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ORDINANCE NO. \_\_\_\_\_ OF THE VILLAGE OF NORTH HAMPTON, OHIO

An ordinance to provide for the establishment in the Village of North Hampton of zoning districts within which the use of land, and/or structures for residence, trade or industry, the density of population, the height, the number of stories, the area, the size and the location of buildings, yards, courts and open spaces, the light and ventilation of buildings, and development within floodways may be regulated; providing for the discontinuance of nonconforming uses and structures; providing definitions for certain terms; providing for amendments, supplements or changes hereto; establishing a board of appeals, providing for conflicts with other ordinances; and providing penalties for violation of this ordinance in accordance with the provisions of Chapter 713.06 to 713.13, Ohio Revised Code.

THE VILLAGE OF NORTH HAMPTON ORDAINS:

ARTICLE 1      SHORT TITLE

This ordinance shall be known and cited as the “Zoning Ordinance of the Village of North Hampton” and will be referred to herein as “this ordinance.”



between the text of this Ordinance and any caption or illustration, the text shall control.

Terms not herein defined shall have the meaning customarily assigned to them.

### 3.02

#### DEFINITIONS

1. ACCESSORY USE OR BUILDING: Is a use or building on the same lot with, and of a nature customarily incident and subordinate, to those of the main use or building.
2. AGRICULTURE: See Farm
3. ALLEY: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
4. ALTERATIONS: Is any change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”
5. APARTMENT: A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit as herein defined.
6. APARTMENT HOTEL: A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as cigar store, coffee shop, etc., when such uses are accessible only from the lobby.
7. AUTO SERVICE STATION: Is a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.
8. AUTO REPAIR STATION: Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as

body, frame, or fender straightening and repair; over-all painting and under-coating of automobiles.

9. BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in paragraph 80.
10. BLOCK: Is the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the municipality.
11. BOARD OF APPEALS: Means the Board of Zoning Appeals of North Hampton, Ohio.
12. BOARDING HOUSE: (Rooming House) A building other than a hotel, where for compensation and by pre-arrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished room house shall be deemed a boarding house for the purposes of this Ordinance.
13. BUILDING: Is any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.
14. BUILDING HEIGHT: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
15. BUILDING LINE: Is a line formed by the face of the building, and for the purposes of this Ordinance, a building line is the same as a front setback line.
16. CARRY-OUT: A place of business where food and beverages are purchased for consumption on or off



the premises.

17. CLINIC: An Establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.
18. CLUB: Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
19. CONDITIONAL USE: A conditional use is a use permitted only after review of an application by the Board of Appeals, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Ordinance.

A conditional use does not require “undue hardship” in order to be allowable. The conditional uses that are found in this Ordinance appear as “special approval” on review by the Planning Commission and Board of appeals. These land uses could not be logically allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time.

20. CONDITIONAL USE PERMIT: This is a permit issued by the Board of Appeals to allow certain specific developments that would not otherwise be allowed in that particular zoning district where the land is located. These permits are issued only after the applicant has followed the procedures as stated in this Ordinance. development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and if approved, he must follow those plans exactly or re-apply for a permit before deviating from that plan.
21. CONVALESCENT OR NURSING HOME: An establishment which specializes in providing necessary services to those unable to care for themselves.
22. COUNCIL: Means the Village Council of North Hampton, Ohio.
23. DISTRICT: Is a portion of the unincorporated area of

the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

24. DRIVE-IN: Is a business establishment so developed that its retail or service characteristic is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the drive-in service.
25. DWELLING UNIT: Is a building, or a portion thereof, designed for occupancy of one (1) family for residential purposes and having cooking facilities.
26. DWELLING, ONE-FAMILY: Is a building designed exclusively for and occupied exclusively by one (1) family.
27. DWELLING, TWO-FAMILY: Is a building designed exclusively for occupancy by two (2) families living independently of each other.
28. DWELLING, MULTIPLE-FAMILY: Is a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.
29. ERECTED: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage, and the like shall be considered a part of erection.
30. ESSENTIAL SERVICES: Is the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by

such utilities or municipal departments for the general health, safety or welfare.

31. EXCAVATION: Is any breaking of ground, except common household gardening and ground care.
32. FAMILY: Is one or two persons or parents, with their direct lineal descendants and adopted children together with not more than two persons not so related, or a group of not more than three persons who need not be related, living together as a single housekeeping unit in a dwelling unit.
33. FARM: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided, further, farms may be considered as including establishments operated as a bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries; but establishments keeping or operating fur-bearing animals, riding or boarding stables, commercial dog kennels, stone quarries or gravel or sand pits, shall not be considered farm hereunder unless combines with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises.
34. FENCE: Any structure other than part of a building of sufficient strength and dimensions to prevent straying from within or intrusion from without.
35. FILLING: Is the depositing or dumping of any matter on to, or into the ground, except common household gardening and ground care.
36. FLOOR AREA: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The

floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches, except basements areas designed and used for dwelling or business purposes.

37. FLOOR AREA GROSS: The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings, on the same lot, measured the same way.
38. FLOOR AREA, (FOR THE PURPOSE OF COMPUTING PARKING): that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "Floor Area". Measurements of useable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
39. GARAGE; PARKING: A space or structure or series of structures for the temporary storage or parking of motor vehicles, not primarily of commercial vehicles or for dead storage of vehicles, have no public shop or service in connection therewith, other than for the supplying of motor fuels and lubricants, air, water and other operating commodities wholly within the buildings, to the patrons of the garage only and not readily visible from or advertised for sale on the exterior of the building.
40. GARAGE; PRIVATE: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is accessory.
41. GARAGE; SERVICE: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

42. GRADE (GROUND LEVEL): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.
43. HOME OCCUPATION: Any occupation operated in its entirety within the principal dwelling and only by the person or persons maintaining a dwelling therein; not having a separate entrance from outside the building; not involving alteration or construction not customarily found in dwelling; not utilizing more than twenty-five (25) percent of the total actual floor area of any one story; not utilizing any equipment except that which is used normally for purely domestic or household purposes; not displaying, or creating outside the structure any external evidence of the operation of the home occupation except, for one unanimated, non-illuminated, nameplate having an area of not more than one (1) square foot.
44. HOSPITAL OR SANITARIUM: A public or semi-public facility that provides accommodations and continuous service for the sick and injured including obstetrical, medical and surgical care.
45. HOTEL: A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals in which there are ten (10) or more sleeping rooms and no provision made for cooking in any individual room or apartment. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.
46. JUNK YARDS: (SALVAGE YARDS): Is an open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. Two (2) or more inoperative or unlicensed vehicles shall be construed to be a junkyard.
47. KENNEL: Any lot or premises used for the sale, boarding or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping on, or in, any lot or building of three or more dogs, cats or other household pets, which are over the age of six (6) months.
48. LOADING SPACE: Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
49. LOT: Is a parcel of land occupied, or to be occupied, by a main building or a

group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage of forty (40) feet, thereon.

50. LOT AREA: Is the total horizontal area within the lot lines of the lot.
51. LOT, CORNER: A lot, which has at least two contiguous sides, each abutting upon a street for its full length.
52. LOT, INTERIOR: Is any lot other than a corner lot.
53. LOTS, THROUGH: Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
54. LOT COVERAGE: Is the part or percent of the lot occupied by buildings including accessory buildings.
55. LOT LINES: The lines bounding a lot as defined herein:
56. FRONT LOT LINE: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
57. REAR LOT LINE: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension.
58. SIDE LOT LINE: Is any lot line other than the front lot line or rear lot line.  
A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
59. LOT WIDTH: Is the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.
60. LOT OF RECORD: Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Village or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
61. MAIN BUILDING: Is a building in which is conducted the principal use of the lot upon which it is situated.
62. MAIN USE: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.
63. MAJOR THOROUGHFARE: Is an arterial street, which is intended for service as a large volume traffic way for both the immediate area and the region beyond, and may be designated as major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or

- proposed, of eighty (80) feet shall be considered a major thoroughfare.
64. MEZZANINE: Is an intermediate floor in any story occupying not to exceed two-thirds (2/3) of the floor area of such story.
  65. MOTEL: Is a series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closed space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle. It may include all facilities specified under the definition of "Hotel" in item 45.
  66. NON-CONFORMING BUILDING: Is a building or portion thereof, lawfully existing at the effective date of this Ordinance or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.
  67. NON-CONFORMING USE: Is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto and that does not conform to the use regulations of the district in which it is located.
  68. NURSERY:
    - (A) PLANT MATERIAL: Is a space including accessory building or structure for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.
    - (B) RETAIL: Is a space including accessory building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products for gardening and landscaping.
  69. OFF-STREET PARKING LOT: Is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.
  70. OPEN SPACE: That part of a zoning lot, including courts or yards which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning lot.
  71. PARKING SPACE: Is hereby determined to be a minimum area of two hundred (200) square feet, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.
  72. PLANNING COMMISSION: Means the Planning Commission of North Hampton, Ohio.
  73. POOL, SWIMMING: A structure constructed or placed below ground or above ground, which contains water in excess of twenty-four (24) inches of depth and is suitable or utilized for swimming or wading.
  74. PUBLIC UTILITY: Is any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas steam, electricity, sewage disposal, communication, telegraph, telephone, transportation or water.
  75. RESTAURANT: An establishment whose primary business is serving food

and beverages to patrons for consumption inside the building.

