YARD:

An open, unoccupied space on a lot occupied by a building extending for the full length of the building and the side lot line.

STRUCTURE:

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

SOLID WASTE:

Unwanted residual solid or semi-solid material which results from industrial, commercial, or municipal operations. These include, but are not limited to, garbage, combustible or non-combustible street dirt or debris and falls within the definition of solid waste under 3734.01(e) O.R.C.

STREET:

A public thoroughfare more than twenty (20) feet wide, generally known as a street at the time of the passage of this Ordinance, shall be considered a street for the purpose of the Ordinance.

STREET, SUBDIVISION:

The Village of Tiltonsville's definition of a street and the various types of streets that are generally known shall be the same as the definitions that are defined in the revised Jefferson County, Ohio Subdivision Regulations, May, 1995, for the purpose of street construction within a subdivision.

SUBDIVISION:

The Village of Tiltonsville's definition of a subdivision shall be the same as the definition as defined in the revised Jefferson County, Ohio Subdivision Regulations, May, 1995.

VARIANCE, AREA:

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

ZONING BOARD OF APPEALS:

"Board", "Board of Appeals", and "Zoning Board of Appeals" shall be considered synonymous terms wherever used in this Ordinance. The Board shall consist of the appointed members as defined in Section 30 of this zoning ordinance.

Section 6: R-1 RESIDENCE DISTRICT USES

It is the purpose of the R-1 district to encourage the establishment and the preservation of residential neighborhoods characterized by single-family buildings and to preserve undeveloped land for similar types of residential development by permitting minimum auxiliary non-residential uses.

- A. Principal permitted uses: Within any R-1 Residence District, no building, structure, or premises shall be used or arranged or designed to be used in any part, except for one or more of the following specified uses:
- (1) Single family dwelling
- B. Conditional uses requiring approval of the Zoning Board of Appeals:
- (1) Two family dwelling.
 - (2) The taking of boarders or the leasing of rooms by a resident family, provided, however, that space for one roomer be allowed in any case and space for one additional roomer for each two hundred (200) square feet by which the total floor area of the building exceeds eight hundred (800) square feet.
 - (3) Churches and other places of worship.
 - (4) Clubs, lodges, social and community center buildings, except those a chief activity of which is gainful service or activity usually conducted as a business.
 - (5) Institutions of an educational, religious or philanthropic character, other than correctional institutions.
 - (6) Hospitals, but not for contagious diseases, nor for the care of epileptics or drug or liquor patients, nor for the care of the insane or feeble minded.
 - (7) Municipal recreational buildings, playgrounds and parks.
 - (8) The office or studio in the residence of a physician, real estate broker, surgeon, dentist, artist, lawyer, architect, engineer, teacher, or other member of a recognized profession, but not including a beauty parlor, veterinarian, barber shop, music school, dancing school, business school, or school of any kind with organized classes or similar activity, provided that not more than one-half of the floor area of one floor of the dwelling is devoted to such office or studio; that no one not a resident on the

premises is employed, that no such use shall require internal or external alterations or involve construction features not customary in dwellings; that adequate off-street parking is provided; that the entrance to such office or studio shall be from within the dwelling. An unlighted nameplate of not over two (2) square feet in area and attached flat against the building shall be permitted.

- (9) Customary home occupation such as handicraft, dressmaking, millinery, laundering, preserving, and home cooking, provided that such occupations shall be conducted solely by resident occupants in their residence and provided that no more than one quarter of the area of one floor of said residence shall be used for such purpose, that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not over two (2) square feet in area and attached flat against the building shall be permitted.

- C. Accessory use customarily incident to any of the above permitted or conditional uses but not including the conduct of a business or industry or any drive-way or walk giving access thereto. Garage space may be provided for two (2) motor vehicles on any lot and garage space may be provided for each two thousand five hundred (2,500) square feet area by which such lot area exceeds five thousand (5,000) square feet, but in any case not more than five (5) motor vehicles shall be permitted, said building may be one story in height but not exceeding fifteen (15) feet. No portion of a private residential swimming pool shall be located at a distance less than twenty (20) feet from any side property line or less than ten (10) feet from any rear property line or building line. Pumps, filters, and pool water disinfection equipment installations shall be located at a distance not less than ten (10) feet from any side or rear property lines. Pool and appurtenant equipment shall not be permitted in the side yard between buildings.

Section 7: R-2 RESIDENCE DISTRICT USES

It is the purpose of the R-2 District to encourage the establishment and preservation of residential neighborhoods characterized by single-family buildings on medium and smaller than medium sized lots.

- A. Principal permitted uses: Within any R-2 Residence District, no building, structure, or premises shall be used or arranged or designated to be used in any part, except for one or more of the following specified uses:
- (1) All permitted uses as regulated in R-1 Residence Districts.
 - (2) Detached dwelling for not more than two (2) families for two (2) housekeeping units, or a double dwelling for not more than two (2) families or units on each side of a party wall common to both halves of such building.

B. Conditional uses requiring Board of Appeals authorization:

- (1) All conditional uses in R-1 Residence District.
- (2) Cemeteries including any crematory therein.

C. Accessory use customarily incident to any of the above permitted or conditional uses but not including the conduct of a business or industry or any drive-way or walk giving access thereto. No portion of a private residential swimming pool shall be located at a distance less than twenty (20) feet from any side property line or less than ten (10) feet from any rear property line or building line. Pumps, filters, and pool water disinfection equipment installations shall be located at a distance not less than ten (10) feet from any side or rear property lines. Pool and appurtenant equipment shall not be permitted in the side yard between buildings.

Section 8: R-3 RESIDENCE DISTRICT USES

A. Principal permitted uses: Within any R-3 Residence District, no building, structure, or premises shall be used or arranged or designed to be used in any part, except for one or more of the following specified uses:

- (1) All permitted uses as regulated in R-1 Residence Districts and R-2 Residence Districts.
- (2) Hotels, dormitories, boarding houses, lodging house and apartment tenement or town houses, including accessory services therein, and funeral homes, provided, however, that such permit for a funeral home shall be issued by the Building Inspector only upon direction of the Board of Appeals.

B. Conditional uses requiring Board of Appeals authorization:

- (1) All conditional uses in R-1 Residence Districts and R-2 Residence Districts.

No private residential swimming pool shall be installed in an R-3 Residential zone for the exclusive use by a single dwelling unit owner, renter, or lessee. All swimming pools in an R-3 Residential zone must be for the joint use of the residents for each multiple dwelling unit that a pool has been installed for.

Section 9: B-1 NEIGHBORHOOD COMMERCIAL DISTRICT USES

It is the purpose of the B-1 District to permit and to encourage the establishment of small convenience goods and personal service centers, located in close proximity to residences, which are so arranged and designed as to be a functional and harmonious part of a residential neighborhood. The location of these districts and the nature of commercial activity primarily limits the service area to the surrounding

neighborhood, thus avoiding undue traffic congestion and providing commercial services within a reasonable walking distance.

