

ZONING ORDINANCE

VILLAGE OF CAIRO, OHIO

Prepared by:

Lima-Allen County Regional Planning Commission
212 North Elizabeth Street
Lima, Ohio 45801

PREAMBLE

AN ORDINANCE: TO PROVIDE FOR THE DIVISION OF THE VILLAGE OF CAIRO, OHIO, INTO DISTRICTS FOR THE PURPOSE OF LIMITING AND THE REGULATION OF HEIGHT, BULK AND LOCATION, LOT LINES, AND AREA AND DIMENSIONS OF YARDS, COURTS, AND OTHER OPEN SPACES AND THE USES OF BUILDINGS, OTHER STRUCTURES AND TO PROVIDE PROCEDURE FOR THE CHANGE OF SUCH DISTRICTS AS MAY FROM TIME TO TIME BE REQUIRED.

The Planning Commission of the Village of Cairo, County of Allen and the State of Ohio has certified to the Council thereof a zoning text as amended and map for the districting of the Village according to the use of buildings and other structures and of premises. The Council has determined that in the interest of promoting the public health, safety, convenience, comfort, prosperity and general welfare, it is necessary that it regulate and restrict the location of buildings and other structures and of premises to be used for trade, industry, residence or other specified uses. It is therefore necessary to carry forth the intention heretofore expressed. It is therefore necessary to provide regulations for each of such districts, designating the kinds or classes of trades, industries, residences or other purposes for which buildings or other structures or premises may be permitted to be erected, altered or used.

The Council authorized a public hearing to be held in regard to the plan as amended and certified thereto by the said Planning Commission on the ____th day of _____, _____, set the date of _____ day of _____, _____ at _____ o'clock p.m. Eastern Standard Time in the Council Chambers of the said Village located _____, as the time and place for the said public hearing.

The Clerk of the Village had caused to be published in the Lima News, a newspaper of general circulation in the Village of Cairo, a legal notice of the time, place and subject of the said hearing at least thirty (30) days in advance of the date thereof, as set forth hereinbefore. During the period of thirty (30) days next following the publication of the legal notice as hereinbefore set forth, a complete text as amended and zoning map or a copy thereof, of this ordinance, as submitted by the Planning Commission was on file for public examination in the office of the Clerk of the Village.

Upon public hearing and after consideration of the matter, it is hereby determined by the Council that it would be conducive to the public interest to proceed with the plan as amended and proposed by the Planning Commission. The Planning Commission has approved this ordinance establishing a general and comprehensive zoning text and map as amended for the Village of Cairo.

ARTICLE 1

TITLE

VILLAGE OF CAIRO, OHIO, ZONING ORDINANCE: This ordinance shall be known and may be cited and referred to as the Village of Cairo, Ohio, Zoning Ordinance.

ARTICLE 2

PROVISIONS DECLARED MINIMUM STANDARDS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Wherever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolution, the provisions of this ordinance shall govern.

ARTICLE 3

SEVERABILITY AND REPEAL

- 3.0 **SEVERABILITY**: This ordinance and the various parts, articles and paragraphs thereof are hereby declared to severable. If any article, section, subsection, paragraph, sentence or phrase of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 3.1 **REPEAL**: All other ordinance of the Village inconsistent herewith and to the extent of such inconsistency and no further are hereby repealed.

ARTICLE 4

DEFINITIONS

For the purpose of this ordinance, certain terms are herein defined. All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended, or arranged to be used".

Abutting: Abutting shall mean bordering.

Accessory Building: A subordinate building, located on the same lot as the main building, the use of which is naturally and normally incidental and subordinate to that of the dominant use of the main building or land. No accessory buildings shall be used for any purpose other than that allowed by existing or future village ordinances.

Accessory Use: An accessory use is a subordinate use customarily incident to and located on the same lot occupied by the principal use, and the term as herein defined shall include in its definition any improvement appurtenant to such lot.

Agriculture: The use of land for agricultural purposes, including farming, dairying,

Alcoholic Beverage: Alcoholic beverage embraces any liquid designed or commonly used for human consumption, as a beverage, containing any percentage of grain or ethyl alcohol by volume and shall not be limited to "intoxicating liquor" and "liquor" as defined in section 4301.01 (a) (1), Ohio Revised Code.

Alignment: Alignment shall mean location with reference to a line touching the foremost enclosed portions of buildings.

Alley: Alley shall mean a public way, contemplated for the use of vehicular traffic, which affords secondary means of access to property abutting thereon.

Alley line: Alley line shall mean a lot line bordering on any alley.

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

Apartment: See Dwelling unit.

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 a cigar store or coffee shop when such uses are accessible only from the lobby.

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

Automobile Service Station: A building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or minor accessories, and other customarily incidental service. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the use shall be classified as a public garage.

Automobile Wrecking: The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: That portion of a building the floor of which is more than two feet below grade and the ceiling of which is more than four (4) feet six (6) inches above grade. A basement shall be included for purposes of bulk and height measurement if used for dwelling or business purposes.

Beginning Construction: The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

Billboard or Signboard: Any sign situated on private premises on which the written or pictorial information is not directly related to the use of the land on which such sign is located. A display sign is a structure that is arranged, intended, or designed or used as an advertisement, announcement or direction.

Board: The Board of Zoning Appeals in the Village of Cairo as established by Article 27 of this ordinance.

Boarding House: A dwelling or part thereof where lodging and meals for three or more persons are served for compensation by previous arrangement but not transients.

Building: Any structure constructed or used for residential, business, industrial or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs or similar structures whether stationary or movable located either under or above the surface of the ground.

Building Line: The line beyond which no building or part thereof shall project, except as otherwise provided by this ordinance.

Building – Front Line Of: The line of that face of the building nearest the front line of the lot including sun parlors and screened-in porches.

Building – Height Of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

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

Business: The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Camp, Public: Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, tents, cabins or other camping outfits.

Cellar: That portion of a building, the ceiling of which is entirely below or less than four (4) feet six (6) inches above grade. No cellar or portion thereof shall be used as a complete dwelling unit and the cellar shall not be included in bulk or height measurements.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention, but who are not provided with room or board or kept overnight on the premises.

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

Commission: Planning Commission of the Village of Cairo, Ohio.

District: All properties or lots of the same use, height and area classification which adjoin or are continuous without intervening property of another classification and regardless of any street, alley, easement or reserve that may intervene shall constitute a district.

The greatest dimensions of the area included in a district shall be the length of the projection of the district upon the centerline of a street which passes through the district or upon which the property abuts, such projections being made at right angles to the street.

Dry Cleaning Establishment: Dry cleaning establishment is a use involving the cleaning or dyeing of fabrics by the use of mechanical appliances and the use of chemicals or products other than water.

Dwelling: Any permanent building or portion thereof which is designed for or used exclusively for residential purposes containing one or more dwelling units.

Dwelling, Single Family: A detached building containing one (1) dwelling unit and designed for or occupied by only one (1) family.

Dwelling, Two Family: A detached or semi-detached building containing two (2) dwelling units and designed for or occupied by two (2) families.

Dwelling, Multiple: A building or portion thereof, containing three (3) or more dwelling units designed for or occupied as the home of three (3) or more families living independently of each other.

Dwelling Unit: A group of rooms located within a building and forming a single-habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

Erect: Erect shall mean construct, build, raise or establish either under, upon or above the ground surface.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governments of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith; reasonable necessity for the furnishing of adequate service by such public utilities or municipal or other government or for the public health or safety or general welfare, but not including buildings.

Explosive: A chemical or material used to create an explosion.

Extend: Extend shall mean to enlarge or increase area used or occupied.

Family: One or more persons occupying a premises and living as a single housekeeping unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons.

Floor Area: The sum of the gross horizontal areas of the several stories of a building measured from the exterior faces of the building, but excluding basements, garages, breezeways and porches whether or not enclosed.

Frontage: All of the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street – or the entire street if not intersected, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Front of a Building, Front line of a Building; Building Line: shall mean respectively, that portion, building line or yard lane, adjacent to or fronting on a street or alley line in the sense of affording principal access to the building.

Garage, Private: An accessory building or portion of a main building designed or used for the parking or temporary storage of motor vehicles owned or used by the occupants of the building to which it is accessory; not more than one (1) of such vehicles may be a commercial vehicle not exceeding one and one half (1 ½) ton capacity. Within a private garage no occupation, trade, business or service connected in any way with motor vehicles may be carried on.

Garage, Public: A building or portion thereof, other than a private storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven or related vehicles.

Garage, Storage: A building or portion thereof designed or used exclusively for storage of motor driven or related vehicles and at which motor fuels and oils are not sold and such vehicles are not equipped, service, repaired, hired or sold.

Grade:

(a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the center of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists or where none of the walls adjoin a street line for the purposes of this ordinance, the grade shall be established by the Streets Commissioner.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for the dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a home occupation.

