

ZONING CODE: AN ORDINANCE ZONING THE VILLAGE OF SOUTH POINT, OHIO PURSUANT TO OHIO REVISED CODE 713.01, ET SEQ.

BE IT ORDAINED by the Village of South Point, Ohio acting through its council that the following zoning ordinance be adopted for said Village, to-wit:

SECTION ONE: The following ordinance shall be known as the zoning code of the Village of South Point, Ohio.

SECTION TWO: ENFORCEMENT

It shall be the duty of the Village Administrator to administer and enforce this code by the grant or refusal of permits and occupancy authorizations in the accordance with the provision of this code.

SECTION THREE: PERMIT REQUIREMENTS, APPLICATIONS AND ISSUANCE

- (A) Before commencing or proceeding with the erection, construction, enlargement, or alteration, of any house, building or other structure, or any part thereof, a permit for such building or structural change shall first be obtained by the owner, or his agent, or the occupant thereof from the enforcement officer and it shall be unlawful to commence or proceed with any such work unless such permit is first obtained.
- (B) When a permit is issued, the operation called for by it shall be for a term of one year from its date and at the expiration of the period a new building permit shall be obtained in the same manner as provided for the original building permit, before the work can proceed further.
- (C) Applications for permits shall be filed in duplicate upon appropriate forms furnished by the enforcement officer accompanied by a lot or plat showing the dimension of the lot and the location and dimensions of the building. The application shall state:
 - A description of the type and extent of work to be done.
 - The use of the building or structure to be erected, enlarged or altered.
 - The exact location thereof, including the subdivision name, block number, lot number, street name and number.
 - The contractor employed for building or works upon the same.
 - If a new subdivision or division of property to which Ordinance 95-5, Subdivision Ordinance, would apply, then all information necessary to show compliance with Ordinance 95-5, which is incorporated herein.
 - If construction requires new or movement or replacement of existing water or sewage lines, then

sufficient drawings and information shall be supplied to the Administrator to determine if such installation would be acceptable to the Village.

- Verification that a building permit as required by separate Ordinance has been applied for or is not required.
 - Such other information or data as the enforcement officer may require.
- (D) A copy of all county and state permits, including building permits, shall be attached to the application. If these permits are changed or amended a copy of such shall be filed.

If the enforcement officer approves such application for a permit and such application is found to be in accordance with the provisions of this zoning code, and any other building requirements enacted by the Village, the enforcement officer shall make an entry of such approval upon the application, which shall thereupon be filed with the Village Clerk.

- (E) Upon approval of the application herein provided for, and upon the payment of required fees, a permit shall thereupon be issued to such person or persons to erect such building or structure.
- (F) Upon the Enforcement officer determining that there exists construction, enlargements or alteration of a house, building or structure without a permit or in violation of or beyond the scope of the permit, the Enforcement Officer may order all work to cease until an appropriate permit is obtained or accepted arrangements are made to bring the work into compliance with the permit.
- (G) The remodeling of a residence, wherein neither structural alteration, enlargement or change of use is involved does not require a zoning permit.

SECTION FOUR: OCCUPANCY AUTHORIZATION

- (A) After any building or structure has been constructed, enlarged or altered in accordance with the zoning permit under the provisions of this Code, the completion shall be reported to the enforcement officer who will then have the authority to authorize occupancy of the same certifying that the building or structure has been constructed in accordance with the permit and this Code and that the use if in a residential district is authorized by this code.
- (B) No house, building, or structure that has been constructed, enlarged or altered shall be occupied after such work is complete except as authorized by the permit itself or by subsequent authorization after completion of the work; unless exempted by Section 3 F.
- (C) No occupancy authorization is required if prior occupancy was permitted by this code and the occupancy never changed after completion of the work.

- (D) Upon the Enforcement Officer determining any use in a residential district is not authorized by this code, the Enforcement Officer may order occupancy to cease.
- (E) Any building requiring State of Ohio occupancy permit must provide evidence of said permit before Village Administrator will grant occupancy.

SECTION FIVE: CODE TO BE MINIMUM REQUIREMENT

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. This ordinance is not intended to change or modify any lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the enforcement of which is not within the purview of the Village.