A. Principal permitted uses: Within any B-1 Neighborhood Commercial District, no building, structure, or premises shall be used or arranged or designed to be used in any part, except for one or more of the following specified uses:

- (1) Single family dwellings and duplexes.
- (2) Any local retail business such as a grocery, fruit or vegetable store, drugstore, drapery and curtain shop and the like.
- (3) Bakery, provided products are sold at retail on the premises.
- (4) Bank, office or office building, private school, clinic, and similar business or professional activities.
- (5) Personal service uses, such as barber shops, beauty parlors, photographic or artist studios, dressmaking, tailoring, shoe repairing, repair of household appliances, dry cleaning and pressing and receiving stations for personal services.
- (6) Eating and drinking places, such as soda fountains, ice cream parlors, tea rooms, restaurants and cafes, and food carryout service.
- (7) There shall be no adult uses within this district except for the sale or rental of video tapes which must be viewed off the premises. Such establishments or areas within establishments that contain such video tapes shall exclude from said establishment or area within said establishment all persons under the age of eighteen (18) years. Such establishments shall be located no less than one thousand (1,000) feet from a school or church.

B. Conditional uses requiring Board authorization:

- (1) Automobile, truck, trailer, and farm implement establishments for display, hire, storage, sale and major repair, including fuel and service stations, commercial parking lots, and sale lots.
- (2) Bar restaurant, cocktail lounges, night club, billiard parlor, pool hall, bowling alley, dance hall, roller skating rink, theater and similar enterprises, provided that such use is conducted within a completely enclosed building and is at least one hundred (100) feet from any Residential District.
- (3) Trade or business schools, provided machinery used for instructional purposes is not objectionable due to noise, fumes, smoke, odor or vibration.
- (4) Carpenter, paper hanging, electrical, plumbing, heating, printing, publishing, or lithographing shops; funeral home or mortuary; furniture upholstery; baker, laundry, clothes cleaning and or dyeing establishments; wholesale businesses storage or warehouse, commercial nursery or greenhouse, but not within fifty (50) feet of any Residential District.
- (5) Animal hospital, veterinary clinic or kennel not including any exercise runway, providing any structure or premises used for such purpose shall be at least one hundred (100) feet from any Residential District.

- (6) Farm implement establishment for display, hire, sale, major repair, including sales lots, and sale of farm and suburban hardware and related items.
- (7) Display room for merchandise to be sold at wholesale where merchandise sold is stored elsewhere.
- (8) Jewelry manufacturing.
- (9) Residential apartments that are located over an existing business. It must be shown that said business will not present any danger or nuisance to persons inhabiting said apartments.
- (10) Any other retail business or service establishment which is determined by the Board to be of the same general character as the permitted retail business uses within the district.

C. Required Conditions:

- (1) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street loading, and automobile, truck, trailer and farm implement sale lots.
- (2) All products produced on the premises, whether primary or incidental shall be sold at retail primarily on the premises where produced.
- (3) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried waste.
- (4) Maintenance, steaming, cleaning, washing, and spraying of equipment and vehicle shall be performed within a completely enclosed building.
- (5) All machinery used, except vehicles, shall be electrically driven.

D. Accessory uses:

- (1) Other Accessory uses and structures not otherwise prohibited, customarily accessory and incidental to a permitted principal or conditional use.
- (2) Duly authorized street sale, fairs and temporary flea markets.

Section 10: B-2 GENERAL BUSINESS DISTRICT

It is the purpose of the B-2 General Business District to permit and encourage the establishment of businesses which offer a wide variety of consumer goods and services. It is intended that public health, safety, and welfare will be protected in this high vehicular traffic zone through more stringent lot requirements. These districts are intended to be located along major highways and thoroughfares while maintaining adequate highway safety and/or capacity.

- A. Principal permitted uses: Within any B-2 General Business District, no building structure or land and no building or structure shall be erected, altered, or enlarged which is arranged, intended or designed for other than one or more of the following uses:

- (1) All permitted and conditional uses in B-1 Neighborhood Commercial Districts with the exception of residential and veterinary uses.
- (2) Retail Stores including any drive-in use, but excluding adult uses.
- (3) Any personal service establishment, except adult uses.
- (4) Eating and drinking places including drive-in restaurants.
- (5) Entertainment including bowling alleys and similar enterprises, but excluding adult uses except for the sale or rental of video tapes as permitted and regulated in a B-1 Neighborhood Commercial District.
- (6) Building materials and hardware, primarily for retail.
- (7) Upholstery shops.
- (8) Retail bakery or catering establishment.
- (9) Minor fabricating and repair including plumbing shops, tin-smithing shops, and electric repair shops.
- (10) Hospitals and medical clinics.
- (11) Hotels and Motels.
- (12) Publishing, job printing, and blue printing.

B. Conditional uses requiring board authorization:

- (1) Any type of commercial recreation, including baseball fields, swimming pools, skating rinks, golf driving ranges, drive-in theaters, and similar open air facilities, provided that such use of property shall be located not less than 100 feet from any residential district.
- (2) Animal Hospital or Veterinary clinic, or kennels for display boarding, or treatment of pets and other domestic animals; provided that any structure or area used for such purposes, including pens and exercise yards, shall be located at least 100 feet from any residential district. If such pens or exercise runs are constructed these pens shall be enclosed on four sides by sight obscuring, unpierced fence or wall at least six (6) feet in height.
- (3) Wholesale establishments with warehousing stock.
- (4) Commercial parking garages and lots for passenger vehicles only, provided a reservoir space is provided within the garage or lot for holding car awaiting entrance, which reservoir space shall have a vehicular capacity of no less than two (2) percent of the total parking capacity of such garage or lot, in any event not less than two (2) vehicles.

- (5) Public utility stations and services.
- (6) Cemeteries including any crematory therein.

C. Required Conditions:

- (1) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street loading, and automobile, truck, trailer and farm implement sale lots.
- (2) All products produced on the premises, whether primary or incidental shall be sold at retail primarily on the premises where produced, except where the establishment is a wholesale establishment only.
- (3) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried waste.
- (4) Maintenance, steaming, cleaning, washing, and spraying of equipment and vehicle shall be performed within a completely enclosed building.
- (5) All machinery used, except vehicles, shall be electrically driven.

D. Accessory Uses:

- (1) Other Accessory uses and structures not otherwise prohibited, customarily accessory and incidental to a permitted principal or conditional use.

Section 11: P-1 PUBLIC LANDS

Public lands shall be those properties owned by a governmental entity and shall be usable by said entity for governmental purposes, including but not limited to recreational halls and service garages. Any property sold by a governmental entity shall be reclassified by the Planning Commission after public notice and hearing.

Section 12: HEIGHT AND BULK REGULATIONS

Except as hereinafter provided, no building, structure or premises shall be used so as to produce greater heights, smaller yards or less unoccupied area and no building shall be occupied by more families than hereinafter required for such building for the District in which it is located. No lot which is now or may be hereinafter improved as herein allowed, shall be smaller than prescribed by this Ordinance. No yard, court or open spaces provided for any building as shown on a plat thereof shall be used again as a yard, court or open space for another building. A plat of each building shall accompany an application for a building permit for the purpose of complying with provisions of the Ordinance.