76. ROW HOUSE OR TOWN HOUSE: A two (2) story row of three (3) or more attached one (1) family dwellings, each unit of which extends from the basement to the roof.
77. SIGN: A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.
78. SIGN (GROUND): A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not a part of the building.
79. SIGN (WALL): A sign which is attached directly to the wall of a building and which extends not more than twelve (12) inches from the wall, including window signs.
80. STORY: Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six (6) feet above grade, such basement shall be considered a story.
81. STORY (HALF): Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.
82. STREET: Is a public thoroughfare which affords the principal thoroughfare which affords the principal means of access to abutting property.
83. STRUCTURES: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
84. TEMPORARY USE OR BUILDING: Is a use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.
85. TENT: Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include: shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.
86. TRAILER:
  - (A) MOBILE HOME: Is a detached single-family dwelling to be located on foundation supports, designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
  - (B) RECREATION VEHICLE: Includes Travel Trailers, Campers, Camp



4.01                    DISTRICT: In order to carry out the intent and purpose of of this ordinance, the Village of North Hampton is hereby divided into the following districts.

|      |                                   |
|------|-----------------------------------|
| R-1A | One Family Residential District   |
| R-1B | One Family Residential District   |
| R-2  | Multi-Family Residential District |
| B-1  | Neighborhood Business District    |
| B-2  | General Business District         |
| I    | Industrial District               |
| An   | Agricultural District             |

4.02                    DISTRICT BOUNDARIES: The boundaries of the zoning districts listed above in Section 4.01 are shown on the “Zoning Map of the Village of North Hampton, Ohio”. This map together with all explanatory data thereon, shall be incorporated and made a part of this Ordinance.

The official zoning map shall be identified by the signature of the Mayor attested by the Village Clerk, and bearing the seal of the Village under the following words: This is to certify that this is the official zoning map of the Village of North Hampton (including date of adoption). If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map within (5) normal working days after the amendment has been approved by the Village Council together with an entry on the official zoning map as follows: “On (date), by official action of the Village Council, the following change(s) were made” (brief description with reference number to commission proceedings.)

The original and one copy of the official map are to be maintained and kept up-to-date – one copy on public display in the Municipal Building, and the original in the Clerk’s office – accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in the Village.

4.03

UNCERTAINTY OF BOUNDARY LOCATION: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following village limits shall be construed as following village limits;
- (4) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

4.03

ZONING UPON ANNEXATION: Whenever any area is Annexed to the Village of North Hampton, one of the following conditions will apply:

- (1) Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended for an interim period, by the Planning Commission to the Village Council and the Council shall approve same after public hearing.

(2) Land not zoned prior to annexation shall be classified in the same manner into whichever district of this Ordinance most closely conforms with the existing use of the annexed area.

(3) In all cases, within three (3) months after the effective date of annexation, the Planning Commission shall recommend the appropriate permanent zoning districts for such area to the Village Council and the map shall be amended according to the prescribed procedure set forth in Article 14.

ARTICLE 5

R-1A, R-1B ONE FAMILY RESIDENTIAL DISTRICT

5.01 INTENT: This District is the most restrictive of the Residential districts. The intent is to provide for an environment of predominantly single unit dwellings plus certain other facilities which serve the residents living in the district.

5.02 PERMITTED PRINCIPAL USES:

- (1) One-family dwellings, not including trailer or tent dwellings.
- (2) Churches and similar places of worship.
- (3) Public community center buildings, parks, playgrounds, and golf courses except miniature golf courses.
- (4) Public and Parochial elementary, junior and senior high schools.
- (5) Parish houses and convents in conjunction with churches or schools.

5.03 ACCESSORY USES:

- (1) Private garage for storage of vehicles of residents and employees.
- (2) Home occupations.
- (3) POOLS: Swimming pools for use by residents and guests only; provided such pools are set back fifteen (15) feet from all lot lines and enclosed with a five (5) foot fence.
- (4) ROOMS – SLEEPING: The renting or leasing of rooms by a resident family. Provided, the number of roomers does not exceed two (2) in any dwelling unit.
- (5) SIGNS PERMITTED AS ACCESSORY USES: See-Permitted Signs, General Provisions (Section 11.16).

5.04 CONDITIONAL USES:

The following uses are allowed in any R-1 Residential District provided, a conditional use permit is granted by the Board of Appeals as provided in Section 13.08 of this Ordinance, and further provided, that all buildings allowed by such conditional use permit

shall be set back from all lot lines a minimum of eight (8) feet for each one foot of building height.

- (1) Recreation areas or buildings operated by membership clubs for the benefit of their members and not for gain; provided that any principal building, accessory building or out-of doors swimming pool shall be located not nearer than two hundred (200) feet away from any adjoining land zones for a residential use.
- (2) Public owned or leased buildings, public utility buildings, telephone exchanges, transformer stations and sub-stations, except garages and maintenance buildings.
- (3) Private schools, institutions of higher learning and libraries.
- (4) Private stables or corrals, provided that not more than one horse or pony is stabled for each 15,000 square feet of lot area, including building sites, and provided further, that no stable or corral shall be located within fifty (50) of any or property line.
- (5) Cemeteries, when extension of existing cemeteries.

5.05

YARD REQUIREMENTS

Minimum lot area in the R-1A District shall be 12,000 square feet. Minimum lot width shall be one hundred twenty five (125) feet with a minimum corner lot width of one hundred twenty five (125) feet. Minimum front yard depth shall be (35) feet and minimum rear yard depth shall be forty (40) feet. Minimum side yard width shall be eight (8) feet and a total width of both side yards of twenty (20) feet.

Minimum lot area in the R-1B District shall be 9,000 square feet. Minimum lot width shall be eighty (80) feet with a minimum corner lot width of eighty (80) feet. Minimum front yard depth shall be thirty five (35) feet and minimum rear yard depth shall be forty (40) feet. Minimum side yard width shall be eight (8) feet and a total width of both side yards of twenty (20) feet.

5.06

BUILDING HEIGHT REGULATIONS: In any R-1 Residential District no building shall be erected in excess of two and one half (2 ½) stories or thirty (30) feet in height.

5.07

ACCESSORY PARKING: Two (2) car spaces for each dwelling unit. Parking for other uses: See Section 11.14.

5.08

SIGNS: See Section 11.16 for size and location of permitted signs.

Car, Truck Campers, Boats and Boat Trailers.

87. TRAILER COURT: (MOBILE HOME PARK) Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or

sleeping purposes may be located.

88. USE: Is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
89. VARIANCE: Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

90. YARDS: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance as defined herein:
- (A) FRONT YARD: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
  - (B) REAR YARD: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
  - (C) SIDE YARD: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

## ARTICLE 6                      R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

6.01                      INTENT: The Purpose of this district is to allow construction of Apartment buildings and related uses.

6.02                      PERMITTED PRINCIPAL USES:

- (1) Those uses permitted in R-1 District
- (2) Two-family dwellings
- (3) Apartment house and apartment hotels
- (4) Multiple dwellings
- (5) Boarding houses
- (6) Row houses
- (7) Town houses
- (8) Nursery schools
- (9) Public libraries

6.03                      ACCESSORY USES:

- (1) Garages shall be permitted for storage purposes only with not repair facilities.

- (2) Such accessory buildings and accessory uses as are customarily incidental to the permitted principal uses.