SECTION SIX: SEVERABILITY

Should any section, clause or provision of this Code be declared by any court to be invalid, the same shall not affect the validity for the Code as a whole or any part thereof other than the part so declared to be invalid.

SECTION SEVEN: PENALTY

- (A) Whoever violates any provision of this Zoning Code or fails to comply with the code or with any requirement thereof or whoever erects, constructs, alters, enlarges, repairs, uses occupies, or has erected, constructed, altered, repaired or used any building, structures or land in violation of this Code or of a permit or authorization issued there under shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) and shall pay the costs of prosecution and each day during which such violation or failure to comply is permitted to exist may constitute a separate and distinct offense.
- (B) The owner of a building, structure or premises where anything that is a violation of this Code occurred as well as any architect, builder, contractor, agent, person or corporation employed in connection therewith, who may have assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be fined as provided by subsection (A) hereof.

SECTION EIGHT: DISTRICTS

- (A) For the purpose of the provisions and regulations of this Zoning Code, the Village hereby divided into classes of districts as follows: Residence, Industrial, and Business.
- (B) The boundaries of the districts as classified in this Section are established as shown on the Zoning Map, which forms a part of this Zoning Code and is placed on file in the office of the Village Clerk.

- (C) Properties abutting certain streets are designated to be in the following districts:
- Boundary Line starting at the West end and extending to Eisenhower Street shall be commercial, industrial and residential.
 - Fourth Street from Eisenhower Street extending to the East end of the Village shall be commercial and residential.
 - Eisenhower Street from Fourth Street to Sixth Street shall be commercial.
 - Sixth Street from Eisenhower Street North to Park Avenue on the West side shall be commercial and industrial - East side shall be residential.
 - Sixth Street from Park Avenue to property line going North West on the West side shall be industrial - East side shall be residential.
 - Park Avenue from High Street to Linden Avenue and High Street extending to halfway to Washington Avenue shall be commercial and residential
 - Solida Road from Fourth Street to the end of the Village East corporation line shall be commercial and residential.
 - Sand Road (Delta Lane) (County Road 60) from Solida Road to corporation line shall be commercial and residential
 - Hooper Drive from Fourth Street to River shall be commercial and residential.
 - North Kenova Road from Fourth Street to Glendon Avenue shall be commercial and residential.
 - Fourth Street from Solida Road to The Point property shall be commercial.
 - Scioto Avenue from North Kenova Road West to Anita Avenue shall be commercial.
 - All other said properties not mentioned shall be residential only.

SECTION NINE:

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

- (A) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following shall apply:
- (1) Boundaries indicated as approximately following the centerlines or right of way lines of streets, highways or alleys shall be construed to follow such centerlines.
 - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- (3) Boundaries indicated approximately following Village limits shall be construed as following Village limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following rivers and streams shall be construed to follow the approximate centerline of such river or stream and in the event of change in such river or stream shall be construed as moving with the actual centerline.
- (6) Boundaries indicated as parallel to, or extensions of, features indicated in subsections (A) (1) to (5) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (7) Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by subsections (A) (1) to (6) hereof, the Board of Zoning Appeals shall interpret the district boundaries in accordance with Section 16.

SECTION TEN: APPLICATION OF DISTRICT REGULATIONS

Except as otherwise provided:

- (A) No building, structure or land shall hereafter be used or occupied And no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located
- (B) Within each district, the regulations set by this Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- (C) All territories hereafter annexed to the Village shall be zoned at the time such territory is annexed.