Section 13: R-1 RESIDENCE DISTRICT, HEIGHT AND BULK REGULATIONS

- A. In any R-1 Residence District the following limitations and requirements shall apply:
- (1) Height:
No building shall exceed thirty-five (35) feet or two and one-half stories in height. Churches, hospitals, schools or any other public building permitted to be constructed in a R-1 Residence District, may be build to a height of seventy (70) feet or six (6) stories, providing any such building sets back from every street and lot line in addition to other yard and set-back requirements herein specified, one foot for each two (2) feet of height of the building in excess of thirty-five (35) feet.
 - (2) Rear Yards:
There shall be a rear yard on every lot, which shall have a minimum depth of twenty-four (24) feet, which shall be a two and one-half story building.
 - (3) Side Yard:
There shall be a side yard on each side of every building other than an accessory building. The minimum width of any side yard shall be five (5) feet. Except on corner lots at least one side yard shall be seven (7) feet wide, provided however, that on lots platted and recorded before the effective date of this Ordinance which are forty (40) feet or less in width, the minimum width of any side yard shall be ten percent (10%) of the width of the lot.
 - (4) Set-back:
No building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the building fronting on the same side of the street within the block, at the same time of the passage of this Ordinance. Where there are existing buildings at the time of the passage of this Ordinance on only one side of the street within the block, then the set-back line of the vacant side shall be the same as the improved side of the street within the block. Where there is no building fronting on either side of the street within the block, no new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the street line. However, this provision does not include steps, uncovered porches, and covered but unenclosed porches on the first story which do not extend more than ten (10) feet beyond the front wall of the building. On a corner lot, the street frontages which are not opposite to the rear of the lot line, shall be exempt from the above provisions.
 - (5) Lot Area Per Family:
The minimum requirements as to lot area per family shall be as follows:

- (a) One family dwelling: four thousand eight hundred (4,800) square feet
- (b) Two family dwelling: four thousand (4,000) square feet

Section 14: R-2 RESIDENCE DISTRICT, HEIGHT AND BULK REGULATIONS

- A. In any R-2 Residence District the following limitations and requirements shall apply:
- (1) Height:
No building shall exceed thirty-five (35) feet or two and one-half stories in height. Churches, hospitals, schools or any other public building permitted to be constructed in an R-2 Residence District, may be constructed to a height of seventy (70) feet or six (6) stories, providing any such building sets back from every street and lot line in addition to other yard and set-back requirements herein specified, one foot for each two (2) feet of height of the building in excess of thirty-five (35) feet.
 - (2) Rear Yards:
There shall be a rear yard on every lot, which shall have a minimum depth of twenty-four (24) feet which shall be increased to twenty-eight (28) feet for a two or a two and one-half story building.
 - (3) Set back:
No building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the building fronting on the same side of the street within the block, at the time of the passage of this Ordinance. Where there are existing buildings at the time of the passage of this Ordinance on only one side of the street within the block, then the set-back line of the vacant side shall be the same as the improved side of the street within the block. Where there is no building fronting on either side of the street within the block, no new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the street line; however, this provision does not include steps, uncovered porches; and covered but unenclosed porches on the first story which do not extend more than ten (10) feet beyond the front wall of the building. On a corner lot, the street frontages which are not opposite to the rear of the lot line, shall be exempt from the above provisions.
 - (4) Lot Area Per Family:
The minimum requirements as to lot area per family shall be as follows:
 - (a) One family dwelling: four thousand (4,000) square feet;
 - (b) Two family dwelling: thirty-six hundred (3,600) square feet per dwelling unit.

Section 15: R-3 RESIDENCE DISTRICT, HEIGHT AND BULK REGULATIONS

- A. In any R-3 Residence District the following limitations and requirements shall apply:
- (1) Height:
No building shall exceed seventy (70) feet or six (6) stories in height. Towers may be erected above such height, providing and tower does not exceed one hundred and fifty (150) feet of twelve (12) stories in height above ground level, providing further that any tower sets back from every street and lot line in addition to other yard and set-back requirements herein specified, one foot for each three (3) feet of height of the building in excess of seventy (70) feet.
 - (2) Rear Yards:
There shall be a rear yard on every lot, which shall have a minimum depth of twenty (20) feet which shall be increased by four (4) feet for each additional story of the building above the second story.
 - (3) Side Yard:
There shall be a side yard on each side of every building other than an accessory building. The minimum width of any side yard shall be five (5) feet which shall be increased by two (2) feet for each additional story above the second story.
 - (4) Set-back:
No building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the building fronting on the same side of the street within the block, at the same time of the passage of the Ordinance. Where there are existing buildings at the time of the passage of this Ordinance on only one side of the street within the block, then the set-back line of the vacant side shall be the same as the improved side of the street within the block. Where there is no building fronting on either side of the street within the block, no new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the street line. However, this provision does not include steps, uncovered porches, and covered but unenclosed porches on the first story which do not extend more than ten (10) feet beyond the front wall of the building. On a corner lot, the street frontages which are not opposite to the rear of the lot line, shall be exempt from the above provisions.
 - (5) Lot Area Per Family:
The minimum requirements as to lot area per family shall be as follows:
 - (a) One family dwelling: thirty-six hundred (3,600) square feet;
 - (b) Two family dwelling: thirty-six hundred (3,600) square feet per dwelling unit;

- (c) Three family dwelling: thirty-six hundred (3,600) square feet per dwelling unit;
- (d) Four or more family dwelling: thirty-six hundred (3,600) square feet per family in addition to the square footage required for parking spaces and the lanes, streets or other access routes within the development area.

Section 16: B-1 NEIGHBORHOOD COMMERCIAL DISTRICT, HEIGHT AND BULK REGULATIONS

A. In any Neighborhood Commercial B-1 District the following limitations and requirements shall apply:

(1) Height:

No building shall exceed thirty-five (35) feet or two and one-half stories in height. Churches, hospitals, schools or any other public buildings may be built to a height of seventy (70) feet or six (6) stories, providing any such building sets back from every street and lot line in addition to other yard and set-back requirements herein specified, one foot for each two (2) feet of height of the building in excess of thirty-five (35) feet.

(2) Rear Yards:

There shall be a rear yard on every lot, which shall have a minimum depth of sixteen (16) feet for a one story building, increasing to twenty (20) feet for a two story building.

(3) Side Yard:

There shall be a side yard on each side of every building used as a dwelling, which shall have a minimum width of five (5) feet.

(4) Set-back:

No building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the building fronting on the same side of the street within the block, at the same time of the passage of the Ordinance. Where there are existing buildings at the time of the passage of this Ordinance on only one side of the street within the block, then the set-back line of the vacant side shall be the same as the improved side of the street within the block. Where there is not building fronting on either side of the street within the block, no new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the street line. However, this provision does not include steps, uncovered porches, and covered but enclosed porches on the first story which do not extend more than ten (10) feet beyond the front wall of the building. On a corner lot, the street frontage which are not opposite to the rear of the lot line, shall be exempt from the above provisions.