6.04

CONDITIONAL USES:

- (1) Those conditional Uses permitted in R-1 District.
- (2) Offices of surgeons, physicians, dentists and other similar professional persons concerned with the community health and medical treatment of persons.
- (3) Offices of architects, engineers, artists.
- (4) Offices in which the personnel will be employed for work in executive, administrative, legal, writing, clerical, stenographic, accounting, insurance or similar enterprises.
- (5) Convalescent or nursing home.
- (6) Motels.
- (7) Hospitals, clinics, sanitariums for human care.
- (8) Mortuaries

6.05

YARD REQUIREMENTS: Minimum lot area for a one-family Dwelling in the R-2 District shall be 7,200 square feet and 12,000 square feet for a two-family dwelling. For each additional dwelling unit, there shall be an additional 1,000 square feet of lot area.\* Minimum front yard depth shall be thirty five (35) feet and minimum rear yard depth shall be thirty (30) feet. Minimum side yard width shall be eight (8) feet and a total width of both side yards twenty (20) feet.

\*\*At no time shall the lot area be less than 3,000 square feet per unit.

6.06

BUILDING HEIGHT REGULATIONS:

In any R-2 District, no buildings shall be erected in excess of two and one-half (2 ½) stories or thirty (30) feet in height.

6.07

ACCESSORY PARKING:

- (1) In any R-2 District there shall be provided two (2) parking spaces per dwelling unit.
- (2) There shall be provided one parking space for each two roomers.
- (3) For parking space required for other than residential uses, see Section 11.14.

6.08

SIGNS:

See Section 11.16 for size and location of permitted signs.

6.09

ACCESSORY BUILDINGS: Garages and other accessory Buildings shall be one story or fourteen (14) feet. No unattached building shall be located in a front yard and if located in a rear yard shall be not less than five (5) feet from the rear lot line or side lot line, and if located in the side yard, shall be not nearer than the minimum side yard dimension.

ARTICLE 7

B-1 NEIGHBORHOOD BUSINESS DISTRICT

7.01

INTENT:

This district is designed to provide for highway oriented uses and less intensive business types to serve the market of the urban area and the neighborhood and is typically mapped along major traffic arteries.

7.02

PERMITTED PRINCIPAL USES:

- (1) Automobile service stations including light repairs and accessory sales and installations.
- (2) Auto wash facilities which are completely enclosed in a building.
- (3) Bars and refreshment stands.
- (4) Building services and supplies, including lumber yard.
- (5) Carry-outs
- (6) Drive-in banks
- (7) Drive-in dry cleaning pick-up stations
- (8) Drive-in restaurants
- (9) Fruit, florist, nursery stock and produce sales
- (10) Household appliances repair
- (11) Mortuary establishments (a caretakers' residence may be provided within the main building of mortuary establishment).
- (12) Motels
- (13) Open air commercial amusements
- (14) Plumbing and heating shops
- (15) Restaurants

7.03 ACCESSORY USES: Uses customarily accessory to the above uses.

7.04 YARD REQUIREMENTS:  
In a B-1 Neighborhood Business District the following yard area shall be provided:

- (1) FRONT YARDS: A twenty (20) foot front yard shall be required except where the frontage on one side of the block is divided between B-1 Neighborhood Business District and a residential district, the front yard of the residential shall apply to the area in the B-1 Neighborhood Business District.
- (2) SIDE YARDS: Side yards shall not be required except a yard of not less than ten (10) feet in width shall be provided where a side lot line of the B-1 Neighborhood Business District abuts a residential district.
- (3) REAR YARDS: Rear yards shall not be required except where a rear lot line of the B-1 Neighborhood Business District abuts residential district a rear yard of thirty (30) feet shall be provided.

7.05 BUILDING HEIGHT REGULATIONS:

No building in the B-1 Neighborhood Business District shall exceed two and one-half (2 ½) stories or thirty (30) feet in height.

7.06 ACCESSORY PARKING: Space shall be provided in accordance with the provision of Section 11.14.

7.07 OFF-STREET LOADING: Spaces shall be provided in accordance with the provisions of Section 11.13.

7.08 SIGNS: See Section 11.16 for size and location of permitted signs.



7.09                    SCREENING: See Section 11.15 for screening regulations for uses adjoining residential district.

ARTICLE 8            B-2 GENERAL BUSINESS DISTRICT

8.01                    INTENT:

This district is designed to provide for a variety of retail stores and related activities and for office buildings and service establishments which occupy the retail frontage in the General Business District, and which serve the convenience and service needs of a consumer population well beyond the corporate boundaries of the Village. The district regulations are also designed to provide for a centrally located major shopping complex which will be services with conveniently located off-street parking compounds and safe pedestrian movement, but to exclude non-retail uses which generate a large volume of truck traffic.

8.02                    PERMITTED PRINCIPAL USES:

- (1) Any generally recognized retail business, service establishments, or processing uses as follows:
  - (a) Apparel shops, including specialty shops of all sorts, shoe stores and similar uses.
  - (b) Sales and service of new and used automobile.
  - (c) Shops selling automobile parts and accessories exclusively.
  - (d) Banks, loan offices, stock exchange office and other financial institutions.
  - (e) Commercial recreation facilities such as bowling alleys, movie theaters.
  - (f) Department stores.
  - (g) Drug stores.
  - (h) Eating and drinking – restaurants or other places serving food and/or beverages.
  - (i) Food stores, including supermarkets and all types of specialty food stores such as bakeries, candy stores and similar uses.
  - (j) Jewelry store.
  - (k) Photographic studio

- (l) Furniture and appliances, including rugs, floor coverings, drapery, sewing machine shops, used furniture, office equipment, supplies, and similar uses.
- (m) Gift shops, camera shops, record shops, book and stationary store, and similar uses.
- (n) Radio, television and music store.
- (o) Hardware and related stores as paint, wallpaper, and similar uses.
- (p) Hotels and motels

(q) Professional and other offices drawing a large number of clients and/or customer such as, but not restricted to:

- (1) Doctors, dentists, lawyers, architects
- (2) Insurance, realtors, unions
- (3) Post office
- (4) Utility office
- (5) Chamber of commerce, automobile clubs
- (r) Publishing and printing.
- (s) Repair shops such as shoe and watch repair
- (t) Service shops as barber, beauty, laundry, cleaner and similar uses
- (u) Travel agencies.
- (v) Variety stores.

(2) Public and semi-public buildings such as but not restricted to:

- (a) Churches
- (b) Municipal offices
- (c) Library
- (d) Fraternal organizations
- (e) Parking garage

(3) Other uses, which in the opinion of the Planning Commission are similar to the above uses indicated as being permitted. The Planning Commission may also consider essentially custom manufacturing activities which in their opinion shall have the following characteristics:

- (a) Benefit from a central location and are appropriate in the General Business District.
- (b) Do not create any significant objectionable influences.
- (c) Involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

(4) Off-street parking facilities. According to the provisions of Section 11.14.

8.03 ACCESSORY USES:

Accessory structures and uses customarily incidental to the above permitted uses.

8.04 YARD REQUIREMENTS:

In a General Business District Zone, the following yard areas shall be provided.

- (1) FRONT YARDS: No front yard shall be required except where the frontage on one side of a block is divided between a General Business District and a residential district, the front yard requirement of the residential zone shall apply to the area in the General Business District
- (2) SIDE YARDS: Side yards shall not be required excepting: A yard not less than eight (8) feet in width shall be required where a side lot line of General Business District abuts a residential district. An additional foot of yard space shall be added for each additional two feet of building height of 25 feet.
- (3) REAR YARDS: Rear yards shall not be required excepting: Where a rear lot line of a General Business District abuts a residential district, there shall be a rear yard of twenty five (25) feet for one or two story buildings, an additional one foot of rear yard shall be provided of each two feet of building height over twenty five (25) feet, such yard may be measured from the centerline of an intervening alley. Where there is no alley a wall or decorative fence at least 5'6" high

shall be placed along the boundary line of a rear yard abutting a residential district.

8.05 BUILDING HEIGHT REGULATIONS:

No building in the B-2 General Business District shall exceed two and one-half (2 ½) stories or thirty (30) feet in height.

8.06 ACCESSORY PARKING:

Parking space as an accessory use shall not be required in the B-2 General Business District except as noted in Section 11.14.

8.07 OFF-STREET LOADING:

Space shall be provided in accordance with the provisions of Section 11.13.