Home, Tourist: A building or part thereof where lodging is provided by a resident in his home for compensation, mainly for transients.

Hospital: An institution for surgical or medical care equipped for the overnight stay of sick, injured or infirmed persons.

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

Industry: Industry embraces any operation involving the manufacture, production, processing or conversion of any material into a finished product, or product needing only a relatively small degree of further processing to result in its capability for sale as an article of use.

Institution: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

Junk: Junk as used in this ordinance shall be deemed to be any personal property which is or may be salvaged for reuse, resale, reduction or similar disposition or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforesaid purposes.

Kennel, Dog Kennels: The keeping and care of more than three (3) dogs that are more than six (6) months old.

Laundry – Automatic: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Least Dimension: The least dimension of a lot is the least of the horizontal dimensions of such lot, and if two opposite sides of a lot are not parallel, such least dimensions shall be deemed to be the mean distance between them, but shall be not less than sixty (60) percent of the longest of such distance.

Loading Space: A space within the main building or on the same lot providing for the parking, loading or unloading of trucks. The space having a minimum dimension of twelve (12) by thirty-five (35) feet in length and a vertical clearance of at least fourteen (14) feet in height.

Lodging or Rooming House: A dwelling or part thereof where lodging is provided for three (3) or more but not more than twenty (20) persons.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one (1) main building together with its accessory buildings, the open space and parking spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.

Lot, Area of: The total area (depth times width) within the lot lines of a lot, not including any portion of a publicly dedicated street or road right-of-way.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

Lot, Depth of: The average horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

Lot, Interior: A lot other than a Corner Lot or Through Lot.

Lot Lines: The property lines between two (2) established parcels of land or one (1) parcel and public property.

- (a) The front lot line is the line separating the lot from a street. In the case of corner lots, the street lot line of least dimension shall be deemed to be the front lot line and the other street lot line, or lines, shall be deemed to be side lot lines, except in cases where deed restrictions or usage in effect specify another line as the front lot line. In the event such street lot lines are of equal dimensions, the front lot lines shall be as designated by the Board of Zoning Appeals.
- (b) The rear lot line is the lot opposite and most distance from the front lot line.
- (c) The side lot line is any lot line other than a front or rear lot line.
- (d) A street lot line is the lot line separating the lot from a street, an alley lot line is the line separating from an alley.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Allen County, Ohio; or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder of Allen County, Ohio.

Lot, Through: A lot having frontage on two (2) streets, as distinguished from a corner lot.

Lot, Width of: The distance measured between the side lot lines at the front building line.

Medical Center: A principal building used by one or more physicians, surgeons or dentists as offices, clinics, laboratories and operating rooms for the diagnosis and treatment of human ailments and the care of patients before and after minor operations.

Mineral: Any chemical compound occurring naturally as a product of inorganic processes.

Mixed Occupancy: A single piece of property on which two (2) or more different uses, as defined in this ordinance, is contemplated or in existence.

Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

Non-Conforming Uses: A lawful use of land or of a building, or portion thereof, at the effective date of this ordinance or at the effective date of an amendment thereto or change of the District Map which use does not conform after the passage of this ordinance or amendment thereto or change in the District Map with the use requirements of the District in which it is situated.

Nursing Home: A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of immediate family are received, kept and provided with food, or shelter and care, for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

Occupancy, Certificate of: A statement, signed by the Zoning Inspector, setting forth that the use of the land, building or structure at a specific location complies with the Zoning Ordinance or is a nonconforming use and why.

Parking Lot: An area of land, the primary use of which is for the parking of motor vehicles.

Parking Space: A surfaced area, either enclosed in the main building or in an accessory building or unenclosed, having an area of not less than two hundred (200) square feet exclusive of driveways, for the parking of one (1) automobile and connected with a street or alley in a surfaced driveway which affords satisfactory ingress and egress.

Person: Person shall include an individual, partnership, corporation, club or association.

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

Porch: A roofed, open structure projecting from the front, side or rear wall of the building without any enclosed features of glass, wood or other material, except screens, and support structures.

Premises: Premises shall include lands and all things of a permanent nature which may be appurtenant thereto.

Private Residence: Private residence is a place of usual or customary abode.

Professional Office: Office of members of recognized professions such as architect, artist, dentist, engineer, musician, physician, surgeon, surveyor or other professional person.

Public Notice: Public notice as used in conjunction with this ordinance shall mean and conform to the provisions of Section 713.12, Ohio Revised Code (1970 S159. Eff. 6/1/70, 128 v 128, 127 v 363).

Public Service Facilities: Utility installations, buildings and distribution facilities providing service to the general public, including electric power plants, water treatment plants, sewage disposal installations, communication facilities and repair and storage buildings and areas incident to such facilities not including railroads and railroad facilities.

Public Utility: Any person, firm, corporation, municipal department or board, duly authorized to furnish under state or municipal legislation, to the public electricity, sewers, gas, communication services, transportation or water.

Rear of a Building, Rear Line of a Building, Rear Yard Line: Rear of a building, rear line of a building, rear yard line shall mean respectively that portion, building line or yard line opposite to the front line of a building, whether or not affording service access to the building.

Regional Planning Commission: The Lima-Allen County Regional Planning Commission.

Residence: Residence shall be a general term implying a place of human habitation and embracing either single family house or multiple family house as defined in this ordinance.

Retail Filling Station: (See Automobile Service Station)

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which a stand is located.

Setback: The minimum horizontal distance between the street line and the building or any projection thereof, excepting such projection as may be allowed by this ordinance and subsequent amendments thereto.

Shall: The word "shall" as used in this ordinance is always mandatory.

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.

A sign shall not include official court or government notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religion. Further, it shall not include the display of merchandise in a window but shall include temporary or permanent signs attached to the outside or inside of a window.

Sign – Area of: The total exterior surface computed in square feet of a sign having but one exposed exterior surface, one-half (1/2) of the total of the exposed surface computed in square feet of a sign having more than one such surface.

Slaughterhouse: A slaughterhouse is a use or building arranged, used or devoted to the killing of animals.

Stable, Commercial: A stable for horses, donkeys, mules or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

Standard Equipment: A criterion for the control of specific types of industrial equipment and the placement (or installation) of said industrial equipment relating to a specific manufacturing plant or process.

Standard Performance: A set of standards (instructions) established by the manufacturer of industrial equipment concerning the proper operation of said manufacturing equipment. These standards being developed by the manufacturer in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses affected by the industrial equipment.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are more than (2) feet, but not more than five (5) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Street: A public or private way dedicated to public travel thirty (30) feet or more in width. The word "street" shall include the words road, highway and thoroughfare, and shall also include avenue, drive, circle, parkway, boulevard, and/or other similar terms.

Street Road Line – Alley Line: A dividing line between a lot, tract or parcel of land and continuous street, road or alley.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, including but without limiting the generality of the foregoing; advertising signs, billboards, backstops for tennis courts and pergolas.

Suitably Screened or Fenced: A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three (3) feet in height and with an expected normal growth of at least five (5) feet in height, protected by a galvanized wire link fence of at least five (5) feet in height. A wooden or masonry fence or other landscaping may be substituted for the screening and wire link fence when appropriate. Bumper guards or wheel stops to prevent damage to the screen or fence by automobiles shall be provided when the required screen or fence surrounds parking lots or spaces.

Terrace: A natural or artificial embankment between a building and its lot line. The "height of terrace" shall be the difference in elevation between the curb level and the top of the terrace at the center of the building wall.

Thoroughfare: An officially designated federal or state numbered highway, county, township or village road.

Trade: Trade embraces such commercial activities as are entailed in the interchange of goods and materials but does not include operations dealing with the manufacture of goods and materials.

Trailer or Mobile Home: A trailer or mobile home means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade or used as a selling or advertising device and so designed that is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

Trailer Camp or Mobile Home Camp: A trailer camp or mobile home camp means any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach and upon which any trailer coach is parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is

made for use of the trailer camp and its facilities or not. Trailer camp or mobile home camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

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

Variance: A variance is a relaxation of the terms of this Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because if the presence of nonconformities in the zoning district or uses in an adjoining zoning district, unless so authorized by this ordinance.

Yard: An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front: An open, unoccupied space on the same lot with the building extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

Yard, Rear: The open, unoccupied space on the same lot with the building extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Yard, Side: An open unoccupied space on the same lot with the building extending along the side lot line from the front yard to the rear yard and lying between the side lot line and nearest part of the principal building.

Zoning Inspector: The Zoning Inspector of the Village of Cairo, Ohio, or his authorized representative.

Zoning Map: The Zoning Map of the Village of Cairo, Ohio, together with all amendments subsequently adopted.