(5) Courts:

Where a building is designed with a commercial use on the first floor and with living quarters on the second floor, an outer court may be substituted on the second floor for a side yard for the portion of the building more than two (2) rooms in depth, providing said outer court is in width not less than eight percent (8%) of the width of the lot but in no case shall such outer court be less

than four (4) feet wide. Whenever any room in which people live or sleep cannot be adequately lighted and ventilated from a street, side yard, outercourt or rear yard, and inner court must be provided. Such inner court shall not be less than eight (8) feet wide and it shall not be less in length than twice its width.

Section 17: B-2 GENERAL BUSINESS DISTRICT, HEIGHT AND BULK REGULATIONS

A. In any General Business B-2 District the following limitations and requirements shall apply:

(1) Height:

No building shall exceed thirty-five (35) feet or two and one-half stories in height. Churches, hospitals, schools or any other public buildings may be built to a height of seventy (70) feet or six (6) stories, providing any such building sets back from every street and lot line in addition to other yard and set-back requirements herein specified, one foot for each two (2) feet of height of the building in excess of thirty-five (35) feet.

(2) Rear Yards:

There shall be a rear yard on every lot, which shall have a minimum depth of sixteen (16) feet for a one story building, increasing to twenty (20) feet for a two story building.

(3) Side Yard:

No side yards are required except where a side yard is adjacent to a public street or right-of-way, in which case the side setback shall be a minimum of ten (10) feet.

(4) Set-back:

No building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the street line. However, this provision does not include steps, uncovered porches, and covered but unenclosed porches, or awnings on the first story which do not extend more than (10) feet beyond the front wall of the building.

Section 18: MISCELLANEOUS HEIGHT AND BULK REGULATIONS FOR ALL DISTRICTS

A. Parapet walls not exceeding four (4) feet in height, chimneys, ventilators, cooling towers, elevators, bulk heads, tanks, water towers, radio towers, ornamental towers, monuments, cupolas, domes and spires may be erected above the height limits herein established.

B. Every part of a yard required herein shall be open from the lower point to the sky unobstructed, except for the ordinary projections of window skills, belt courses and other ornamental features to the extent of not more than four (4) inches.

C. In any Residence District, the rear yard requirements may be reduced ten percent (10%) on a corner lot.

D. Cornices may extend not more than eighteen (18) inches into any yard.

- E. Fireproof outside stairways, open or lattice enclosed iron fire escapes, or solid floored balconies opening upon fire towers, may project into a side yard or a rear yard a distance of not more than four (4) feet.
- F. Accessory buildings in Residence Districts shall not be nearer than three (3) feet to any property line.
- G. Chimneys or flues may be erected within the limits prescribed for yards, provided they do not exceed five (5) square feet in total horizontal area.
- H. No building in the rear of a principal building on the same lot, shall be used for residence purposes except for domestic employees of the owner or tenants of the principal building, unless such rear building shall conform to the open space requirements in the Ordinance for a principal building and shall have on the same lot an easement of access at least ten (10) feet wide, unoccupied to a street, in addition to any other open space requirements of this Ordinance. Such building shall not be over two (2) stories high and shall not be within thirty (30) feet of any other building not an accessory building.
- I. Traffic visibility across center lots; In any district or any corner lot, no fence, structure or planting shall be erected or maintained within five (5) feet of the edge of the pavement at the intersection, more than six (6) feet above the curb or street grade, or so as to interfere with traffic visibility across the corner.

Section 19: SIGNS

- A. There shall be no signs erected in R-1, R-2, or R-4 Residential Districts except for the offices of professionals as previously set forth herein.
- B. For any apartment building or complex, one free standing unlighted sign may be erected, designating the name of the building or complex, business office hours and a directional arrow. Said sign shall not exceed sixteen (16) square feet in surface on its face nor may the sign exceed two (2) feet in thickness. No such sign shall extend into or over the street right-of-way and sidewalk easement or otherwise impair the safety of pedestrians or motorists.
- C. For any commercial or industrial business, a free standing sign may not exceed sixty-four (64) square feet in surface. Not more than one free standing sign may be erected for any business. No such sign shall extend into or over the street right-of-way and sidewalk easement or otherwise impair the safety of pedestrians or motorists.
- D. No sign attached to an apartment building may exceed the width of the wall to which it is attached nor may said sign exceed one quarter of the height of the wall to which it is attached. Any sign attached to the roof of a building shall be considered free standing and subject to the specifications of paragraph B.

- E. For any commercial or industrial business a sign attached to the building may not exceed the width or height of the wall to which it is attached. Any sign attached to the roof or the building shall be considered free standing and subject to the specifications of paragraph C.
- F. The size and location of all billboards must be approved by the Zoning Board of Appeals and may not exceed 800 square feet in a display area. Signs of any type over 800 square feet in a display area will not be permitted. Two outdoor advertising signs erected one above the other shall be treated as one sign.
- G. No outdoor advertising sign designed to face toward and be visible from such highway shall be permitted to be erected within a distance of 500 feet of any existing advertising sign located on the same side of the highway.
- H. No advertising sign shall be located within 200 feet of any school, church, hospital, or similar institution.
- I. Back-to-back V-type signs will be permitted and shall be treated as one sign, provided that the interior angle between the two signs does not exceed sixty degrees.
- J. The maximum height limitation for outdoor advertising signs shall be 35 feet measured from the pavement edge or center edge of highway or roadway and/or ground level, whichever is higher. In no case shall a sign be higher than the surrounding buildings. In case of a single building, the height of the building shall control up to the maximum height permitted by code.
- K. No structure supporting an outdoor advertising sign shall be located on a zone lot where there exists a structure, housing or another principal permitted use.
- L. No advertising sign shall be erected or maintained which involves rapid motion or rotation of the structure, or any part thereof.
- M. No advertising display shall use the word, "stop" or "danger", or present or imply the need or requirement of stopping, or the existence of danger.
- N. No advertising sign, display or device shall be a copy of, or imitate, a traffic sign or other official sign.
- O. No advertising display or device shall attempt or purport to direct traffic.
- P. No advertising sign shall contain lighting which is not shielded and any lighting shall be of such low intensity as not to cause glare or impair the vision of the operator or any motor vehicle.

- Q. No advertising display or device shall be illuminated by any rapid flashing, intermittent light or lights.
- R. No advertising display or device shall be painted, affixed or attached to any natural feature.
- S. No advertising sign, display or device shall hinder the clear, unobstructed view of approaching or merging traffic, or obscure from view any traffic sign or other official sign.
- T. No advertising sign, display or device shall be so located as to obscure the view of any connecting road or intersection.
- U. No advertising sign, including its structure, shall be located as to obscure the view of any connecting road or intersection.
- V. The regulations contained in this section only apply to those outdoor advertising signs, displays, devices, and billboards which direct attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered elsewhere than on the zoning lot on which the sign, display device or billboard is located. Temporary signs which relate to school, church or political matters may be erected and maintained as an exemption to the provisions of this ordinance for a period not to exceed 30 days from date of erection.
- W. All billboards shall be kept in a complete state of repair and maintenance. Any non-conforming billboard which is left to deteriorate or fall into disrepair will be deemed abandoned, and therefore, loses its privilege for continuation as a non-conforming use.
- X. This section shall be strictly construed and the requirements and regulations set forth herein shall not be subject to granting of variances for any reason.