8.08 SIGNS: See Section 11.16 for size and location of permitted signs.

8.09 SCREENING: See Section 11.15 for screening regulations for uses adjoining residential districts.

ARTICLE 9 I- INDUSTRIAL DISTRICT

9.01 INTENT:

The purpose of this district is to provide for industrial and other uses that by virtue of their external effects; noise, glare, fumes, smoke, dust, odors truck and/or rail traffic should be isolated from residential uses. These uses perform essential functions for the village including employment and should be provided for in areas that are best suited for industrial development by reason of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

9.02 PERMITTED PRINCIPAL USES:

- (1) Assembly plants
- (2) Auto service station

- (3) Automotive, tractor, trailer, farm implement assembly or manufacture
- (4) Automobiles, trucks, boat sales
- (5) Bleaching, cleaning and dyeing plant
- (6) Boiler shops, machine shops, structural steel fabricating shops, metal working shops
- (7) Bottling works
- (8) Builders' supply store
- (9) Building and trades, including contractor's yard and utilities storage yard
- (10) Carpet cleaning, dry cleaning and dyeing, laundry
- (11) Cold storage plant
- (12) Commercial greenhouse
- (13) Dairy products manufacture
- (14) Fabrication, processing, packaging and/or manufacture of food products and condiments excluding fish products, slaughter houses and rendering and refining of fats, oils, fish, vinegar, yeast and sauerkraut
- (15) Fabrication, processing, packaging and/or manufacture of cosmetics, drugs, perfumes, pharmaceuticals and toiletries.
- (16) Fabrication, processing, packaging and/or manufacture of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood and yarn
- (17) Fabrication, processing, packaging and/or manufacture of musical instruments, toys, novelties, rubber or metal stamps
- (18) Fabrication, processing, packaging and/or manufacture of ice, cold storage plant, bottling plant
- (19) Farm implements and contractor equipment sales and service
- (20) Flour or grain mill
- (21) Foundry casting light weight non-ferrous metals, or electric foundry, not causing noxious fumes or odors
- (22) Fuel or coal company
- (23) Furniture reupholstering and repair
- (24) Glass products, pottery, figurines or manufacture of similar products using previously pulverized clay
- (25) Industrial research laboratories

- (26) Inflammable liquids, underground storage only
- (27) Lumber yards including incidental millwork, coal, brick, stone
- (28) Monument sales including incidental mechanical operations
- (29) Motor freight depot or trucking terminal; provided, the truck entrances and exits are on to streets whose pavement width is at least thirty (30) feet between curbs
- (30) Painting, varnishing shops
- (31) Plumbing supply and contracting shops including storage yards
- (32) Public garages, motor vehicle and bicycle repair shops, auto paint and body shops
- (33) Publishing and printing
- (34) Repair, rental and servicing for appliances and equipment
- (35) Sign contractor
- (36) Storage yard for building supplies and equipment, contractors equipment, food fabrics, hardware and similar goods when located entirely within a building, provided, such buildings shall not be used for wrecking or dismantling of motor vehicles
- (37) Television and radio broadcasting towers
- (38) Theatre (Drive-In)
- (39) Tin and sheet metal shop
- (40) Tool and die shop, wrought iron shop, blacksmith or machine shop, excluding punch presses over twenty tons rated capacity, drop hammers, and screw machines
- (41) Trailer rental and sales
- (42) Truck terminal
- (43) Used car lot
- (44) Veterinary clinic or kennels, animal hospital, provided that all animals are housed in buildings or enclosures which are at least one hundred feet from any "R" District
- (45) Warehouses
- (46) Wholesale distributors
- (47) Uses similar to the above uses and any other manufacturing or industrial enterprise, operation or process whether making, assembling, repairing, buffing, finishing plating, polishing, tempering, packing, shipping or storing; provided, that any resulting cinders, dust, flashing, fumes,

gas, noise, odor, refuse matter, smoke, vapor or vibration is no greater or more detrimental to the neighborhood than the specified uses, that no extra fire hazard is created, and the proposed use as determined by the Board of Appeals is similar in character to one of the specific uses in this Section

9.03 ACCESSORY USES:

Uses customarily accessory to the above uses.

9.04 CONDITIONAL USES:

The following uses may be permitted by the Board of Appeals upon application and approval of a conditional use permit under the provisions of Section 13.08.

- (1) Alcohol manufacture
- (2) Automotive wrecking, junk or salvage yard, if in a completely enclosed buildings, or the premises on which such use is conducted is entirely enclosed within a solid fence or masonry wall not less than six feet in height.
- (3) Battery manufacture, tire recapping or retreading
- (4) Cement products manufacture, including ready mix concrete batching plants
- (5) Slaughtering of animals
- (6) Wire or rod drawing nut, screw or bolt manufacturing

9.05 YARD REQUIREMENTS:

In the Industrial District, the following yards shall be required:

- (1) Front yards shall be not less than twenty five (25) feet in depth, excepting where an Industrial District is adjacent or across a street from any residential district the required front yard shall be not less than fifty (50) feet.
- (2) Side yards shall be not less than fifteen (15) feet in width on each side except where the side yard abuts a residential district it shall be not less than fifty (50) feet. Any portion of a side yard which is in excess of fifteen (15) feet from a side property line may be used for parking.

(3) Rear yards shall not be less than fifteen (15) feet in depth except where the rear yard abuts an alley it shall be not less than thirty (30) feet or where there the rear yard abuts a residential district it shall be not less than fifty (50) feet.

9.06 BUILDING HEIGHT REGULATIONS

In this district no building shall exceed two and one-half (2 ½) stories or thirty (30) feet in height.

9.07 ACCESSORY PARKING

In an Industrial District parking shall be provided as required in Section 11.14.

9.08 OFF-STREET LOADING:

Space shall be provided in accordance with the provisions of Section 11.13.

9.09 SIGNS:

See Section 11.16 for size and location of permitted signs.

9.10 SCREENING:

See Section 11.15 for screening regulations for uses adjoining residential district.

ARTICLE 10 A-1 AGRICULTURAL DISTRICT

10.01 INTENT:

This district is composed of certain land being used for agricultural activities, open recreational uses, and other open land uses, and is primarily located near the periphery of the urban area. Sub-marginal lands having no principal use also are included in this district. It is the intent of this district to protect the open area from the encroachment of scattered urban type



uses until such time as the area is ready for more intense development.

10.02 PERMITTED PRINCIPAL USES:

- (1) Agriculture and gardening including animal shelters
- (2) Home occupations (See Section 3.02)
- (3) One family dwellings
- (4) Public or private recreation facilities including parks, playgrounds, golf courses, boat docks, driving ranges, swimming pool and customary accessory buildings
- (5) Sale of produce and plants raised on the premises

10.03 ACCESSORY USES:

Any use customarily accessory or incidental to the permitted uses.

10.04 YARD AND LOT REQUIREMENTS:

- (1) Required yards:
  - (a) Front yards shall be not less than 35 feet in depth.
  - (b) Side yards shall be not less than 15 feet in depth.
  - (c) Rear yards shall be not less than 40 feet in depth.
- (2) Minimum Lot Area:

The minimum lot area shall be not less than 1 acre.

10.05 BUILDING HEIGHT REGULATIONS:

No structure shall exceed 2 ½ stories or 30 feet in height.

10.06 ACCESSORY PARKING: In the Agricultural District parking shall be provided as required in Section 11.14.

10.07 SIGNS: See Section 11.16 for size and location of permitted signs.

ARTICLE 11

GENERAL PROVISIONS

11.01

GENERAL REGULATIONS:

Except as herein provided no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used:

- (1) Except for a purpose permitted in the district in which the building or land is located.
- (2) Except in conformance to the height or bulk limits established herein for the district in which the building or use is located.
- (3) Except in conformance to the yard and lot regulations of the district in which the building or use is located.
- (4) Except in conformance to the off-street parking and off-street loading space regulations of the district in which the building or use is located.
- (5) Unless such building or structure is located on a lot as herein defined, and in no case shall there be more than one main building on a lot except as specifically provided hereinafter.

11.02

YARDS REQUIRED FOR CORNER AND THROUGH LOTS:

- (1) In any district the side yard of a corner lot that abuts the side street shall have the same setback requirements as the front yard.
- (2) A rear yard shall be provided parallel to and opposite from the front yard.
- (3) On through lots the front yard requirements shall apply to all street frontages.

11.03

CORNER LOT ACCESSORY BUILDINGS:

Where a corner lot adjoins the side boundary of a lot in a Residential zone no part of any accessory building within twenty-five (25) feet of the common lot line shall be nearer the street bounding the side lot line than the least depth of any front yard required along such side street, except that in the case of a

narrow lot where compliance would give impractical depth to a private garage, the Board of Appeals may grant a variance in the front yard requirement along such side street, but in no case shall such garage project beyond the building to which it is accessory, be closer than three (3) feet to a common lot line, be located closer than ten (10) feet to the rear lot line of the lot on which it is to be located.