ARTICLE 5

DISTRICTS AND BOUNDARIES THEREOF

- 5.0 DIVISION OF VILLAGE INTO DISTRICTS: For the purpose of this ordinance, the Village of Cairo is hereby divided into zoning districts. Said districts are designated as follows:

R-1	Single Family Residence District
R-2	Low Density Residence District
R-3	High Density Residence District
B-1	Local Business District
B-2	General Business District
M-1	Light Manufacturing District
M-2	General Manufacturing District
MH	Mobile Home Park District
PUD	Planned Unit Development District

- 5.1 DISTRICTS AND BOUNDARIES ESTABLISHED: Said districts and boundaries thereof are hereby adopted and established as shown on the Zoning Map of the Village of Cairo, Ohio, which map, together with all notation, references, data, district boundaries and other information shown thereon, shall be and the same are hereby made a part of this ordinance. Said Zoning Map, properly attested, shall be and remain on file in the Council Chambers of the Village of Cairo. Said Zoning Map to be subject to change in accordance with this ordinance.
- 5.2 DISTRICT BOUNDARIES: Except where references on said map to a street or alley line or other designated line by dimensions shown on said map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of the adoption of this ordinance.
- 5.3 UNCERTAINTY AS TO DISTRICT BOUNDARIES: If the Village Planning Commission, in its consideration of determining the location of such line or lines, is unable to agree as to such location as hereinbefore provided, then the question of location shall be certified to Council, and such body shall determine the location of such separating line, by a simple majority of a quorum, and by resolution, which need not be published.
- 5.4 VACATED STREET OR ALLEY: Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.
- 5.5 PROPERTY NOT INCLUDED – ANNEXATIONS: In every case where property has not been specifically included within a district, the same is hereby declared to be in the R-1 District. Territory annexed to or consolidated with the Village subsequent to the effective date of this ordinance shall, upon the effective date of such annexation or consolidation become a part of the R-1 District (provided such territory is not subject to county or township zoning regulations at the time of annexation). Such districting shall be temporary and the Commission shall re-

commend to the Council within a period of not to exceed one (1) year from such date of annexation or consolidation a final zoning district for the annexed territory; provided, however, that nothing shall prevent the Commission from recommending such final zoning map at the time of annexation or consolidation. (Upon annexation of territory which is subject to county or township zoning regulations at the time of annexation, the zoning regulations then in effect shall remain in full force and shall be enforced by the respective county or township zoning officials until the Village Council, upon recommendation of the Commission, shall officially adopt new regulations for such territory in accordance with Article 28.

ARTICLE 6

EFFECTS OF DISTRICTING AND GENERAL REGULATIONS

- 6.1 CONFORMANCE REQUIRED: Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located; such regulations including, but without limitation, the following: the use of buildings, structures or land, including performance standards for the control of any "dangerous and objectionable elements," as defined herein, in connection with such use; the height, size, dimensions of buildings or structures; the size or dimensions of lots, yards, and other open spaces surrounding buildings; the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.
- 6.2 ADDITIONAL USES – COMMISSION DETERMINATION: Uses other than those specifically mentioned in this ordinance as permitted uses in each of the districts may also be allowed therein, provided that, in the judgment of the Commission, to those mentioned and will have no adverse influence or no more adverse influence on adjacent properties or the neighborhood or the community than the permitted uses specifically mentioned for the district.
- 6.3 PROHIBITED USES: Within the limits of the Village, no building or premises shall be used and no building shall be erected which is arranged, intended, or designed to be used for any of the following specified purposes:
1. Petroleum refining, blending or mixing of gasoline, benzol, kerosene or any volatile petroleum derivative.
 2. Cement, lime, gypsum or plaster of Paris manufacturer.
 3. Chlorine or hydrochloric, nitric, picric or sulphuric acid manufacture or the smelting of any metallic ore.
 4. The manufacture or storage of explosives, or any toxic material.
 5. Slaughterhouse, distillation of bones, fat rendering, fertilizer manufacture or glue manufacture.
 6. Hair manufacture, reduction or dumping of offal or dead animals.
- 6.4 ADDITIONAL PROHIBITED USES – COMMISSION DETERMINATION: Uses other than those specifically prohibited in this ordinance in any district shall also be prohibited therefrom, provided that in the judgment of the Commission, as evidenced by resolution of record, such other uses are similar in character to those specifically prohibited in that they would have similar or more serious adverse influence on adjacent properties or the neighborhood or the community than the uses specifically mentioned as prohibited in the district.

- 6.5 CONVERSION OF DWELLINGS: The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this ordinance and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces and off-street parking.
- 6.6 ACCESSORY BUILDINGS IN R-RESIDENTIAL DISTRICTS – WITHOUT MAIN BUILDING: In any R-Residential District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building (exception – contractors' temporary building).
- 6.7 PERFORMANCE STANDARDS – COMPLIANCE: Even though compliance with performance standards procedure, Article 18, may not be expressly required for a particular use, initial and continued compliance with performance standards is required of every use.
- 6.8 TRAFFIC VISIBILITY ACROSS CORNER LOTS: In any R-Residential district on any corner lot, no fence, structure or planting shall be erected or maintained within twenty-five (25) feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.
- 6.9 REQUIRED AREA OR SPACE CANNOT BE REDUCED: No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this ordinance. No part of a yard, parking area or other space provided about or for, any building or structure for the purpose of complying with the provisions of this ordinance, shall be included as part of a yard, parking area or other space required under this ordinance for another building or structure.
- 6.10 OFF-STREET PARKING AND LOADING: In every district, spaces for off-street parking and for off-street loading and unloading shall be provided in accordance with the provisions of Article 19.
- 6.11 ACCESSORY USES IN "R" – RESIDENTIAL DISTRICTS: The following shall apply:
1. Accessory Buildings in R-Residential Districts – General:
An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected therewith by a breezeway or similar structures. Except as provided in Article 25, no accessory building shall be erected in any required yard except a rear yard and shall not occupy more than thirty-five (35) percent of a required rear yard. Accessory buildings shall be distant at least six (6) feet from any dwelling situated on the same lot unless an integrated part thereof; at least six (6) feet from any other accessory building and at least five (5) feet from any lot lines of adjoining lots which are within an R-Residential district.

2. Accessory Buildings in R-Residential Contract – Corner Lots:
In any R-Residential district where a corner lot adjoins the rear of a lot fronting on a side street, no part of any accessory building on such corner lot shall be nearer a side street lot line than twenty-five (25) feet and in no case shall any part of such accessory building be nearer to the side street lot line than the least width of the side yard required for a principal building.
 3. Accessory Buildings in R-Residential Districts – Front Setback:
No accessory use or structure in any R-Residential District, except an off-street parking area subject to the provisions of Article 19, shall be permitted nearer to any front lot line than sixty (60) feet, unless such use or structure is contained within or constitutes an integral part of the main building. Provided that in case of a corner lot where the owner has chosen the longer street lot line and all side and rear lot line requirements are met in accordance with this ordinance.
 4. Accessory Buildings in R-Residential District – Yard Requirements:
Except as provided in Article 25, an accessory building if not located in the rear yard shall be an integral part of, or connected with the principal building to which it is accessory and shall be so placed as to meet all yard requirements for a principal building of the same height and other dimensions as said accessory building.
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- 6.12 ESSENTIAL SERVICES: Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village subject to review by the Board.
 - 6.13 UNSAFE BUILDINGS: Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority (Building Permit is required).
 - 6.14 PENDING APPLICATIONS FOR BUILDING PERMITS: Nothing herein contained shall require any change in the overall layout plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this ordinance, the construction of which shall have been started prior to the effective date of this ordinance.
 - 6.15 PARKING OF TRUCKS IN R-RESIDENTIAL DISTRICTS: No truck or other vehicle of a rated weight of more than one (1) ton shall be parked on any street or on any residential premises in any R-Residential district for any consecutive period of four (4) hours or more; provided that nothing herein shall prevent the parking of such vehicle in a fully enclosed garage or similar permanent structure. No vehicle carrying toxic material may park at any time.
 - 6.16 PARKING AND OCCUPANCY OF HOUSE TRAILERS AND CAMPERS: No person shall occupy any house trailer, mobile home or motor home or camper for more than one (1) week. The storage of a mobile home, house trailer, motor home, camper, boat, trailer, snowmobile trailer, or utility trailer shall not be permitted in any front yard or the street side yard of a corner lot for more than one (1) week. Camper body attached to a pick-up truck or other similar vehicle shall not be construed as a motor home or mobile home.