Section 20: OFF STREET PARKING REGULATIONS

- A. The automobile parking space:
There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provision of ingress and egress by standard sized automobiles, as follows:
 - (1) Parking spaces for dwellings:
For all dwelling units there shall be provided, on the lot, either garage or parking space for the parking of one automobile vehicle for each dwelling unit in a new building and/or each dwelling unit added to an existing building. In Residence R-4 Districts there shall be provided one parking space for each mobile home site.

(2) For buildings other than dwellings:

For a new building or for any enlargement or increase in a seating capacity, floor area or guest rooms of any existing main building there shall be at least one permanently maintained parking space of not less than two hundred (200) square feet of new area, as follows:

- (a) For auditoriums, theaters, general auditoriums, stadiums, and other similar places of assembly, at least one parking space for every four (4) fixed seats provided in a said building.
- (b) For hospitals, at least one parking space for each two beds capacity, including infant's cribs and children's beds. For medical and dental clinics, at least (10) parking spaces provided that three (3) additional parking spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists. For doctor's offices, at least eight (8) parking spaces. For dentist's offices, at least four (4) spaces.
- (c) For tourist courts, hotels, apartment motels or hotels, one parking space for each individual sleeping or living unit.
- (d) For restaurants or establishments serving meals, lunches, or drinks to patrons either in their care or in the building, and for dance hall and recreational places of assembly at least one parking space for each serving unit, a serving unit to be one stool, booth or table.
- (e) For dance halls and recreational places of assembly, one space for each (100) square feet of floor space of the building.
- (f) For mortuaries, at least twenty (20) parking spaces; for taverns or saloons, at least fourteen (14) parking spaces.
- (g) For retail stores and any other commercial or industrial enterprise selling directly to the public, not categorized above, one parking space for each two hundred (200) square feet of sales floor area.
- (h) For office building of more than two (2) stories, at least two (2) parking spaces for each suite of offices; for smaller clinic type or District or Regional offices outside the major business area, one parking space for each employee, plus additional customer parking space at the same ratio as retail stores.

- (3) Parking space as required above shall be on the same lot with the main building, or in the case of buildings other than dwellings, may be located no farther than three hundred (300) feet therefrom, and within the same block whenever possible.
- (4) Public parking areas:
Every parcel of land hereafter used as a public parking area shall be paved with an asphaltic or concrete surfacing and shall have appropriate bumper guards where needed as determined by the Building Inspector. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in any Residential District.
- (5) Special provisions for street or highway widening:
Whenever there shall be plans in existence for the widening of any street or highway within the Village of Tiltonsville, the Planning Commission may require additional front yard set-backs for any new construction or for any structures altered or remodeled in order to preserve and protect rights-of-way for such proposed street or highway widening.
- B. A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length for ninety (90) degree parking, ten (10) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and twenty (20) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.
- C. Driveways (aisles) serving individual parking spaces shall not be less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 1/2) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking. These dimensions do not include any parking spaces.
- D. The plans and specifications, accompanying the application for a building permit, shall show the location, size and suitability of the parcel of land to be used for such parking space, and shall set forth the facts showing the title and the right of the applicant to use said parcels for the parking of vehicles of patrons, guests, customers, or occupants of the proposed establishments so long as it shall be in operation.
- E. Whenever a parking lot or a driveway to a parking lot is hereafter laid out to adjoin the side or rear line of a lot in a residence district, a solid masonry wall or substantial slightly tight fence five (5) feet in height shall be constructed and maintained along said or rear lot line, except where it would project beyond a required building line. The lighting, including permitted illuminated signs, on said parking lot or driveway shall be reflected away from resident areas and so arranged as to cause no annoying glare thereto.
- F. In any use district, driveways and parking spaces for the use of more than two (2) motor vehicles shall be paved and drained to confine dust and splashing therefrom to the premises. Pools of surface water are not permissible.

G. The Board of Zoning Appeals may, when in its opinion the best interests of the community will be served, thereby, permit temporarily or permanently, the use of land in a residence district for a parking lot where the land abuts, or is across the street from a district other than a residence district on conditions that:

- (1) The lot is to be used only for the parking of passenger automobiles of employees, customers, patrons or guests of the person or firm controlling and operating the lot, who shall be responsible also for its maintenance.
- (2) No charge is to be made for parking on the lot.
- (3) The lot is not to be used for sales, repair work or servicing of any kind.
- (4) Entrance to or exits from the lot are to be so located as to do the least harm to the residence district.
- (5) No advertising sign or material is to be located on the lot.
- (6) Whatever set-back building lines would be required on the land if used for residence purposes are to be maintained when it is used as a parking lot and all parking shall be within such lines, except as specifically authorized by the Zoning Board of Appeals.

H. A private garage, if a separate or accessory structure, shall be located not less than fifty (50) feet from the front property line. No business, trade, maintenance or commercial enterprise of any kind may be conducted within. In the case of a corner lot, no wall of the garage shall be nearer a street line than the side line of the main building and it shall also be as far from the street lines as the line fixed by this Ordinance for building on adjoining lots or as near thereto as the width of the lot will permit. Garage space may be provided for two (2) motor vehicles on any lot and garage space may be provided for each two thousand, five hundred (2,500) square feet of area by which such lot area exceeds five thousand (5,000) square feet, but in any case not more than (5) motor vehicles shall be permitted, said building may be one story in height but not exceeding fifteen (15) feet.

I. All boats and other watercraft that are parked on a residentially zoned property must be parked in such a manner that the boat or watercraft is not visible from any street or adjacent property. Such watercraft may be parked in a rear yard or side yard, provided that a fence of the wood stockade type is installed in such a fashion that the boat or watercraft is hidden from view, or the boat or watercraft may be parked in a garage. No boat or watercraft may be parked in a front yard.

Any violation of these provisions by any person, firm or corporation shall be subject to the penalty provided by this Zoning Ordinance.

Section 21: SATELLITE ANTENNA RECEIVING SYSTEMS

Satellite antenna receiving systems are antennas designed to receive microwave broadcasts from satellites in stationary earth orbit and convert these broadcasts into usable television signals. Satellite antennas shall be permitted to be installed as accessory structures for any permitted use of any zoning district. It shall comply with the following rules:

- (a) For all residential districts the following shall apply:
 - (1) When roof mounted, satellite antennas shall be mounted only on the rear portion of the roof as viewed from the front yard.
 - (2) When ground mounted, it shall be located only in the rear yard.
 - (3) The diameter of the satellite antenna dish shall not exceed twelve (12) feet.