11.04            LOTS ADJOINING ALLEYS: In calculating the area of a lot that adjoins an alley, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

11.05            ACCESSORY BUILDINGS: In any residential zone no garage or other accessory building shall be erected within a required side yard or front yard.

When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling the accessory building may be erected not less than five (5) feet from the side or rear lot lines nor less than ten (10) feet from the main building. Provided that when access to a garage is from an alley, such garage shall be located not less than twenty (20) feet from the alley.

When located less than sixty (60) feet from the front property line and not completely to the rear of the dwelling, garages shall be constructed as a part of the main building or connected thereto by a covered breezeway.

No detached accessory building in Residential and B1 Districts shall exceed one (1) story of fourteen (14) feet in height.

11.06            HEIGHT OF FENCES

- (1) SIDE AND REAR FENCES: Fences constructed within a side or rear yard shall not be higher than six (6) feet except as provided herein.
- (2) PLANTING, FENCES AND WALLS IN FRONT YARD: No fence, wall or hedge shall rise over two (2) feet in height on any required front yard. No fence, wall or hedge planting shall interfere with visibility from a driveway. The enforcing officer is hereby empowered to cause all such obstructions to be removed in the interest of the public safety.

11.07      REMOVAL OF SOIL, SAND OR OTHER MATERIAL: The use of land for the removal of topsoil, sand or other material from the land other than materials from basement excavations is not permitted in any zone except under a temporary permit from the Board of Appeals; this permit may be denied or issued in appropriate cases after the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect, or leave the surface of the land, at the expiration of such permit, in an unstable conditions, or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs.

11.08      ESSENTIAL SERVICES: Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other ordinance. Buildings required in conjunction with an essential service may be permitted in any district when approved by the Planning Commission. In granting such permission the Planning Commission shall take into consideration the location, size, use, and effect such building will have on the adjacent land and buildings.

11.09      OUTDOOR STORAGE AND WASTE DISPOSAL: Every use shall be operated in accord with the following provisions.

- (1) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground except in the industrial

district. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

- (2) All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence, wall or planting to conceal such facilities from adjacent residential property.
- (3) No materials or wastes shall be deposited upon a lot in such from or manner that they may be transferred off the lot by wind flood or natural causes or forces;
- (4) All materials or wastes which might cause fumes, dust or which constitute a fire hazard or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.

11.10

PROJECTIONS INTO REQUIRED YARDS:

- (1) Chimneys, flues, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required side yard a maximum of twelve inches.
- (2) FRONT YARDS: No structure may project into a required front yard, however, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet.
- (3) No structure may project into a required side yard except that, were a single lot under one ownership existed in a residential district at the time of passage of this Ordinance, and such lot is of insufficient width to meet the side yard requirements of this Ordinance, the Board of Appeals may grant a minimum variance to permit the construction of a one-family residence.

11.11

EXCEPTIONS TO HEIGHT LIMITATIONS:

- (1) Chimneys, domes, spires and necessary mechanical appurtenances and radio and television towers may exceed district height limitations.
- (2) Commercial radio and television towers shall be located centrally on a continuous parcel having a dimension at least

equal to the height of the tower measured from the center of the base of the tower to all points on each property line.

- (3) Radio towers for licensed amateur radio stations which exceed the allowable height of structures in the residentially zoned districts shall be limited in height from their base to the distance from the base to be nearest property line except when attached at the roof line.

11.12 TEMPORARY USES: In any district, subject to the conditions stated Below, the Enforcing Officer may issue a permit for the following temporary uses:

- (1) Temporary building or yard for construction office, material or equipment, provided such use is adjacent to the construction site and removed when construction is completed. Each permit shall be valid for six (6) months and may be renewed if construction is underway, and shall be removed when construction is completed or discontinued for more than thirty (30) days.
- (2) Temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for one (1) year and may be renewed for one (1) additional year if conditions warrant such renewal.
- (3) Building and yard locations shall be subject to such conditions and safeguards as the Enforcing Officer may deem necessary to preserve the character of the surrounding area.
- (4) Gatherings under Canvas or in open: Religious service, show, meeting, exhibition, bazaar, carnival or circus except that if located within 400 feet of any residential area no permit will be issued unless there is first filed with the Enforcing Officer the written consent of the owners of sixty percent (60%) of all residentially used property within 400 feet from the place of such meeting.

11.13 OFF-STREET LOADING REGULATIONS: On the same premises with every building or structure or part thereof, erected and occupied for commerce, industry, public assembly, or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys in conformance to the following:

- (1) GENERAL PROVISIONS
  - (a) SCREENING – Off-street loading spaces that adjoin or are across a street or alley from property zoned for any residential use, shall have a dense evergreen planting, fence, masonry wall or such other screening, as may be determined by the Planning Commission. The Planning

Commission shall also determine the height, location and density of screening used to provide adequate protection to adjoining property.

- (b) ENTRANCES AND EXITS – Off-street loading spaces shall be provided with entrances and exits not less than twelve (12) feet in width and so located as to minimize traffic congestion.
- (c) DIMENSTIONS – Each off-street loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fifteen (15) feet in height, exclusive of access drives.
- (d) PROJECTION INTO YARDS – Off-street loading space may occupy all or any part of any required rear yard space.

11.14

OFF STREET PARKING REGULATIONS: Hereafter no building shall be erected or altered and no land used unless there be provided adequate off-street parking space or spaces for the needs of tenants, personnel and patrons together with means of ingress or egress. The area indicated as the “General Business District” on the official zoning map is exempt from all off-street parking space requirements.

(1) GENERAL PROVISIONS

- (a) Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 18.03, 18.05, Accessory Buildings, of this Ordinance.
- (b) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- (c) Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- (d) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- (e) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- (f) The storage or sale of merchandise or the repair of vehicles is prohibited.
- (g) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, which the Board of Appeals considers as being similar in type.
- (h) Ingress and Egress: A suitable means of ingress or egress for vehicles to premises used for parking shall be provided, and shall open directly from and to a public street, alley or highway.

- (i) Fencing, wheel stops, or other physical barriers shall be provided for all boundaries of the parking area except at points of ingress and egress to prevent encroachment of vehicles.
- (j) Pavement: All parking lots shall be surfaced with a hard or semi-hard dust free surface in conformance to the standards of the Service Department.
- (k) SCREENING: When a parking lot abuts a residential zone, there shall be permanently maintained along such boundary, screening as provided in Section 11.15.
- (l) PLOT PLAN TO BE FILED: Prior to constructing an accessory parking lot, the owner or person in charge of the land to be used for parking shall submit a plot plan to the Enforcing Officer or Clerk who will submit same to the Planning Commission for their consideration and recommendations. Such plot plan shall show the boundaries of the property, location of adjacent houses, parking spaces, circulation patterns, drainage plan and construction plan for boundary walls and planting plan.

(2) AMOUNT OF OFF STREET PARKING SPACE REQUIRED:

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings, shall be determined in accordance with the following minimum parking provisions: Provided that no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property line in any district.

- (a) ONE FAMILY DWELLING: Two spaces for each family unit plus one space for each two roomers. One of which may project into the required front yard.
- (b) TWO FAMILY DWELLING: Two parking spaces for each family, plus one space for each two roomers.
- (c) MULTIPLE FAMILY: Two parking spaces per dwelling unit plus one space per each employee.
- (d) APARTMENT HOTEL: One space per apartment, plus one for each employee.
- (e) HOTEL OR MOTEL: One space per unit, plus one for each employee.
- (f) CHURCHES: One parking space for each three seats in the main auditorium.
- (g) HOSPITALS: One for each two beds, plus for each staff doctor, plus one for each two full time employees on shift, including nurses.
- (h) SANITARIUMS, CONVALESCENT HOMES OR CHILDREN'S HOMES: One for each two beds, plus one for each two employees.
- (i) ELEMENTARY AND JUNIOR AND SENIOR HIGH SCHOOLS: One parking space for each employee, plus one parking space for each 80 square feet in the main auditorium, not containing fixed seats,



or one space for six fixed seats in the main auditorium whichever is greater.