ARTICLE 7

NON-CONFORMING USES

- 7.1 **ABANDONMENT:** A non-conforming use existing on the effective date of this ordinance may be continued provided, however, that should such use be abandoned and any further use of such premises or a structure located on such premises shall be in conformity with the use permitted in the district or location.
- 7.2 **RECONSTRUCTION:** Any building or structure, existing and in use, or land devoted to a non-conforming use on the effective date of this ordinance which shall be destroyed by casualty or act of God, may be reconstructed and restored, provided, however, that such is commenced within one (1) year from the date of such destruction.
- 7.3 **ALTERATION AND ENLARGEMENT:** Any building or structure, existing and in use as a non-conforming use on the effective date of this ordinance may not be altered or enlarged in a manner and form resulting in the extension of such non-conforming use, provided, however, that the Village Board of Zoning Appeals shall have the power to grant a variance under the provisions of Article 27 hereof, allowing such extension under conditions as follows:
1. The total alteration, enlargement, or extension of any existing structure or structures or the erection of additional structure shall not increase the non-conforming area of such original structure or structures by a total of more than twenty-five (25) percent.
 2. Such enlargement and/or extension shall not be detrimental in consideration of the surrounding neighborhood, but that the granting thereof shall remove an unnecessary hardship as to the owner thereof.
 3. The extension of such non-conforming use shall not reduce the area of a contiguous or adjacent conforming use.
 4. When authorized by the Board, in accordance with the provisions of Article 27, the substitution for a non-conforming use of another not more objectionable non-conforming use may be considered.
- 7.4 **STRUCTURES UNDER CONSTRUCTION:** Any structure commenced as of the effective date of this ordinance may be completed, although non-conforming if completed within one (1) year of the effective date of this ordinance.

ARTICLE 8

R-1 RESIDENTIAL DISTRICT

8.0 PURPOSE: The purpose of the R-1 Residential District is to provide an area for low density residential and associated land uses. In an R-1 Residential District no building or premise shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses.

8.1 USES PERMITTED IN THE R-1 RESIDENTIAL DISTRICT:

1. Single family dwelling structure.
2. Church, school, library, public park, playground and/or buildings pertaining to the use thereof.
3. Farming, truck gardening or nursery, provided, however, that any such use permitted shall not be construed to permit the sale, trading or dealing in the commodities or products thereof, other than as to those transactions which are completely of a casual or incidental nature.
4. Accessory buildings and uses.
5. Unlighted real estate signs, non-conforming business use signs, and public building or church signs or bulletin boards pertaining to the property on which they are placed and not having over 6 square feet of sign area.

8.2 CONDITIONAL USES – WITH APPORVAL BY THE VILLAGE ZONING BOARD OF APPEALS AFTER A PUBLIC HEARING:

1. Country clubs, private clubs or lodges, golf courses and similar uses and facilities.
2. Utility sub-stations and pump houses providing that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area.
3. Two-family dwelling structures.
4. Home Occupations: customary home occupations, such as handicrafts, beauticians, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupants, that not more than one-quarter of the area of one floor of said residence shall be used for such purpose, that no structural alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlimited sign of not over one square foot in area and attached flat against the building shall be permitted.
5. Funeral home.
6. Essential services.
7. Mobile Home used as a permanent dwelling, one per lot.

- 8.3 REQUIRED LOT AREA, FRONTAGE AND YARD IN THE R-1 RESIDENTIAL DISTRICT: All structures shall meet the following minimum standards:

<u>USE</u>	<u>LOT AREA (SQUARE FT)</u>	<u>LOT WIDTH (FEET)</u>	<u>FRONT YARD (FEET)</u>	<u>SIDE YARDS (FEET)</u>	<u>REAR YARD (FEET)</u>
Single Family and Mobile Home	9,000	75	30	8	30*
Two-Family	12,000	100	30	8	30*
Other Permitted and Conditional Uses (except agri)	12,000	100	30	10	30*

- 8.4 CORNER LOTS: Corner lots shall have the same minimum front yard requirements on each street side of the lot.

- 8.5 HEIGHT REGULATION WITHIN THE R-1 RESIDENTIAL DISTRICT: No residential or other permitted or approved structure within the R-1 Residential District shall exceed two and one-half (2 ½) stories or thirty (30) feet.

- 8.6 REQUIRED FLOOR AREA IN THE R-1 DISTRICT: Any building intended in whole or part for residential purposes shall provided a minimum livable floor area as hereinafter specified:

Single-family structure	1,000 square feet
Two-family structure	750 square feet per unit
Mobile Home	920 square feet

* The least dimension of a rear yard shall be thirty (30) feet or not less than fifteen (15) percent of the depth of the lot, whichever is largest.

ARTICLE 9

R-2 RESIDENTIAL DISTRICT

9.0 PURPOSE: The purpose of the R-2 Residential District is to provide an area for low density single and multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In an R-2 Residential District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

9.1 USES PERMITTED IN THE R-2 RESIDENTIAL DISTRICT:

1. Any uses permitted in the R-1 District.
2. Multiple family dwelling structures for occupancy by not more than three families living independently of each other.
3. Church, school, library, college building, public park playground and/or buildings pertaining to the use thereof.
4. Accessory buildings and uses.
5. Unlighted real estate signs, nonconforming business use signs, and public building or church signs or bulletin boards pertaining to the property on which they are placed and not having over 6 square feet of sign area.
6. Mobile homes uses as a permanent dwelling, one per lot.

9.2 CONDITIONAL USES – WITH APPROVAL BY THE VILLAGE ZONING BOARD OF APPEALS AFTER A PUBLIC HEARING:

1. Offices of doctors engaged in the practice of medicine, surgery, optometry or dentistry, offices of attorneys at law, accountants, architects, engineers, insurance brokers or salesmen or other service related activities or occupations shall be permitted. This paragraph shall not include any such activities or occupations, the primary characteristic of which is the sale, at retail or wholesale of products, goods or commodities. Buildings shall conform to the residential appearance of the immediate neighborhood.
2. Country clubs, private clubs or lodges, golf courses and similar uses and facilities.
3. Utility sub-stations and pump houses providing that such structure will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area.
4. Home Occupations: Customary home occupations, such as, but not limited to, handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupants, that not more than one-quarter of the area of one floor of said residence shall be used for such purpose, that no structural alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not over one square foot in area and attached flat against the building shall be permitted.

5. Funeral home.
6. Cemeteries.
7. Essential services.

9.3 **REQUIRED LOT AREA, FRONTAGE AND YARD IN THE R-2 RESIDENTIAL DISTRICT:** All structures shall meet the following minimum standards:

<u>USE</u>	<u>LOT AREA (SQUARE FT)</u>	<u>LOT WIDTH (FEET)</u>	<u>FRONT YARD (FEET)</u>	<u>SIDE YARDS (FEET)</u>	<u>REAR YARD (FEET)</u>
Single family and Mobile Home	9,000	75	30	8	30*
Two-family	12,000	100	30	8	30*
Three-family	15,000				
Other permitted Uses	12,000	100	30	10	30*

9.4 **CORNER LOTS:** Corner lots should have the same minimum front yard requirements on each street side of the lot.

9.5 **HEIGHT REGULATION WITHIN THE R-2 RESIDENTIAL DISTRICT:** No residential or other permitted or approved structure within the R-2 Residential District shall exceed two and one-half (2 ½) stories or thirty (30) feet.

9.6 **REQUIRED FLOOR AREA IN THE R-2 DISTRICT:** Any building intended in whole or part for residential purposes shall provide a minimum livable floor area as hereinafter specified:

Single-family structure	1,000 square feet
Two-family structure	750 square feet
Three-family structure	600 square feet
Mobile Home	920 square feet

* The least dimension of a rear yard shall be thirty (30) feet or not less than fifteen (15) percent of the depth of the lot, whichever is largest.

ARTICLE 10

B-1 LOCAL BUSINESS DISTRICT

10.0 PURPOSE: The purpose of the B-1 Local Business District is to provide an area for a wide range of retail facilities and services of such a nature as to be fully compatible in the close proximity they must enjoy in a centralized business district. In a B-1 Business District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following described uses:

10.1 USES PERMITTED IN THE B-1 BUSINESS DISTRICT:

1. Major Retail Outlets: Furniture, hardware, department, appliance, clothing, jewelry, shoe, paint and wallpaper stores dealing entirely in the retail sale of any product not restricted by the provisions of this section.
2. Food, Drug and Beverages: Grocery stores, supermarkets, meat markets, fish market, bakery (in conjunction with retail sales), frozen food locker facility, delicatessen, enclosed restaurant and ice cream parlor.
3. Specialty Shops: Gift shops, book, magazine and stationary outlets (excluding adult bookstores), florist shops, camera shops, photography studios, sporting goods, video stores (excluding adult materials), and drive-in stores dealing with the sale of any product or service not restricted by the provisions of this section.
4. Service and Recreation: Barber shops, beauty shops or any school engaged in the teaching of or instruction in any trade, shoe repair and tailor shop, appliance repair shop, laundromats using self-operating automatic washers, dryers and appliances and non-inflammable fluids, dry cleaning establishments using non-inflammable cleaning agents, printing shops, a funeral home or mortuary, hospital, radio or television studio, bowling alley, assembly hall, enclosed theater or any recreation facility.
5. Business and Professional Offices: Banks, savings and loan institutions, public utilities offices, insurance and real estate offices, office buildings, medical and dental office clinics, law and other professional offices.
6. Automotive and Related Uses: Automobile sales room, farm implement sales and related repair garage, automobile repair garage, customer parking lots associated with a business establishment, motorcycle and bicycle sales and all volatile products are stored underground.
7. Motels and Hotels: Hotel, motel, motor lodge.
8. Rest homes, nursing homes and children's nurseries.
9. Accessory Uses or Buildings: Accessory buildings and uses customarily incident to the above listed uses.
10. Signs and outdoor advertising as regulated in Article 23.