- (b) For all districts the following shall apply:
 - (1) All satellite antennas shall be properly grounded and meet all National Electrical Code requirements.
 - (2) All satellite dish systems shall be engineered to withstand snow and wind loads designated in the Ohio Basic Building Code.
 - A. Any satellite receiving dish exceeding three (3) feet in diameter, which is located on the roof of any structure within the Village, shall only be permitted upon presentation of a plan by a registered engineer or architect. The plan shall show the roof and satellite dish are able to withstand snow and wind loads designated in the Ohio Basic Building Code.
 - B. Any dish of three (3) feet or less in diameter which is mounted on the roof of a structure shall be mounted in accordance with the manufacturer's recommendations for installation and properly secured to the structure so as to prevent damage from wind or snow loads.
 - C. Any ground mounted satellite dish exceeding three (3) feet in diameter shall be anchored by one cubic yard of portland cement concrete beginning below the frost line, or any other method which can be demonstrated to meet wind load requirements of the Ohio Basic Building Code.
 - (3) All satellite dishes shall be located:
 - A. Outside any utility easement.
 - B. A minimum of ten (10) feet, measured horizontally from suspended electrical wires.
 - C. Fifteen (15) feet from public right-of-ways in nonresidential areas.

- (c) A permit shall be required by any person installing a satellite antenna prior to installation. An applicant shall provide installation instructions and/or sketches. When proposing to ground mount a satellite antenna, an applicant shall provide a site plan showing the antenna in relation to buildings, structures, easements, electrical lines, and property lines.

Section 22: FENCES

- A. No fence in a residential zone shall exceed six (6) feet in height. Front setback for a fence shall be no less than two (2) feet from a sidewalk or, in the absence of a sidewalk, no less than six (6) feet from the street right-of-way. Side and rear setbacks shall be no less than one (1) foot from the property line and any utility easements.
- B. All private residential swimming pools shall be completely enclosed by a fence erected along the periphery of the pool. The fence is to be at least three (3) feet from all property lines. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall not be less than four (4) feet six (6) inches and not more than six (6) feet in height above grade level and shall be constructed of either corrosion-resistant woven wire mesh material or wood stockade panels. All gates shall be equipped with self-closing and self-latching devices placed at the top of each gate and made inaccessible to small children. All fence posts shall be set in concrete footers at a depth of no less than eighteen (18) inches.

Section 23: ENFORCEMENT

- A. The Building Inspector shall enforce the provisions of this Zoning Ordinance. No building permit shall be issued for excavation or for the construction or alteration of any building, structure or part thereof where the plans, specifications or intended use indicates that the building or use would not conform in all respects with the provisions of this Zoning Ordinance.
- (1) No person, firm or corporation shall proceed with any excavation or with the construction, reconstruction or alteration of any building, structure, or part thereof without having first obtained a building permit from the Building Inspector.
- B. Whoever violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision of this Zoning Ordinance shall be guilty of a minor misdemeanor for each offense and each days violation of any such provisions shall constitute a separate offense.
- C. Appeal from the decision of the Building Inspector may be made to the Zoning Board of Appeals.
- D. Violation Remedies
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 Building Inspector, Village Clerk or the Village Law Director 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, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

Section 24: PROCEDURES

- A. Application for building permits for principal permitted uses shall be made to the Building Inspector, unless otherwise provided in this Ordinance.
- (1) Application for a building permit shall be made to the Building Inspector.
 - (a) The application shall contain; a sketch, drawn to scale, of the proposed structure or alteration; the name, address and phone number of the builder and owner together with such other data as may be requested by the Building Inspector.
 - (b) Upon receipt of the application, and other requested information, the Building Inspector shall either issue or refuse to issue a building permit within ten (10) working days.
 - (c) If the proposed structure or alteration meets the applicable building code standards of the State of Ohio and the Village of Tiltonsville, as well as the requirements of 1505.01 and 1505.02 (Fire Limits) of the Codified Ordinances of the Village of Tiltonsville and the provisions of the Ordinance, the Building Inspector shall issue a building permit.
 - (d) Applications for building permits for Commercial Districts must, prior to an application for a building permit from the Village of Tiltonsville, obtain State approved plans for all construction, renovations, or additions from the State of Ohio.
 - (e) Refusal or the Building Inspector to issue a building permit may be appealed, within ten (10) working days thereof, to the zoning board of appeals.
- B. Application for rezoning shall be submitted to the Village of Tiltonsville Planning Commission.
- (1) The application shall state the name(s) of the applicant(s), the name(s) of the owner(s) of the property, the name(s) of any legal representative(s) for the applicant(s), and their telephone numbers.
 - (2) The application shall state the existing zoning designation and the proposed zoning designation, a copy of the deed of the property, the reason for the requested rezoning, the proposed use of the property, and a map showing the location and dimensions of the property.
 - (3) The application shall be made at least thirty (30) days prior to a scheduled Planning Commission meeting in order to be placed on the agenda.
 - (4) An application fee of fifty dollars (\$50.00) is required when an application for rezoning is submitted. Rezoning applications initiated by the Planning Commission or the Village of Tiltonsville are exempt from the \$50.00 fee.

C. Application for Residential District conditional uses shall be submitted to the Zoning Board of Appeals.

- (1) The application shall state the proposed use, the name, address and phone number of the owner of the land and/or builder and the name and address of other owners of property within a two hundred (200) foot radius, and other such information as may be required by the Village Clerk, together with the application fee of Seventy-five dollars (\$75.00) payable to the "General Fund of the Village of Tiltonsville".
- (2) Within thirty (30) days from the date of submission of the application, the Zoning Board of Appeals will meet to hear and decide upon the application. This hearing shall be open to the public.
- (3) Notice of the public hearing and its purpose shall be published one time in a newspaper of general circulation, no less than ten (10) days prior to the hearing, in the Village and the owners of property within two hundred (200) feet of the proposed use location shall be notified, in writing, of the time, place, date and subject matter of the hearing.

D. Application for conditional use permits in B-1 Neighborhood Commercial Districts and B-2 General Business Districts shall be submitted to the Zoning Board of Appeals.

- (1) The application shall state the proposed use, the name, address and phone number of the owner of the land and/or builder and the name and address of other owners of property within two hundred (200) foot radius, and other such information as may be required by the Village Clerk, together with the application fee of One Hundred dollars (\$100.00) payable to the "General Fund of the Village of Tiltonsville".
- (2) A description of the intended use and safety devices to protect others, including employees, from hazards.
- (3) A list of all hazardous waste products and a safe means of disposal in accordance with state and federal law.
- (4) Within thirty (30) days from the date of submission of the application, the Zoning Board of Appeals will meet to hear and decide upon the application. This hearing shall be open to the public.
- (5) Notice of the public hearing and its purpose shall be published one time in a newspaper of general circulation, no less than ten (10) days prior to the hearing, in the Village and the owners of property within two hundred (200) feet of the proposed use location shall be notified, in writing, of the time, place, date and subject matter of the hearing. All costs shall be paid by the applicant.

E. Validity of Permits and Certificates and Time Limitations:

- (1) Any building permit, or certificate of occupancy permit issued by the Building Inspector shall be valid for a period of six (6) months from the date of issuance and shall continue to be valid provided such construction or use is being continuously pursued, a minimum of five (5) days each and every week, by the end of and following this period of six (6) months. If construction has not been initiated and continuous, and is not being pursued at the end of the six (6) month period all certificates and permits shall lapse and become null and void. Renewed applications for other certificates and permits for the same purpose shall be subject to the same procedures and fees as the first application. The new application must be in accordance with all provisions and amendments to the Zoning Ordinance as of the date of the new applications. All permits issued prior to the date of the Ordinance shall lapse, if not pursued six (6) months from the date of the Ordinance.