- (j) LIBRARIES, MUSEUMS OR ART GALLERIES: One for each 600 square feet of floor area, plus one for each four employees.
- (k) POST OFFICE: One for each 500 square feet of floor area, plus one for each three employees.
- (l) BOWLING ALLEYS: Five parking spaces for each alley.
- (m) SPORTS ARENAS, AUDITORIUMS, THEATERS, ASSEMBLY HALLS OTHER THAN IN SCHOOLS: One parking space for each four persons allowed by the fire code up to 100 seats, plus one parking space for each three persons allowed by the fire code over 1000 seats, plus one for each two employees.
- (n) PROFESSIONAL OFFICES, MEDICAL CLINICS: One parking space for each 150 square feet of floor area. Provided that professional offices when used as a home occupation shall provide one parking space for each 100 square feet, or major fraction thereof, of office area in addition to that required for the residing family or families.
- (o) OFFICE BUILDINGS: One parking space for each 200 square feet of gross floor area excluding any floor space used for parking.
- (p) BANKS, DRY CLEANING, LAUNDRIES, AND SIMILAR SERVICE BUSINESS: One parking space for each 250 square feet of floor area.
- (q) DRIVE-IN BANKS WITH INSIDE CUSTOMER SERVICE: Five for each teller window, plus one for each employee; without inside customer service, one space for each employee.
- (r) AUTO SERVICE STATION: Four spaces.
- (s) AUTOMOBILE SALES AND SERVICE GARAGE: One parking space for each 200 square feet of floor area in the main display room
- (t) USED CAR LOT: One space for each 1500 square feet of lot area.
- (u) BARBER SHOPS AND BEAUTY PARLORS: One for each chair, plus one for each employee.
- (v) DRIVE-IN EATING ESTABLISHMENTS: One parking space for each 60 square feet of floor area, but not less than 20 spaces.
- (w) FURNITURE AND APPLIANCES, HOUSEHOLD EQUIPMENT, DECORATOR, ELECTRICIAN, SHOE REPAIR: One parking space for each 800 square feet of floor area plus one space for each two employees.
- (x) LAUNDROMATS: One space for each two washing machines.
- (y) MORTUARIES OR FUNERAL HOMES: One parking space for each fifty square feet of floor area in the slumber rooms, parlors or individual funeral service rooms.
- (z) RESTAURANT, WITH ONLY INSIDE SERVICE OR TAVERN: One parking space for each four seats, plus one space for each two employees.

- (aa) RETAIL STORES: (Including rental service stores.) One parking space for each 200 square feet of gross floor area; excepting self-service or supermarket which shall provide one parking space for each 100 square feet of gross floor area.
- (bb) CONTRACTORS YARD OR PLANT STORAGE: One space for each three employees.
- (cc) WAREHOUSES, WHOLESALE STORES: One parking space for each 800 square feet of floor area.
- (dd) MANUFACTURING PLANTS OR RESEARCH LABORATORIES: One space for each one and one-half employee per largest work shift.

In the case of a use not specifically mentioned, the requirements for off-street parking shall be the same as for a similar use specifically mentioned. Similarity to be determined by Enforcing Officer.

11.15 SCREENING: Hereafter no buildings or structures shall be erected, altered, or enlarged nor shall land be used for any non-residential use on a lot that adjoins or faces any residential district until a plan for screening has been submitted and approved by the Planning Commission.

- (1) Screening shall be provided for one or more of the following purposes:
  - (a) A visual barrier to partially or completely obstruct the view of unattractive structures or activities.
  - (b) As an acoustic screen to aid in absorbing or deflecting noise.
  - (c) For the containment of debris and litter.
- (2) Screening may be one of the following or a combination of two or more:
  - (a) A solid masonry wall.
  - (b) A solidly constructed decorative fence.
  - (c) Louvered fence
  - (d) Dense evergreen plantings
  - (e) Deciduous trees and shrubs

(3) LOCATION OF SCREENING: Whenever any non-residential abuts a Residential a residential district a visual screening wall, fence or a planting shall be erected or placed along such mutual boundary lines.

(4) HEIGHT OF SCREENING: Visual screening walls, fences or Plantings shall be at least five feet, six inches (5'6") high except in required front yards when maximum height shall be not greater than two feet (2'0")

(5) DEPTH OR WIDTH OF SCREENING: Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense plantings or a solid masonry wall in combination with decorative plantings.

(6) PROTECTION: Whenever required screening is adjacent to parking areas or driveways such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.

11.16

PERMITTED SIGNS:

(1) SCOPE OF REGULATIONS:

- (a) The regulations herein set forth shall apply and govern in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations for the district in which it is located. No sign shall be erected or continued in operation in any manner constituting a nuisance because of glare, focus, animation or flashing.
- (b) All signs hereafter erected, constructed or modified shall comply with yard and setback requirements of the districts in which it is located.
- (c) Where illumination of signs is permitted such illumination shall be neither flashing nor intermittent and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property. Such illumination shall be turned off no later than 11:00 pm, or the end of the business day whichever is later when such sign is within 200' of any R-1 or R-2 District.
- (d) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- (e) No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other words, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.
- (f) It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

(g) No sign shall be erected or maintained in Residential, Business, and Agricultural districts unless the sign complies with all of the following conditions:

- (1) Is erected and maintained for a Permitted use for the district in which the sign is located.
- (2) Is clearly incidental and customary to and commonly associated with the operation of the use.
- (3) Is limited in location to the premises on which the use is located.
- (4) Is limited in subject matter to the name, design, picture or trademark of the owner, operator, builder, sales agent, managing agent, lessor or lessee of the premises or of the activities (including merchandise handled or services rendered) on the premises on which such sign is located, and does not include any general commercial advertising unrelated to or extending in substantial degree beyond the enumerated permitted subjects.

(2) EXEMPTIONS: The provisions and regulations of this Ordinance shall not apply to the following signs, provided they are not illuminated, nor animated and that there is no more than one such sign per use per each street front of the lot on which the sign is located:

- (a) Real estate signs not exceeding four and one-half (4 ½) square feet in area, which advertise the sale, rental or lease of the premises on which said signs are located only.
- (b) Professional or occupational name plates not exceeding one square foot in area.
- (c) Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or multiple dwelling not exceeding two square feet in area.
- (d) Temporary signs denoting the architect, engineer, or contractor when placed upon work under construction, and not exceeding thirty-two (32) square feet in area, to be removed upon completion of the building.
- (e) Memorial signs or tablets, names of building, and date of erection when cut into any masonry surface or when constructed of bronze or other combustible materials.
- (f) Traffic or other municipal signs, legal notices, notices, railroad crossing signs, and such temporary emergency, or non-advertising signs as may be authorized by the legislative body.
- (g) The flag, pennant or insignia of any nation, state, city or other political unit, or any political, educational, charitable,

philanthropic, civic, professional, religious or like campaign, drive, movement or event.

- (h) Political signs provided:
  - (1) No more than twelve (12) sq. ft. in area
  - (2) Shall not be posted more than ninety (90) days prior to the election to which the sign relates and shall be removed within fifteen (15) days after the election to which the sign relates.
- (i) Parking or directional signs not over two (2) square  
In area provided the sign contains no advertising matter.

Bulletin Boards and signs for a church, school, community or other public or semi-public institutional building and multiple dwellings containing eight (8) or more units, shall not exceed fifteen (15) square feet in area for wall or ground sign with a maximum height of six (6) feet above grade for ground signs and located not less than ten (10) feet from the street right-of-way line. May be illuminated but only from a concealed light source.

SUBDIVISION SIGNS: Upon application to the Board of Appeals, a permit may be issued as a special exception to the terms of this Ordinance allowing a land-sale sign, provided that:

- (a) The sign shall not be illuminated .
- (b) The sign shall advertise the sale or development of a recorded lot subdivision.
- (c) The sign shall be erected only upon the property for sale or being developed.
- (d) The sign shall not be in excess of forty (40) square feet.
- (e) Not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership, provided that nor more than two (2) such signs may be permitted in any single development.
- (f) A permit for the erection, construction, or maintenance of said sign shall expire within one (1) year.

BUSINESS OR INDUSTRIAL DISTRICT SIGNS: A-1 and B-1 Districts:

Wall or ground signs, single or double face, shall not exceed fifty (50) square feet in area for each face except that where the sign is used for two or more uses the area shall not exceed one hundred (100) square feet. Maximum height above grade at sign shall not exceed forty (40) feet. One sign for each street front of the lot on which the use is located may be used.

B-2 Districts. Wall or ground signs, single or double face, on a street front shall not exceed one hundred (100) square feet in area plus one (1) square foot for each foot of building width over fifty (50) feet. Maximum height above grade at sign shall not exceed forty (40) feet. Not more than two (2) signs for each street front of the lot on which the sign is located may be used.