10.2 CONDITIONAL USES WITH APPROVAL BY THE VILLAGE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING:

1. Single, two and three family residential structural.
2. Commercial storage facilities including garages.
3. Commercial parking lots.
4. Any wholesale distributing business.
5. Any retail or wholesale industrial product distributing business.
6. Laundry and dry cleaning plants.
7. Building trades or equipment including building concrete, electrical, masonry, sheet metal, plumbing and heating and cooling shops, building material establishments and lumber yards.
8. Drive-in theaters, drive-in restaurants and refreshment stands.
9. Accessory uses or buildings.

10.3 REQUIRED LOT AREA AND LOT WIDTH IN THE B-1 DISTRICT:

1. Residential Uses: Each residential use to be accommodated in the B-1 District shall meet the minimum lot area and minimum lot width requirements of the R-2 Residential District.
2. Commercial Uses: No minimum lot area or minimum lot width is required for commercial uses.

10.4 BUILDING HEIGHT REGULATION IN THE B-1 DISTRICT: No building shall exceed two and a half (2 ½) stories or thirty (30) feet in height, except as provided in Article 23.

10.5 REQUIRED YARDS IN THE B-1 DISTRICT:

1. Residential Uses: Each residential use to be accommodated in the B-1 Business District shall meet the minimum yard requirements of the R-2 Residential District.
2. Commercial Uses:
 - Front Yard - 25 Feet (or 55 feet from the center of the road if no R/O/W has been established).
 - Side Yard - No minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residential District.
 - Rear Yard - 25 Feet. Where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting a part of the rear yard requirements.

- 10.6 LANDSCAPING OR SCREENING PROVISIONS: For non-residential uses abutting an "R" District the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided. Such screening shall be 6 feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height at the time of planting.

ARTICLE 11

B-2 GENERAL BUSINESS DISTRICT

11.0 **Purpose:** The purpose of the B-2 General Business District is to provide for those retail businesses and services which require a location other than in the central business district being either highway oriented, requiring larger tracts of land not normally available in the central business district, or to provide local neighborhood retail shopping facilities to those residential areas immediately adjacent.

11.1 USES PERMITTED IN THE B-2 DISTRICT:

1. Any uses permitted in the Residential Districts.
2. Any uses permitted in the B-1 District.
3. Dance Hall.
4. Book binding and upholstering shops, laundry or dry cleaning, new and secondhand automobile, truck, trailer, farm implement sales and repair facilities; provided that the premises shall be enclosed by a wall or fence at least six (6) feet high when it adjoins in the rear or on the side of any R District, public park, school or church.
5. Bottling works, plumbing heating and cooling, electrical, concrete masonry, building material establishments (providing no assembly, construction, millwork or concrete block manufacture is done on premises).
6. Veterinary hospital for small animals.
7. Sale at retail of any industrial product, including the repair or maintenance of equipment or facilities used in any residential or industrial connection.
8. An accessory use customarily incident to a use authorized by this section shall be permitted in a B-2 District provided such is not otherwise classified by the terms of this ordinance.

11.2 CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE ZONING BOARD OF APPEALS AFTER A PUBLIC HEARING:

1. Commercial storage facilities including garages.
2. Commercial parking lots or truck terminals provided, however, that adequate off-street parking facilities shall be provided to avoid congestion of abutting streets, ways or alleys.
3. Any wholesale distributing business, providing that such activities shall not include the wholesaling of or distribution of live animals in preparation thereof for sale.
4. Lumber yards.
5. Drive-in theaters, drive-in restaurants and refreshment stands.

6. Animal kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosures or buildings in which the animals are kept shall be at least two hundred (200) feet from any R District and exercise runs shall be enclosed on four (4) sides by a sight obscuring, unpierced fence or wall at least five (5) feet in height.
7. Accessory buildings and uses customarily incident to permitted uses.
8. Signs and outdoor advertising as regulated in Article 23.

11.3 REQUIRED LOT AREA AND LOT WIDTH IN THE B-2 DISTRICT:

1. Residential Uses: Each residential use to be accommodated in the B-2 District shall meet the minimum lot area and minimum lot width requirements of the R-2 District.
2. Commercial Uses: A minimum required lot area of 12,000 square feet and a minimum lot width of 100 feet is required for commercial uses in the B-2 District.

11.4 BUILDING HEIGHT REGULATION IN THE B-2 DISTRICT: No building shall exceed two and one-half (2 ½) stories or thirty (30) feet in height, except as provided in Article 24.

11.5 REQUIRED YARDS IN THE B-2 DISTRICT:

1. Residential Uses: Each residential use to be accommodated in the B-2 District shall meet the minimum yard requirements of the R-2 District.

2. Commercial Uses:

Front Yard - 30 Feet or 55 feet from the center of the road if no right-of-way has been established.

Side Yard - No minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residential District.

Rear Yard - 40 Feet. Where a lot abuts any alley, one-half (½) of the width of such alley may be considered in meeting a part of the rear yard requirements.

11.6 LANDSCAPING OR SCREENING PROVISIONS: For non-residential uses abutting an R district, the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

11.7 OTHER REQUIRED CONDITIONS:

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or watercarried waste, and must comply with the performance standards of this ordinance.

ARTICLE 12

M-1 LIGHT MANUFACTURING DISTRICT

12.0 PURPOSE: The purpose of the M-1 Manufacturing District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense and residential uses.

12.1 USES PERMITTED IN THE M-1 MANUFACTURING DISTRICT:

1. Any use permitted in B-2 District except residential uses other than as permitted by Article 12.2-2.
2. Storage in bulk of or warehouse for, commodities such as building materials contractors equipment, clothing fibers, raw or finished, drugs, dry goods, feed, fertilizer, food, solid fuels, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber and rubber products, shop supplies, liquid fuels, petroleum or petroleum products or volatile oils and liquids, provided, however, that the storage of liquid fuels, petroleum products, or volatile oils and liquids shall be underground and in tanks of a maximum capacity of twenty thousand (20,000) gallons, built and constructed in accordance with the minimum regulations of the State of Ohio.
3. Laundry or dry cleaning plants and facilities, printing, publishing and reproduction establishments.
4. Cold storage plants, breweries, milk bottling, ice plants and storage, central distribution, wholesaling, or processing plants.
5. Veterinary hospital and animal kennels.
6. Freight terminal, truck terminals and railroad yards, to include the building of spur lines or switching facilities required or desirable in connection with any use permitted under this section.
7. Lumber yard or planing mill.
8. Administrative, engineering, scientific research, design or experimentation facility, assaying of ore by laboratory methods, and such processing and fabrication as may be necessary thereto.
9. Manufacturing, compounding, processing, packaging or treatment of: bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap (cold process only) and food products and bottling works, except the following: fish or meat products, sauerkraut, sugar beets, vinegar, yeast, the rendering or refining of fats and oils, and alfalfa processing.
10. Manufacturing or processing of small items, such as gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, and textile products.

11. Assembling of electrical appliance, radios and phonographs and televisions, including the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders, electric and electronic parts and equipment for wholesale; musical instruments, novelties and light metal products.

12. Essential Services.

12.2 CONDITIONAL USES – WITH APPROVAL BY THE VILLAGE ZONING BOARD OF APPEALS AFTER PUBLIC HEARING:

1. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line.

2. One dwelling unit for a caretaker and his family.

12.3 ACCESSORY USES IN THE M-1 DISTRICT: Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the M-1 District shall be permitted.

12.4 OTHER REQUIRED CONDITIONS: Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste and must comply with the performance standards of this Ordinance.

12.5 HEIGHT REGULATIONS IN THE M-1 DISTRICT: No building in the M-1 District shall exceed 30 feet in height.

12.6 REQUIRED LOT AREA IN THE M-1 DISTRICT: Each use to be established in the M-1 District shall provide a minimum lot area of 15,000 square feet and a minimum lot width of 100 feet.

12.7 YARDS REQUIRED IN THE M-1 DISTRICT: All structures to be constructed, altered, or moved, in the M-1 District shall provide yards of the following minimum depths:

Front Yard – 30 feet

Side Yard – 10 feet, except where a yard abuts a residential district in which case a side yard of 30 feet shall be provided.