F. Occupancy Permits:

- (1) No vacant land and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever, and no change or use shall hereafter be made on any land or in any building or part thereof, until a certificate of occupancy and compliance shall have been issued by the Building Inspector stating that the building or use complies with the provisions of this Ordinance and other Ordinances or state laws. A certificate of occupancy shall be issued or refused in writing for cause within (5) days after the Building Inspector has been notified in writing that the erection or alteration of such buildings has been completed and is ready to occupy. A record of all such certificates shall be kept in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property. Buildings accessory to dwellings when completed at the time shall not require a separate certificate of occupancy. Prior to issuance of a certificate of occupancy and compliance, a temporary certificate may be issued for a period not exceeding six (6) months, permitting a partial occupancy of a building pending its completion. Said temporary permit shall be subject to such provisions imposed by the Building Inspector and contained therein as will adequately insure the safety of the occupants. Such temporary certificate shall be revoked by the Building Inspector if prior to its completion, the building fails to conform to the provisions of the Ordinances of the Village of Tiltonsville or the laws of the State of Ohio.

G. Not Transferable:

- (1) All permits are valid to the stated original applicant and are not transferable.

H. Correlation with other Village Permits:

No department, Board official or public employee of the Village vested with the duty or authority to issue permits, certificates or licenses for any building, purpose of use shall issue same if such building, purpose or use would be in conflict with the provisions of this Ordinance and if so issued same shall be void.

Section 25: ENCROACHMENT PROHIBITED

Unless specifically authorized by the Zoning Board of Appeals it shall be unlawful for any owner, lessee or occupant to erect, store, maintain, or permit between the established front building line and the street line, at or above grade level, any structure, material, vehicle, merchandise, temporary office, sign or other advertising matter, on any lot used or maintained for one or more of the following purposes:

1. The parking or servicing of motor vehicles.
2. The sale of motor vehicles.
3. The wrecking of motor vehicles.
4. The storage of scrap metal or junk.
5. The storage of fuel.
6. The storage of building materials.
7. Any similar use of an open lot or premises.

Section 26: VILLAGE OF TILTONSVILLE PLANNING COMMISSION

A. Members:

- (1) There shall be five (5) members constituting the Village of Tiltonsville's Planning Commission. These members will consist of the Mayor, one Council member, and three others appointed by the Mayor. Term memberships will be staggered. Members must reside within the Village of Tiltonsville Corporation limits.
- (2) A majority of the five (5) members of the Commission shall constitute a quorum, and when only three (3) members are present, the unanimous vote of all three (3) shall be required to take an affirmative action.

B. Powers:

- (1) Hear initial requests for rezoning.
- (2) Review applications for lot splits and subdivisions.
- (3) Make recommendations to the Mayor and Village Council on all matters affecting the physical growth and development of the Village.

C. Procedures:

- (1) The Planning Commission shall hold meetings as necessary. Notice of meeting shall be published in a newspaper of general circulation in the Village at least ten (10) days before said meeting. The Village Clerk shall send written notice of each public hearing at least five (5) days before the date of the hearing, to the

owners on contiguous property and owners whose properties are directly across the street from the parcel or parcels for which the hearing is to be held. All meetings shall be open to the public and the minutes shall be recorded. The Commission shall not hold a special meeting unless it gives at least twenty-four (24) hours notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting. The records of all meetings shall be kept in the office of the Planning Commission. All meetings of the Commission shall be in a permanent place designated by the Council.

- (2) Applications to the Commission, under the provisions of this Ordinance, may be submitted by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such applications shall be in writing and shall be filed with the Village Clerk together with a fee of Fifty Dollars (\$50.00). This fee shall be paid over forthwith to the credit of the General Fund of the Village of Tiltonsville. There shall be no refunds or credits regardless whether approved or disapproved by the Commission or halted by the applicant.
- (3) An applicant or the applicant's attorney shall attend the meeting. The Commission will dismiss, without hearing, an application if the applicant or the applicant's attorney does not attend, except in those circumstances where a dismissal without a hearing would constitute a hardship for the surrounding property owners or other interested individuals.
- (4) An application shall be tabled upon written request of the applicant submitted not less than ten (10) days before the date of the meeting at which the application is scheduled to be heard. Any request to table an application submitted later than ten (10) days before the date of the scheduled meeting may be granted by the Commission at its discretion.
- (5) In granting approval of any rezoning application, lot split, or subdivision application, the Commission must find that the proposed use is reasonable. It must also find that the proposed rezoning will not:
 - (a) Be contrary to the public interest.
 - (b) Impair an adequate supply of air and light to adjacent property.
 - (c) Unreasonably increase congestion of public streets.
 - (d) Increase the danger of fire or impair the public safety.
 - (e) Unreasonably diminish or impair established property values.
 - (f) Impair the public health, safety, morals or welfare of the inhabitants of the Village in any respect.

Section 27: BOARD OF ZONING APPEALS

A. Members:

- (1) There shall be five (5) members constituting the Village of Tiltonsville's Board of Zoning Appeals. Term memberships will be staggered. Members must reside within the Village of Tiltonsville Corporation limits. Members of the Board shall hold no other Village office.
- (2) A majority of the five (5) members of the board shall constitute a quorum, and when only three (3) members are present, the unanimous vote of all three (3) shall be required to taken an affirmative action.

B. Powers:

- (1) The Board shall have the power to hear and decide applications for an industrial use and applications for conditional uses and variances in any district. In considering these applications, the Board shall give due regard to the nature and conditions of all adjacent uses and structures within a two hundred (200) foot radius. In authorizing such requirements and conditions with respect to location, construction, maintenance and operation, and safeguards in addition to those expressly stipulated in this Ordinance for the particular conditional use, as are not unreasonable and serve to protect the health, safety and welfare of the surrounding property owners and the Village in general.
- (2) The Board shall have the power to permit the following special exceptions subject to such conditions as it may deem necessary.
 - (a) The substitution for a non-conforming use existing at the time of enactment of this Ordinance of another non-conforming use.
 - (b) The extension or expansion of a non-conforming use or building upon the lot occupied by such building or onto an adjoining lot.
 - (c) 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 temporary and revocable permit for such use shall be granted subject to such conditions as will safeguard the public health, safety and welfare of the adjoining property owners and the Village in general.
- (3) Interpretation of the Zoning District Map:
Where the street or layout on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning District Map, the Board of Zoning Appeals, after notice to the owners of the property shall interpret the map in such a way as to carry out the intent and purpose of the Ordinance. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made to the Board and a determination shall be made by said Board.

- (4) The Board shall have the power to authorize upon appeal such variances from the provisions of the Ordinance as will not be contrary to the health, safety and welfare of the adjacent property owners and the Village in general and shall subject such authorization to such conditions as the Board shall deem reasonable and necessary.