SECTION ELEVEN: RESIDENCE DISTRICT

- (A) It is the purpose of this residence district to encourage establishment and the preservation of residential neighborhoods characterized by high density development, appropriate levels of service and choice of tenancy. Nonresidential uses permitted in this district shall be limited to those uses and buildings that will provide stability and dignity to the area as a residential neighborhood.
- (B) PERMITTED USES: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following:

- (1) Religious and Cultural: Churches, synagogues and other places of worship, Sunday School buildings, state chartered schools for academic instructions, public libraries, museums, art galleries.
- (2) Public Facilities: Publicly owned and operated facilities by the Municipal government as required to provide service to the residential area. Such facilities to include parks, playgrounds, recreation and community center buildings and similar recreational uses including structures and concessions as are necessary for their operation, administrative buildings and utility stations
- (3) Residential: Single family unit dwellings. No more than one dwelling unit shall be contained within any one building. This limitation shall not apply to residential condominiums so long as each condominium unit is being purchased by an individual and the condominium development meets the requirements as set forth in ORC 5311.01 ET SEQ. To qualify as a condominium, the structure the condominium is contained within shall contain only residential condominiums.
- (4) Offices for Physicians, Surgeons, Dentists and other health care professions such as Optometrists, Chiropodists and Chiropractors providing there is written consent of sixty percent of the adjacent property owners, or agents, and off-street parking is available to accommodate one space (10 feet by 20 feet) for each 400 feet of floor area.

Note: Minutes of 10/2/2012
 Mr. Gaskin motioned to correct Clerical error in Ord 12-07 section Eleven (B)(4) changing the word Professions to Professionals. Mrs. Arthur seconded. Roll call -- Yes by all.

(C) ACCESSORY USES AND BUILDINGS: Accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use located on the same lot therewith including:

- (1) Residential: Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
- (2) Customary Home Occupations: Customary home occupations such as handicrafts, dressmaking, millinery, laundry, preserving and home cooking, provided that not more than 1/4 of the area of one floor of the residence shall be used for such purposes. In addition, such customary home occupation shall meet the criteria as specified herein. Customary home occupations shall meet the following criteria:
 - (a) No unreasonable use of material or mechanical equipment not recognized as being part of and compatible with normal household use.
 - (b) The use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal to the district in which located.
 - (c) It shall not involve the use of commercial vehicles for delivery of materials to or from the

premises.

- (d) It shall not involve the use of signs other than one non illuminated sign not over one square foot in area and attached flat against the principal building and there shall be no public display of goods.
- (e) No accessory building or space outside of the principal building shall be used for such purposes.
- (f) No special space within the principal building shall be designed or arranged for such use nor shall it require any internal or external alterations or involve construction features not customary to dwellings either by color, materials or construction, lighting, sound or notice vibration or electrical interference, etc.
- (g) There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.

(3) Accessory Buildings: Accessory buildings and structures customarily incident to any principal use and including: Private garages, off-street parking and temporary buildings for uses incidental to construction of work which building shall be removed upon completion or abandonment of the construction work.

- (D) No house, building or structure in a Residential District shall be occupied for any use other than a single family dwelling or as set forth in this section.
- (E) When use or occupancy of a house, building or structure in a residential district changes, such use or occupancy shall not occur until authorized by the Enforcement Officer upon the permit required in Section 3 or by separate authorization if no permit is required under Section 3.

SECTION TWELVE: BUSINESS DISTRICTS

Any legal business or industry otherwise permitted by law may be established in the business district.

SECTION THIRTEEN: Notwithstanding the foregoing, it shall be lawful for residences to be placed, erected, built, expanded and otherwise to exist in the business and industrial areas.

SECTION FOURTEEN: FARMING

Farming shall not be prohibited in any business or industrial areas herein.

SECTION FIFTEEN: INDUSTRIAL

Any legal industry is permitted.

SECTION SIXTEEN: BOARD OF APPEALS

(A) ESTABLISHMENT.

A Board of Appeals is hereby established to administer the details of the application of the regulations of this Code and to determine their application in harmony with their general purpose and intent in accordance with the general provisions of this Code. The Village Council shall serve as and in place of the Board unless and until the Council votes to create the Board. If so the Board shall consist of five non-salaried members appointed by the Mayor to serve for three years each without compensation, except that the terms of the two new members to be appointed shall be for two and three years respectively.

(B) HEARINGS.