Rear Yard – 30 feet

12.8 SCREENING REQUIRED BETWEEN MANUFACTURING AND RESIDENTIAL DISTRICTS: Newly established industrial uses adjacent or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row, fence, or other suitable landscape device adequate to visually screen the industrial area from the residential area. Plant material shall be a minimum of four (4) feet tall at the time of planting. Fences, walls or other landscape devices shall be a minimum height of six (6) feet.

ARTICLE 13

M-2 GENERAL MANUFACTURING DISTRICT

- 13.0 PURPOSE: The purpose of the M-2 General Manufacturing District is to encourage the development of manufacturing facilities of a moderate and heavy nature which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, smoke or glare.
- 13.1 USES PERMITTED IN THE M-2 MANUFACTURING DISTRICT:
1. Any use permitted in the M-1 District.
 2. Grain Elevators, concrete plants and the manufacture, storage and sale of related products.
 3. Light metal fabrication and casting plants (no noxious fumes).
 4. Establishments involved in the manufacturing, assembling, remodeling and distribution of automobiles, trucks, boats, household goods, farm equipment, construction and building equipment and products and plastic and metal products.
 5. Carpentry, woodworking and machine shops.
- 13.2 CONDITIONAL USES – WITH APPROVAL BY THE VILLAGE ZONING BOARD OF APPEALS AFTER PUBLIC HEARING:
1. Any industrial manufacturing, storage or distribution establishment not specifically mentioned above and deemed acceptable by the Board of Zoning and Building Appeals for this District.
 2. One dwelling unit for a caretaker and his family.
 3. Storage, accumulation or baling of scrap, metals, bottles, rags, paper, rubber or other articles or matter commonly known as junk, or the wrecking, dismantling or salvaging of motor vehicles or parts thereof.
 4. Processing facilities for the storage or dressing for sale as wholesale or retail of poultry, meat or game or a meat packing, curing or dressing establishment.
- 13.3 ACCESSORY USES IN THE M-2 DISTRICT: Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the M-1 District shall be permitted.
- 13.4 OTHER REQUIRED CONDITIONS: Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter of watercarried waste, and must comply with the performance standards of this ordinance.
- 13.5 HEIGHT REGULATIONS IN THE M-2 DISTRICT: No building in the M-2 District shall exceed 30 feet in height except grain storage facilities.

- 13.6 REQUIRED LOT AREA IN THE M-2 DISTRICT: Each use to be established in the M-2 District shall provide a minimum lot area of 15,000 square feet and a minimum lot width of 100 feet.
- 13.7 Each use to be established in the M-2 District shall provide a minimum lot area of 15,000 square feet and a minimum lot width of 100 feet.
- 13.8 Each use to be established in the M-2 District shall provide a minimum lot area of 15,000 square feet and a minimum lot width of 100 feet.
- 13.9 YARDS REQUIRED IN THE M-2 DISTRICT: All structures to be constructed, altered or moved in the M-2 District shall provide yards of the following minimum depths:
- | | | |
|------------|---|---|
| Front Yard | - | 30 feet |
| Side Yard | - | 15 feet, except where a yard abuts a residential district in which case a side yard of 30 feet shall be provided. |
| Rear Yard | - | 30 feet |
- 13.8 SCREENING REQUIRED BETWEEN MANUFACTURING AND RESIDENTIAL DISTRICTS: Newly established manufacturing uses adjacent or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row or other suitable landscape device adequate to visually screen the industrial area from the residential area. Plant material shall be a minimum of four (4) feet tall at the time of planting. Fences, walls or other landscape devices shall be a minimum height of six (6) feet.

ARTICLE 14

SPECIAL PROVISIONS

14.0 PERFORMANCE STANDARDS: No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed:

1. Fire Hazards: Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
2. Radioactivity or Electrical Disturbances: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
3. Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
5. Air Pollution: Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.
6. Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
7. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
8. Water Pollution: Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

14.1 ENFORCEMENT PROVISIONS: All uses existing on the effective date of this ordinance shall conform to these performance requirements within two (2) years, Extensions may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The Zoning Inspector shall refer any proposed use which is likely to violate performance requirements to the Village Council.

ARTICLE 15

OFF-STREET PARKING AND LOADING REGULATIONS

- 15.0 OFF-STREET PARKING: Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established. Such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 200 square feet per parking space shall be used.
- 15.1 NUMBER OF PARKING SPACES REQUIRED: The number of off-street parking spaces required shall be as set forth in the following:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Automobile or Machinery Sales and Service Garages	-One (1) for each six hundred (600) square feet floor area
Banks, Business, and Three or more Professional Offices	-One (1) for each four hundred (400) square feet of floor area
Bowling Alleys	-Five (5) for each alley plus one (1) for each employee
Churches or Temples	-One (1) for each four (4) seats in the main auditorium
Country Club or Golf Club	-One (1) for each five (5) members
Dance Halls and Assembly Halls without fixed seats, Exhibition Halls except Church Assembly Rooms in conjunction with Auditorium	-One (1) for each one hundred (100) square feet of floor area used for assembly or dancing
Dwellings, including One (1), Two (2), and Three (3) Families, Multiple Dwellings, and Summer Cottages	-Two (2) for each family or dwelling unit
Funeral Homes, Mortuaries	-One (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or individual funeral service rooms
Furniture & Appliance Stores, Household Equipment or Furniture Repair Shop over one thousand (1,000) square feet of floor area	-One (1) for each two hundred (200) square feet of floor area plus one (1) space for each employee
Libraries, Museum, or Art Galleries or Community Center	-Ten (10) plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet

Manufacturing Plants, Research or Testing Laboratories, Bottling Plants over one thousand (1,000) Square feet in area	-One (1) for each three (3) employees in the maximum working shift or one thousand two-hundred (1,200) square feet of floor area, whichever is greater
Medical or Dental Clinics	-One (1) for each four hundred (400) Square feet of floor area
Motel, Motor Hotels, and Tourist Home	-One (1) for each living or sleeping unit
Private Club or Lodge	-One (1) for each ten (10) members
Restaurants	-One (1) for each two (2) seats plus One (1) for each employee
Retail Stores, Shops, etc., of over two thousand (2,000) square feet floor area	-One (1) for each two hundred (200) square feet of floor area plus one (1) for each employee
Sanitariums, Convalescent Homes, Children's Homes	-One (1) for each three (3) beds plus one (1) for each employee
School, Technical Institution or College	-One (1) for each eight (8) seats in an auditorium or three (3) for each classroom, whichever is greater
Sports Arenas, Auditoriums, Theaters, Assembly Halls other than Schools	-One (1) for each three (3) seats or bench seating spaces
Wholesale Establishments or Warehouses	-One (1) for each three (3) employees on maximum shift or for each three Thousand (3,000) square feet of floor area, whichever is greater

15.2 **DEVELOPMENT AND MAINTENANCE OF PARKING AREAS:** Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

1. **Screening and Landscaping:** Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between four (4) and six (6) feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than four (4) feet in height.
2. **Surfacing:** Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with a durable hard surface, such as concrete or asphaltic concrete.

3. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District.
 4. Joint Use of Parking Areas: Parking spaces may be located on a lot other than that containing the principle use with approval of the Board provided a written agreement, approved by the Board and accepted by the Village Council shall be filed with the application for a zoning permit.
 5. Parking Areas – Modifications: The Board may authorize an appeal, a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or in the exceptional shape or size of the property or other exceptional situation or condition, would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Planning Commission regarding the appeal.
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- 15.3 OFF-STREET LOADING: In any district, in connection with every building or part thereof erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles or material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each 10,000 square feet or major fraction thereof, or gross floor area so used in excess of 10,000 square feet.
 - 15.4 LOADING SPACE – DIMENSIONS: Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.
 - 15.5 LOADING SPACE – OCCUPY YARD: Subject to the limitations in Article 19.6 such may occupy all or any part of any required yard.
 - 15.6 LOADING SPACE – DISTANCE FROM R-DISTRICT: No space shall be closer than 50 feet to any other lot located in any R-District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six (6) feet in height.

ARTICLE 16

SWIMMING POOLS

16.0 GENERAL PROVISIONS

1. Private Swimming Pools: A private swimming pool, but not including farm ponds, as regulated herein, shall be any pool, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than 100 square feet, shall be allowed in any "R" District except as an accessory use and unless it complies with the following conditions and requirements:
 - (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principle building of the property on which it is located and their guests.
 - (b) The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than fifteen (15) feet to any property line on which located.
 - (c) The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.
2. Community or Club Swimming Pools: A community club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members and their families. Such swimming pools shall comply with the following:
 - (a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
 - (b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which located.
 - (c) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.