C. Procedures:

- (1) The Board of Zoning Appeals shall hold meetings as necessary. Notice of meeting shall be published in a newspaper of general circulation in the Village at least (10) days before said meeting. The Village Clerk shall send written notice of each public hearing at least five (5) days before the date of the hearing, to the owners on contiguous property and owners whose properties are directly across the street from the parcel or parcels for which the hearing is to be held. All meetings shall be open to the public and the minutes shall be recorded. The Board shall not hold a special meeting unless it gives at least twenty-four (24) hours notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting. The records of all meetings shall be kept in the office of the Planning Commission. All meetings of the Board shall be in a permanent place designated by the Council.
- (2) Application, in cases in which the Board has original jurisdiction under the provisions of this Ordinance, may be submitted by any property owner, including a tenant, or by a governmental officer, department, board of bureau. Such applications shall be in writing and shall be filed with the Village Clerk together with a fee of Seventy-five Dollars (\$75.00). This fee shall be paid over forthwith to the credit of the General Fund of the Village of Tiltonsville. There shall be no refunds or credits regardless whether approved or disapproved by the Board or halted by the applicant.
- (3) An appeal to the Board may be made by any elected or appointed official of the Village or by an aggrieved person effected by the decision of the Building Inspector. Appeals shall be filed, in writing, with the Village Clerk together with a Seventy-five Dollar (\$75.00) fee which shall be applied as set forth in paragraph number two (2), above. All appeals must be filed within thirty (30) days from the decision of the Building Inspector.
 - (a) An appeal shall stay all proceedings in furtherance of the action appealed from unless the facts, as known to the Village Clerk, would cause imminent peril to life or property in the opinion of the Village Clerk.
 - (b) The Board may, in conformity with the provisions of this Section, reverse or affirm, wholly or in part, the decision of the Building Inspector and to that end shall have all the powers of the Building Inspector.

- (4) An applicant or the applicant's attorney shall attend the meeting. The Board will dismiss, without hearing, an application if the applicant or the applicant's attorney does not attend, except in those circumstances where a dismissal without a hearing would constitute a hardship for the surrounding property owners or other interested individuals.
- (5) An application shall be tabled upon written request of the applicant submitted not less than ten (10) days before the date of the meeting at which the application is scheduled to be heard. Any request to table an application submitted later than ten (10) days before the date of the scheduled meeting may be granted by the Board at its discretion.
- (6) The Board shall fix a reasonable time for the hearing of an appeal or application and shall give public notice of the time, date, and subject matter of the hearing. The Board shall also serve notice on the parties in interest. The hearing shall be open to the public and all testimony recorded. The Board may adjourn any hearing in order to obtain 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. Persons previously notified and present need not be reserved with notice of resumption of the hearing.
- (7) In granting any special exception of any variance, the Board must find that the proposed use is reasonable, that adherence to the terms of this Ordinance shall cause some specific and unique hardship as a result of the physical characteristics of the land, and further that the proposed use will not:
 - (a) Be contrary to the public interest.
 - (b) Impair an adequate supply of air and light to adjacent property.
 - (c) Unreasonably increase congestion of public streets.
 - (d) Increase the danger of fire or impair the public safety.
 - (e) Unreasonably diminish or impair established property values.
 - (f) Impair the public health, safety, morals or welfare of the inhabitants of the Village in any respect.
- (8) The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decisions shall be binding upon the Building Inspector and observed by him. He shall incorporate the terms and conditions of the decision in any permit authorized by the Board to be issued to the applicant. A decision of the Board shall not become final until the expiration of thirty (30) days from the date of such decision unless the Board shall find the immediate taking of effect of such decision is necessary for the preservation of property of personal rights and shall so state on the record.

- (9) All variances and special permits, unless otherwise specified by the Board, shall be void one (1) year after the date issued unless extended by the Board or unless prior to that time an affirmative action by the applicant has commenced, e.g., a building permit obtained in those situations where such a permit is required or actual use of the property has been initiated in accordance with the variance or special permit in the situation where no building permit is required.

D. Appeal to Council:

- (1) An appeal to Council may be made by any elected or appointed official of the Village or by any aggrieved person effected by the decision of the Board with the exception of variances and conditional use permits. The appeal must be filed in writing with both the Village Clerk and the Clerk of Council. A fee of Seventy-five Dollars (\$75.00) must be submitted with the appeal. Said fee is non-refundable.
- (2) The Village Clerk shall deliver to Council a certified copy of the transcript of the hearing within twenty (20) working days after the appeal is filed.
- (3) Council shall set a reasonable time for the hearing of the appeal not more than thirty (30) days after the filing of the appeal. Public notice shall be made in a newspaper of general circulation in the Village. The hearing shall be open to the public and shall be recorded.
- (4) Council shall review the record, hear any additional evidence and the arguments of the parties.
- (5) Council shall affirm the decision of the Board unless it finds that the Board erred as a matter of law, the decision is not supported by the evidence or the Board failed to make the required findings of fact.

Section 28: AMENDMENTS

A. Amendments to the text or map of the Ordinance may be made in the manner prescribed by law as follows:

- (1) The Planning Commission, The Village Council, or any property owner or a group of property owners may propose amendment to this Ordinance. All such proposed amendments shall be submitted to the Planning Commission for study and approval.
- (2) The Planning Commission shall have a reasonable time, but not more than forty-five (45) days, to report its findings. For any proposed amendment submitted by the Village Council or a property owner or a group of property owners, the Planning Commission shall report its findings, whether favorable or unfavorable, to the Village Council.
- (3) No amendment that is reported unfavorably by the Planning Commission shall be adopted by Council except by affirmative vote of not less than two-thirds (2/3) of all Council members.

- (4) Following the receipt of the Planning Commission report on any proposed amendment and prior to the third reading of the Amended Ordinance, Council shall hold a public hearing thereon and shall give thirty (30) days notice of the same by legal advertising and by any other means it considers proper.
- (5) During this thirty (30) day period, the amended Ordinance, together with the maps that may be part of it and the report of the Planning Commission, shall be on file in the office of the Village Auditor and in the Planning Commission office for public inspection.

Section 29: SCOPE OF PROVISIONS OF ORDINANCE

In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Wherever the requirements of the Zoning Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

Section 30: SEVERABILITY OF PROVISIONS OF ORDINANCE

The provisions of the Ordinance shall be severable, and the holding of any provision or Section thereof to be unlawful shall not affect any other provision or Section than that expressly held to be invalid.

Section 31:

That the Village of Tiltonsville, Ohio hereby declares the Jefferson County, Ohio Subdivision Regulations, as revised May, 1995, to be valid and binding within the corporate boundaries of the Village, and that the Village of Tiltonsville reserves the right of extraterritorial powers in such regards.

CERTIFICATE OF POSTING

I, _____, do hereby certify that I am the duly (appointed) (elected), qualified and acting Clerk of Council of the Village of Tiltonsville, Ohio, and that the foregoing Ordinance was published in the Village of Tiltonsville, Ohio as required by law by posting a true and exact copy thereof at the five (5) public posting places listed below:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

Such posting was for a period of fifteen days commencing on the ____ day of _____, 2000.

Clerk of Council
Village of Tiltonsville, Ohio