I Districts. Wall or ground signs, single face, shall not exceed one hundred (100) feet in length and not be located within one hundred (100) feet of any other ground sign except when separated by an intervening building or when adjoining at a right angle or less measured on the backs of the sign. Not more than one such sign or group of signs shall be permitted on property held in one contiguous ownership.

All signs and advertising structures in the Business and Industrial Districts may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. Where such illuminated signs exceed fifty (50) square feet in area they shall not be placed nearer than fifty (50) feet to an adjacent residential lot line and where such illuminated signs exceed one hundred (100) square feet in area and face any lot in a Residential District they shall be placed not nearer than one hundred feet from the front lot line.

CONDITIONAL USE PERMIT: Any sign that does not clearly fit into one of the sign regulations in Section 11.16 of this Ordinance shall not be permitted except through issuance of a Conditional Use Permit obtained from the Board of Appeals. This includes all signs that have flashing or pulsating illumination, animation, rotation or excess dimensions and temporary construction signs in excess of sixteen (16) square feet or signs in excess of four and one-half (4 ½) square feet advertising lots and/or buildings in a subdivision.

ENFORCEMENT: Legal non-conforming signs may be continued unless discontinued for a two (2) year period in which case they may not again be used except in conformity with this Ordinance.

NON-CONFORMITIES: Within the districts established by this

Ordinance or amendments that may later be adopted there exists lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their continuance. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except by appeal to the Board of Appeals for approval of specific plans. Expansions of existing non-conforming uses, where allowed by the Board of Appeals, may be made only on property owned by the applicant as of the effective date of this Ordinance.

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

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

- (1) NON-CONFORMING LOTS OF RECORD: In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance subject to the following conditions:

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

(2) NON-CONFORMING USES OF LAND: Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made or longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

- (a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except as provided.
- (b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (c) If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- (d) Where a non-conforming use of the land by the nature of the use requires expansion or enlargement of the land area so used in order to continue in operation such as removal of sand, earth, stone, minerals, etc., continuance of such operations following the adoption or amendment of this Ordinance shall be deemed a violation.

(3) NON-CONFORMING STRUCTURES: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reasons of restrictions on area, lot coverage, height,



yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful.

NON-CONFORMING USES OF STRUCTURES: If a lawful use of a structure or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals in collaboration with the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- (b) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- (c) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twenty four (24) consecutive months or for twenty seven (27) months during any three (3) year period, the structure, or structure or premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (d) When non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

(5) REPAIRS AND MAINTENANCE: On any building devoted in whole

or in part to any non-conforming use, work may be done on ordinary

repairs, or on repair or replacement of non-bearing walls, fixtures,

wiring or plumbing.

(4) RESTORING BUILDINGS: When a building or structure the use of Which does not conform to the provisions of this Ordinance, has been damaged by explosion, fire, Act of God, or the public enemy, to the extent of twice its assessed value for tax purposes, it shall not be restored or reconstructed or in any way used except in conformity with the district regulations of the district in which the building is situated. When a non-conforming use qualifies for such reconstruction a building permit shall be secured for that purpose within one year from the date of occurrence of such damage and such reconstruction shall be diligently prosecuted and completed without delay. Failure to comply as above set forth shall cause such non-conforming uses to lapse and the premises shall conform thereafter to the established district regulations therein.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

11.18 TRAILER:

- (1) No person shall occupy any trailer or mobile home as a residence in any district outside an approved and licensed mobile home park or trailer court.
- (2) No mobile home may be stored or parked in any residential district outside an approved and licensed mobile home park or trailer court.
- (3) No trailer classed as a recreation vehicle, or boat may be stored or parked in any required front yard of any residential district.

11.19            BARRIERS TO ENCROACHMENT: Hereafter any lot used for parking, Storage, or display of vehicles for sale or rent including boats, trailers, mobile homes, and trucks where such use is permitted to come within three (3) feet of any property line separating said lot from any property held by an other ownership including public land, such property lines shall be protected from encroachment by the installation of wheel stops, bumper guards or fencing so placed and erected as to prevent vehicles from projecting over said lines except at approved points of ingress and egress.

ARTICLE 12            ENFORCEMENT

12.01            ENFORCEMENT BY ZONING INSPECTOR: There is hereby established the office of Zoning Inspector. It shall be the duty of the zoning inspector to enforce this Ordinance in accordance with the provisions thereof. All departments, officials and public employees of the Village of North Hampton, Ohio, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provision of this Ordinance, shall be null and void.

12.02            ZONING PERMIT, FILING PLANS:

- A. Application for issuance of the zoning permit required by this section shall be made with the Zoning Inspector.
- B. Every application for the zoning permit shall be accompanied by the plans in duplicate, showing the actual shape and dimensions of the lot to be built upon or to be changed in use, in whole or in part; the location, size and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings or structures are involved, the location and type of present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of the plans shall be

returned to the owner when such plans have been approved by the Zoning Inspector together with the zoning permit if granted. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

No permit for excavation or construction shall be issued by the Zoning Inspector, unless the plans, specifications and the intended use conform to the provisions of this Ordinance.

In every case where the lot is not provided and is not proposed to be provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Clark County of the proposed method of water supply and/or disposal of sanitary wastes, or the Ohio EPA as required.

12.03

DUTY OF ZONING INSPECTOR: The Zoning Inspector shall act upon such applications on which he is authorized to act by the provisions of this Ordinance within ten (10) days after these are filed in full compliance with all the applicable requirements as specified under 12.02. He shall either issue a Zoning Certificate within said ten (10) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefore. Failure to notify the applicant in case of such refusal within ten (10) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.

12.04

FEES: The fee for all Zoning Permits for building shall be \$25.00

For a permit, where such permit is required and issued under the Village Building Code. For all other Zoning Permits, there shall be a fee and the charge therefore shall be as follows:

#### VALUE OF BUILDING OR OTHER IMPROVEMENTS

To and including \$1000.00 - \$3.00 Minimum

For each additional \$1000.00 or fraction thereof, up to and including \$15,000.00 - \$.50 per \$1000.00

For each additional \$1,000.00 or fraction thereof, up to and

including \$50,000.00 - \$.25 per \$1000.00  
For each additional \$1,000.00 or fraction thereof, exceeding  
\$50,000.00 - \$.10 per \$1000.00

12.05

VIOLATIONS AND PENALTIES: It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this Ordinance, or any amendments or supplement thereto. Whoever violates the provisions of this Ordinance or amendments or supplements thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

12.05

VIOLATIONS – 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 of supplement thereto, the Village Commission, the Zoning Commission, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

ARTICLE 13

BOARD OF APPEALS

- 13.01            CREATION: A Board of Appeals is created in accordance with Section 713.11 of the Ohio Revised Code.
  
- 13.02            MEMBERSHIP AND APPOINTMENT: The board shall consist of five (5) members, appointed by the Mayor or Village Council who may remove any member of the Board for cause upon written charges and after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of the member affected. At least one member of the Planning Commission shall be a member of the Board of Appeals. Board members shall serve a five (5) year term and shall be eligible for reappointment.
  
- 13.03            ORGANIZATION: The Board of Appeals shall elect its own officers annually and shall adopt the rules necessary to the conduct of its affairs. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. Four (4) members of the Board of Appeals shall constitute a quorum for the conduction of business. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public.
  
- 13.04            OFFICIAL ACTION: The Board of Appeals shall act by resolution or motion and shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote indicating such facts, and a statement of the facts of each appeal considered by the Board, and the section of this Ordinance where applicable which the Board has considered in approving or disapproving any petition or other matter brought before the Board.
  
- 13.05            RIGHT OF PETITION OR APPEAL: Any person, property

owner, tenant, or any governmental officer, department, board or bureau may apply for a conditional use permit, or a variance from the strict applications of the terms of this Ordinance, or appeal a decision of the enforcing officer to the Board of Appeals.

An appeal of a ruling of the enforcing officer shall stay all proceedings unless the enforcing officer certifies that, by reason of facts pertaining to the matter in question, a stay in his opinion would cause imminent peril to life and property. When such certification is made, proceedings shall not be stayed except by a restraining order granted by the Board of Appeals or by the Court of Common Pleas.

13.06

FEES:

- (1) Each application for a variance shall be accompanied by a fee of \$25.00.
- (2) Each application for a conditional use permit shall be accompanied by a fee of \$50.00.
- (3) Application fees shall not be refunded in any case.