ARTICLE 17

SIGNS AND OUTDOOR ADVERTISING

- 17.0 INTENT: The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated area.
- 17.1 GOVERNMENTAL SIGNS EXCLUDED: For the purpose of this ordinance "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.
- 17.2 GENERAL REQUIREMENTS: The regulations contained in this section shall apply to all signs and all use districts.
1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
 2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services;
 3. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
 4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
 5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
 6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 17.6 herein;
 7. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;

8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface;
9. No sign of any classification shall be installed, erected or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
10. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign;
11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign;
12. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

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

17.4 SIGNS PERMITTED IN ALL DISTRICTS:

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet;
2. Professional name plates are not to exceed four (4) square feet in area;
3. Signs denoting the name and address of the occupants of the premises are not to exceed two (2) square feet in area.
4. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution;
5. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

17.5 SIGNS PERMITTED IN BUSINESS AND MANUFACTURING DISTRICTS: The regulations set forth in this section shall apply to signs in all business and manufacturing districts.

1. In a business or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1½) square feet of sign area for each lineal foot of building width, or part of a building occupied by such enterprise by shall not exceed a maximum area of one hundred (100) square feet.
 2. In a business or manufacturing district, two off-premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1,200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.
- 17.6 TEMPORARY SIGNS: Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 17.2, the setback requirements in Section 17.8 – 17.11 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 17.0.
- 17.7 POLITICAL SIGNS: No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign material shall remove such material within two weeks following election day.
- 17.8 SIGN SETBACK REQUIREMENTS: Except as modified in Section 17.9 – 17.11 on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.
- 17.9 INCREASED SETBACKS: For every square foot by which any on-premises sign exceed fifty (50) square feet, the setback shall be increased by one-half (½) foot but need not exceed one hundred (100) feet.
- 17.10 SETBACKS FOR OFF-PREMISES SIGNS: If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.
- 17.11 SPECIAL YARD PROVISIONS: On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

17.12 **VIOLATIONS:** In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article 20 of this ordinance. Political signs posted in violation of Section 17.7 of this ordinance are subject to removal by the Zoning Inspector five (5) days after written notice of violation of Section 17.7 has been given.

ARTICLE 18

EXCEPTIONS AND MODIFICATIONS

18.0 LOT OF RECORD: When a lot which is an official lot of record at the time of adoption of this Ordinance does not comply with the area, yard, or other requirements of this Ordinance, such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

18.1 EXCEPTION TO YARD REQUIREMENTS:

1. Allowable Projections of Residential Structure Into Yards: Any Structure may project into the required yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided however, that such projection shall extend no closer to the street than either of the adjacent structures.

Architectural features of residential buildings such as window sills, cornices, roof overhangs, may project into the requirements provided such projection is not more than four (4) feet and does not reach closer than four (4) feet to any lot line.

2. Allowable Projections of Business Structures Over Sidewalk: Signs, awnings, canopies, marquees, are permitted to overhang the sidewalk in the commercial districts only, providing that overhanging signs are a minimum of eight (8) feet above the sidewalk at any point and that all other structures are a minimum of six (6) feet eight (8) inches above the sidewalk at any point.
- 3. Allowable Projection of Accessory Building Into Rear Yard: One-story accessory buildings may project into only rear yards abutting in an alley providing such projection extends not closer than five (5) feet to the rear lot line.

18.2 EXCEPTION TO HEIGHT LIMITS: The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, masts and aerals.

ARTICLE 19

YARD PROJECTIONS IN R-DISTRICTS

19.0 PROJECTIONS OF ARCHITECTURAL FEATURES: Certain architectural features may project into required yards as follows:

1. Cornices, canopies, eaves or other architectural features, may project a distance not exceeding 2 feet, 6 inches.
2. Fire escapes may project a distance not exceeding 4 feet, 6 inches.
3. An uncovered stair and necessary landings may project a distance not to exceed 6 feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding 3 feet in height.
4. Bay windows, balconies, uncovered porches and chimneys may project a distance not exceeding 3 feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

19.1 FENCES, WALLS AND HEDGES:

1. Barbed-Wire Fences or fences or walls having wire or metal prongs or spikes or cutting points or edges of any kind whatsoever shall be prohibited.

ARTICLE 20

ENFORCEMENT

- 20.0 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 administrative provisions of this ordinance.

All departments, officials and public employees of the Village vested with the duty or authority to issue permits and licenses shall conform with 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 provisions of this ordinance shall be null and void.

An appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals as provided in Article 21.

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

Upon written request from the owner or tenant the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this ordinance certifying after inspection the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this ordinance.

- 20.2 CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED: A zoning certificate shall be required for any of the following except as herein provided:

1. Construction or structural alteration of any building, including accessory buildings.
2. Change in use of an existing building or accessory building to a use of different classification.
3. Occupancy and use of vacant land.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a nonconforming use.

- 20.3 APPLICATION AND ISSUANCE OF ZONING CERTIFICATES: The following shall apply in the application and issuance of zoning certificates:

1. Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within thirty (30) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this ordinance.

2. Written application for a zoning certificate for the use of vacant land or for a change in the use of land or of a building or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this ordinance, the certificate therefore shall be issued within thirty (30) days after the application for same has been made.
3. Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started and all dimensions shown on filed plans shall be based on an actual survey.
4. Failure to notify the applicant in case of such refusal within the said thirty (30) days shall entitle the applicant to a zoning certificate unless the applicant consents to an extension of time.

20.4 GENERAL PROVISIONS:

1. Each plan shall show:
 - (a) The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - (b) The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - (c) The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - (d) The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
 - (e) Any other information which in the judgement of the Zoning Inspector may be necessary to provide for the enforcement of this ordinance.
2. Each plan shall bear statements declaring:
 - (a) That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
 - (b) Which abutting land was formally that of the owner of the land involved in the application and, if any, the approximate date of title transfer.
3. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.
4. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

5. A file of such applications and plans shall be kept in the office of the Zoning Inspector.
- 20.5 FEES: Fees shall be charged in accordance with the orders and directions of the Village Council.
- 20.6 VIOLATION AND PENALTIES: It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this ordinance or any amendment or supplement thereto adopted by the Village Council. Any person, firm or corporation violating any of the provisions of this ordinance or any amendment or supplement thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.
- 20.7 VIOLATIONS – REMEDIES: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in violation of this ordinance or any amendment or supplement thereto, the Village Council, the Village Solicitor, the Zoning Inspector or any adjacent or neighboring property owner who would be specially damaged by such violation may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violations; to prevent the occupancy of said building, structure or land; to prevent any illegal act, conduct business or use in or about such premises.

ARTICLE 21

BOARD OF ZONING APPEALS

- 21.0 **APPOINTMENT:** There is hereby established a Board of Zoning Appeals. The Board shall consist of three electors of Cairo who hold no other public office or public employment, selected by the Village Council for terms of three years for overlapping terms, and two from the Planning Commission. They shall serve without compensation. Vacancies shall be filled in the same manner for the unexpired terms. Members of the Board may serve two consecutive terms as a maximum. An unexpired term shall count as a full term if it is two years or longer. After a year shall have passed from the date of last service, any Board member is re-eligible for appointment for one or two terms. Service of Board members shall terminate one each January unless, in the discretion of the Mayor, pending hearings require the temporary continuation of the Board member whose term is to expire, but only until that business shall be completed. All appointments of Board members are by the Mayor with the confirmation of Council. Removal of members for cause upon written charges and after public hearing shall be in the jurisdiction of Village Council.
- 21.1 **PROCEDURE:** The Board shall adopt its own rules and elect its officers annually, a Chairman, Vice-Chairman and Secretary from its membership. The Chairman, or in his absences the Vice-Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Secretary shall keep minutes of the proceedings, indicating the vote of each member on each question, or if absent or failing to vote, so note. Also, the Secretary shall keep records of the Board's examinations and other official actions, all of which are to be immediately filed in the office of the Village and become public record. Finally, the Secretary shall conduct all official correspondence and supervise the clerical work of the Board. The duties of the Secretary may be cared for by the Village Clerk. Normally, notices of hearing and decisions of the Board shall be communicated directly to property owners affected and through newspapers and bulletin boards to the people of the Village.
- 21.2 **QUORUM:** Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision or determination of the Board from which there has been an appeal, except in the event that only three members of the Board are present at the meeting, their unanimous vote shall be sufficient for action.
- 21.3 **ASSISTANCE:** The Chairman of the Board may call upon the employees of the Village of Cairo for assistance in the performance of the duties of the Board.
- 21.4 **APPEALS, HEARINGS AND STAY OF PROCEEDINGS:** The following shall apply for Applications, Appeals and Hearings:
1. **Applications – When and By Whom Taken:** The Board shall have power to hear and decide applications for exceptions to and variances in, the application of resolutions, ordinances, regulations and orders of administrative officials or agencies governing zoning and building in the Village, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards and procedures as shall be prescribed by ordinance.

2. Appeals – When and By Whom Taken: An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Village Planning Commission or Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the board a notice of appeal specifying the grounds thereof. The Village Planning Commission or Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
3. Contents of Notice of Appeal or Application: No notice of appeal or application may be filed with the Board which does not contain drawings and written descriptions of the projects sufficient to inform the Board and the adjacent property owners and tenants within two hundred (200) feet of the property in question. In communicating to neighbors and to the newspapers, care shall be taken by the Board Chairman that the applicant's project is fairly described to the mutual satisfaction of applicant and Board before a hearing date shall be selected.
4. Hearings: The Board shall fix a reasonable time for the public hearing of the application or appeal and shall give written notice of said hearing to the parties in interest including all property owners within two hundred (200) feet of the property in question. Each application or appeal shall be accompanied by a check, payable to the Village of Cairo, or a cash payment, sufficient in the amount to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings, but in no event shall it be less than fifty (\$50) dollars. At the hearing, and party may appear in person or be represented by an agent or attorney. Normally, the applicant or appellant shall present his position first at the hearing. Others who choose to speak shall identify themselves and their support or opposition in advance, so that equal time can be afforded both views.

21.5 APPEAL FROM DECISIONS OF THE BOARD: Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department, board or bureau of the Village may present to the Court of Common Pleas of Allen County a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds for the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Appeals. Any such case shall be heard and determined by the Court without a jury.

21.6 DECISIONS OF THE BOARD: The Board shall decide all appeals within thirty (30) days after the date of notice of the required hearing thereon.

A signed copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

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

- 21.7 STAY OF PROCEEDINGS: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Mayor certifies to the Board after notice of appeal shall have been filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.
- 21.8 POWERS OF THE BOARD OF ZONING APPEALS: The Board of Zoning Appeals shall have jurisdiction of the following:
1. Conditional Uses, Special Exceptions and Interpretation of Zoning Maps: The Board shall have the power to hear and decide in accordance with the provisions of this Ordinance, applications filed as hereinbefore provided, for conditional uses, special exceptions or for interpretation of the Zoning Map or for decisions upon other special questions upon which the Board is authorized to pass by this ordinance. In considering an application for a conditional use, a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation – in addition to those expressly stipulated in this ordinance for the particular conditional use or special exception as the Board may deem necessary for the protection of adjacent properties and the public interest.
 2. Nonconforming Uses – Substitutions: If no structural alterations are made, any nonconforming use of a structure or structures and premises, may as a conditional use be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this ordinance.
 3. Temporary Structures and Uses: The Board may authorize the temporary use of a structure or premise in any District for a purpose or use that does not conform to the regulations prescribed elsewhere in this ordinance for the District in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
 4. Interpretation of Zoning Ordinance and Map: Were the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing shall interpret the map in such a way as to carry out the intent and purpose of this ordinance. In case of any question as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the ordinance, a request for interpretation of the Zoning Map or the textual provision in question may be made to the Board and a determination shall be made by said Board.

5. Presumptions: The presumption is that any property owner should be permitted the fullest enjoyment of this property and to make any improvements thereon which do not additionally adversely affect neighbors or the neighborhood, or the public interest.
6. Changes in Districting: Such presumption does not extend to changes in the property which appears to be, or to resemble changes to a different class or district for that property alone. This is particularly to be avoided in cases where this is found to be the first such property in the neighborhood to seek a shift in classification or to request the first major change in the character of the neighborhood.

No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property of the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to make reasonable practicable the formulation of a general regulation for such conditions or situation.

In such circumstances, the Board may request the views of the Planning Commission, Zoning Inspector or of Village Council, expressed in whatever way they may choose, and may read these views as part of the hearing process.

7. Central Village Plat: In variance proceedings where substantially the same structure will result from a tearing down and sensible rebuilding, with some modest enlargement, which technically violates the strict wording of the village ordinance, the Board would do well to keep in mind the age of the lot plan of the central part of the Village and the fact that most residents are now in technical violation if they were to seek to rebuild their present dwellings on the same foundation dimensions as lot lines.
8. Unusual Conditions: The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the terms, provisions or requirements of this ordinance as will not be contrary to the public interest; provided, however, cases where, owing to special and unusual conditions pertaining to a specific piece of property the literal enforcement of the provisions or requirements of this ordinance would result in practical difficulty or undue hardship, they act so that the spirit of the ordinance shall be upheld, public safety and welfare secured and substantial justice done.
9. Exceptional Circumstances: Whereby reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this ordinance or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulty or would cause unnecessary hardship - unnecessary to carry out the spirit and purpose of this ordinance - the Board shall have the power to authorize a variance from the terms of this ordinance so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or uses as it may deem necessary in the interest of the furtherance of the purposes of the ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary to enforce compliance with the conditions attached.

10. Hardships: Hardship cases for variance should be considered from all sides ...that which the owner will suffer (economic, aesthetic, inconvenience, lack of full enjoyment, inhibited modernization) and that which adjoining neighbors will receive (change in property value, encroachment of light or air space, change in general character of the neighborhood, aesthetic concerns).
11. Performance Violations: If the Zoning Inspector has grounds to believe that permits which may be issued may result in violations of performance standards outlined in Article 14, or in any other Articles of the Ordinance, he is entitled to seek the advice of the Board before granting any permit. The Board, by majority vote of its members or alternates in their place, is empowered to hear witnesses concerning the proposal which is questioned and to seek expert advice at the expense of the proponent, as agreed in advance, and paid for by him, or such permit shall not be issued, until the Board is satisfied no danger to the public exists.
12. Continued Supervision: If such permit is issued, continued supervision is expected by the Village Officials, and violations of its terms will result in action recommended by the Board and enacted by the Mayor and Council to enjoin further operations as a threat to life, property, health, safety and public environmental welfare. In accepting permits, the applicants expressly waive any defenses against such injunctions for nonperformance brought in the public interest; subject only to an appeal to Common Pleas Court while their operation is enjoined by such previously agreed upon procedure.
- 21.9 FEES: Fees shall be charged in accordance with orders and directions of the Village Council.

ARTICLE 22

DISTRICT CHANGES AND REGULATION AMENDMENTS

- 22.0 COUNCIL MAY AMEND ORDINANCE: Whenever, because of public necessity, convenience, general welfare or when good zoning practices require, the Village Council may by ordinance after recommendation thereon by the Village Planning Commission and subject to the procedure provided in this Article, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this ordinance or amendments thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Village Council. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this ordinance.
- 22.1 PROCEDURE FOR CHANGE: Applications for any change of district boundaries or classification of property as shown on the zoning map and for regulation amendments shall be submitted to the Planning Commission at its public office, on appropriate forms and all shall be accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include:
1. The name and street address of the petitioner.
 2. The lot number of any real estate owned by the petitioner adjacent or within the areas proposed to be changed.
 3. A list of names of the owners of property within, contiguous to and directly across the street from the parcel sought to be affected, including the addresses of such owners or if unknown a statement of that fact and the address of the property.
 4. An accurate legal description of the district or area proposed to be altered.
 5. An accurate map, diagram, or sketch of the district or area to be so altered and the lands contiguous thereto.
 6. Facts indicating that the proposed change requested will not be detrimental to the public health, safety or welfare and is in the public interest.
 7. The interest, if any, of the petitioner in the parcel, the subject of the petition.
- 22.2 COMMISSION HEARING, NOTICE: Before submitting its recommendations, an application or its own motion to the Village Council, the Planning Commission shall hold at least one (1) publication in a news media of general circulation in the Village at least ten (10) days before the date of such hearing. Within thirty (30) days after the public hearing, the Planning Commission shall recommend to council that the amendment be granted as requested or it may recommend a modification of its amendment requested, or it may recommend that its amendment not be granted.

- 22.3 **COUNCIL HEARING:** After receiving from the Commission the certification of said recommendation on the proposed amendment or supplement, and before adoption of such amendment, the Council shall hold a public hearing thereon at publication in a news media of general circulation in the village. If the proposed ordinance amendment intends to rezone or redistrict ten (10) or less parcels of land as listed in the tax duplicate, written notice of the hearing shall be mailed by the Clerk by first class mail, at least twenty (20) days before the date of the public hearing to the addresses of such owners appearing on the county auditor's current tax list.
- 22.4 **COUNCIL – FINAL ACTION:** Following such hearing and after reviewing the recommendations of the Commission, thereon, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance or the zoning map. The Council may overrule the recommendations of the Commission by four-sixth (4/6) vote of the full membership of the Council.
- 22.5 **MAP CHANGE PENDING – ZONING CERTIFICATE, BUILDING PERMIT:** Whenever the Council has taken under advisement a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, as evidenced by resolution of record, no zoning certificate or building permit shall be issued within sixty (60) days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated redistricting plan.
- 22.6 **FEES:** Each application for a zoning amendment except those initiated by the Commission shall be accompanied by a check deposited with the Clerk of the Commission, the sum of \$50.00 as a fee to cover investigations, notices by publication and other expenses as may be incidental to such determination of the matter. Such sums so deposited shall be transferred by the Clerk of the Commission to the Treasurer of the Village and credited to the General Fund thereof.