13.07

HEARING: The Board of Appeals shall fix a reasonable time for the hearing of any application, petition, or appeal. It shall give at least ten (10) days notice of the time and place of such hearing, to the enforcing officer, and to the owners of record of property within three hundred (300) feet of the premises in questions, such notice to be delivered personally or by mail addressed to the respective owners at the address given on the last assessment roll. Any party may appear at such hearing in person, by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.

13.08

POWERS AND DUTIES: The Board of Appeals shall have all the appropriate power and duties prescribed by law, and by this ordinance. The Board shall have the following duties and powers.

- (1) ADMINISTRATIVE REVIEW: To hear and decide appeals only in such cases where it is alleged there is error in any order, requirement, decision, or determination made by the enforcing officer in the enforcement of this Ordinance. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the enforcing officer, or to decide in favor of the applicant on any matter upon which they are required to pass under the terms of this Ordinance.
- (2) DETERMINATION OF SIMILAR USES: To determine if uses not specifically mentioned in this Ordinance are similar to uses permitted within a district.
- (3) DETERMINATION OF DISTRICT BOUNDARY LOCATION: To determine the exact location of any district boundary if there is uncertainty as to exact location thereof. In making such determination the Board shall be guided by the provisions of Section 4.03.
- (4) CONDITIONAL USE PERMITS: To hear and decide only such conditional uses as the Board of Appeals is specifically authorized to pass on under the terms of this Ordinance, or to deny conditional use permits when not in harmony with the intent and purpose of this Ordinance. The following requirements shall be complied with prior to any approval or denial of a conditional use permit by the Board of Appeals:
  - (a) A written application for a conditional use is submitted indicating the section of this Ordinance under which the conditional use is sought and stating the grounds on which it is requested.
  - (b) A public hearing shall be held as specified in Section 13.07 of this Ordinance.
  - (c) The Board of Appeals shall determine:
    - (1) Authority: If it has the authority to grant the request.
    - (2) Adverse Affect: That the granting of the conditional use will not adversely affect the neighborhood in which the conditional use is to be located.
  - (d) Conditions: In granting any conditional use permit, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity to the



provisions of this Ordinance and the recommendation of the Planning Commission. The Board of Appeals shall require a bond to assure conformance to such conditions and safeguards as may be necessary. Violation of such conditions and safeguards shall cause the performance bond mentioned above to be forfeited and shall be deemed a violation of this Ordinance and punishable under Section 12.07. A conditional use permit shall expire in one (1) year after it is issued unless actual construction has taken place or is underway except as provided elsewhere in this Ordinance.

(5) VARIANCES: To vary the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or deep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship – not economic in nature – that would deprive the owner of the reasonable use of the land or building involved but in no other case. The fact that another use would be more profitable is not a valid basis for legally granting a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance. No variance in the strict application of this Ordinance shall be granted by the Board of Appeals unless and until the applicant submits, and the Board concurs, with the following:

- (a) Condition and Circumstances: That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- (b) Property Rights: That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by

other properties in the same district under the terms of this Ordinance.

- (c) Applicant Not At Fault: That the special conditions and circumstances do not result from the actions of the applicant, his agents or prior property owners.
- (d) No Special Privilege: That granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- (e) Harmony with Locality: That the variance requested shall not alter the essential character of the locality. In making this determination, the Board of Appeals shall be advised by the recommendation of the Planning Commission.

(6) PROCEDURE FOR CONSIDERATION OF PETITIONS FOR VARIANCE:

- (a) The Board of Appeals shall make a finding that the reasons set forth in the application are valid and justify the granting of the variance. The Board shall also determine if the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (b) Under no circumstances shall the Board of Appeals grant a variance, which will permit a use, which is not permitted in the district involved.
- (c) Conditions: The Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance and the recommendation of the Planning Commission. The Board of Appeals shall require a bond or irrevocable letter of credit to assure conformance to such conditions and safeguards as the Board may require.
- (d) Violation of such conditions and safeguards when such are made a part of the terms under which a variance is granted, shall cause the bond mentioned in (c) above to be forfeited and shall be deemed in

violation of this Ordinance and punishable under Section 12.07 of this Ordinance.

(e) Public Hearings: Prior to taking action on a request for a variance the Board of Appeals shall hold a public hearing and give notice to property owners as in Section 13.07 of this Ordinance.

(7) EFFECTIVE DATE: The decision of the Board of Appeals shall not become final until the expiration of five (5) days from the date of entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

ARTICLE 14  
time

AMENDMENT: The Village Council may from time to

amend, supplement, change or repeal this Ordinance in the manner prescribed by Section 713.12 of the Ohio Revised Code and in accord with the following:

14.01

RIGHT OF PETITION – REFERRAL TO PLANNING COMMISSION: A proposed amendment, supplement, change or repeal may be originated by the Village Council, the Planning Commission or the owner of the affected property. All such proposals except those originating with the Planning Commission shall be referred to that Commission for a recommendation thereon. The Village Council shall take no final action on any amendment, supplement, change or repeal until it has received and studied the recommendation of the Planning Commission.

The Planning Commission shall study the proposed amendment, supplement, change or repeal. If the Commission decides the proposal has merit it may hold a public hearing thereon. At least fifteen (15) days notice of the time and place of such hearing shall be mailed to the petitioner, and all property owners within two hundred (200) feet of the property included in petitions for rezoning. The Planning Commission shall make a report of its findings and a recommendation to the Village Council.

14.02

RECOMMENDATION OF PLANNING COMMISSION:

When the Village Council receives an adverse recommendation on proposed amendment, supplement, change or repeal it may concur with the Planning Commission and stop further action, or if the Village Council does not agree with the recommendation of the Planning Commission, it shall hold a public hearing prior to taking final action on the matter.

When the Village Council receives an affirmative recommendation from the Planning Commission on a proposed amendment the Village Council shall hold a public hearing thereon. If such hearing is held, notice shall be given as prescribed by Section 713.12 of the Ohio Revised Code, as amended. In addition to such notice the enforcing officer shall upon notification by the Clerk place upon the involved premises in a prominent position a printed sign bearing the words "rezoning pending from . . . . .classification to . . . . .classification" and the time, date and place of hearing in large letters, such sign shall be posted fifteen (15) days before the date of hearing. The Village Council may adopt such amendment, supplement, change or repeal without further reference to the Planning Commission: Provided if the Planning Commission disapproves the change such amendment shall not be passed except by a three-fourths vote of all members of the Village Council.

Whenever a written protest against a proposed amendment, supplement, change or repeal is presented duly signed by the owners of twenty percent (20%) or more of the frontage of the block proposed to be altered, or by the owners of twenty

percent  
rear  
frontage  
altered,

(20%) or more of the frontage of the block immediately in the  
thereof, or by the owners of twenty percent (20%) of the  
of the block directly opposite the frontage proposed to be

of such amendment shall not be passed except by three-fourth vote  
the Village Council.

14.03 AMENDMENT LIMITATION: Petitions for zoning  
amendment,  
conditional use permits or variances concerning any parcel of  
property, portion thereof, or use thereon shall not be accepted  
for consideration more than once during any consecutive twelve  
(12) month period.

14.04 FEE: When a petition for a change, amendment, supplement,  
repeal or modification is filed, and before any action shall be  
taken as provided in this Section, any person desiring such  
action shall be required to pay a fee of \_\_\_\_\_ and under no  
conditions shall such sum or part thereof be refunded.

ARTICLE 15 VALIDITY AND SEVERABILITY: Should any section  
or  
provision of this Ordinance be declared by the courts to be  
unconstitutional or invalid, such decision shall not affect the  
validity of the Ordinance as a whole, or any part thereof other  
than the part so declared to be unconstitutional or invalid.

ARTICLE 16 INTERPRETATION AND CONFLICT: In its  
interpretation and  
application, the provisions of this Ordinance shall be held to be  
minimum requirements, adopted for the promotion of the public  
health, morals, safety and the general welfare. Wherever the  
requirements of any other lawfully adopted rules, regulations,  
or  
ordinances, the most restrictive, or that imposing the high  
standards, shall govern.

ARTICLE 17  
Ordinances,

REPEAL OF CONFLICTING ORDINANCES: All

or parts of Ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed and declared null and void and of no effect.

ARTICLE 18

EFFECTIVE DATE:

(1) Date of Public Hearing \_\_\_\_\_

(2) Date of Publication \_\_\_\_\_

(3) Date of Adoption by the Village Council \_\_\_\_\_

\_\_\_\_\_

(4) Date and time this Ordinance shall take effect \_\_\_\_\_

\_\_\_\_\_