Hearings shall be public, but any hearing on any appeal case shall be preceded by an application for the appeal in writing filed with the enforcement officer not less than six days in advance of the hearing and by notice of the filing of such application as herein provided. The appellant shall make a deposit with the Village Clerk, the sum of one hundred dollars (\$100. 00), but he shall receive back from the Village, after the disposition of the appeal, any unexpended balance of his deposit. The appellant shall be required to notify in writing by certified mail interested owners or persons, including adjacent land owners, concerning the time, place, and purpose of the hearing and the location and ownership of the property in question unless such notice is waived by the council.

The clerk shall make a recording of any hearing and appellant will bear any cost including transcription.

(C) APPEALS.

Appeals to the Board (Council) may be taken by any person, firm, corporation, officer, board or commission of the Municipality affected by any grant or refusal of a building permit or by any other decision of the enforcement officer in regard to the requirements of this Code. Such appeal shall be filed within thirty days from the ruling upon an appropriate form furnished by the administrator for an appeal. The Board (Council) may, in accordance with the provisions of this Code, refuse or affirm, wholly or partly, the appeal.

(D) VARIANCES.

The Board (Council) shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this Code as will not be contrary to the public interest, but only in the case of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions or circumstances, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land or buildings involved. No variance from the strict application of any provision of

this Code shall be granted by the Board (Council) unless it finds, beyond reasonable doubt, that all of the following facts and conditions exist:

- (1) There are special circumstances or conditions fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that such circumstances or conditions are such that the strict application of the provisions of this Code would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land or building.
 - (2) The variance as granted by the Board is the minimum variance that will accomplish the reasonable use of the subject land or building.
 - (3) The benefit to the property owner and the Village as a whole would out-weigh any detriment cause to any individual(s).
- (E) Any application for variance which could be approved through rezoning to any other classification shall not be approved as a variance since this act would be equal to rezoning.

SECTION SEVENTEEN: I. ADULT ENTERTAINMENT FACILITIES DEFINITIONS

A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

A. ADULT BOOK STORE.

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.

B. ADULT MINI MOTION PICTURE THEATER.

A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing relating to "specified sexual activities" or "specified sexual activities" or "Specified anatomical areas", of observation by patrons therein.

C. ADULT MOTION PICTURE THEATER.

A facility with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein.

D. ADULT ENTERTAINMENT BUSINESS.

Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live

males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

E. SPECIFIED SEXUAL ACTIVITIES.

1. Human genitals in state of sexual stimulation or arousal;
2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
3. Fondling or other erotic touching of human genitals, public regions, buttock or female breasts.

F. SPECIFIED ANATOMICAL AREAS.

1. Less than completely and opaquely covered human genitals public region, buttock, and female breasts below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

II. ADULT ENTERTAINMENT FACILITIES USE

Adult entertainment facilities are conditionally permitted in the Industrial and Business zoning districts only, and subject to the conditions hereafter set forth.

CONDITIONS:

1. No adult entertainment facility shall be established within 500 feet of any area zoned for residential use.
2. No adult entertainment facility shall be established within a radius of 1000 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of 1000 feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of 1000 feet of any other adult entertainment facility or within a radius of 2000 feet of any two of the following establishments:
 - a. Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dangers, strippers, male or female impersonators, or similar entertainers.
 - b. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - c. Pawn shops.

- d. Pool or billiard halls.
 - e. Pinball Palaces, halls or arcades.
 - f. Dance Halls or discotheques.
5. No adult entertainment facility shall be established within a radius of 1000 feet of any church, synagogue Sunday school, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
 6. No advertisements, displays or other promotional materials shall be shown or exhibited as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semipublic.
 7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi public areas.
 8. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public or semi-public areas.

SECTION EIGHTEEN: DEFINITIONS

- (A) For the purpose of this Zoning Code, certain terms and words are hereby defined. Words used in the present tense include the future; the singular number includes the plural and the plural the singular. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "occupied" includes the words "designated or intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used"; and the word "shall" is mandatory and not directory.
- (1) "Accessory building" means a building subordinate to the main or principal building on the lot and used for the purposes customarily incidental to those of the main or principal building.
 - (2) "Accessory use" means a subordinate use of a portion of the lot or premises which is incidental to the main use of the lot or premises.
 - (3) "Alley" means a public or private way not more than thirty feet wide affording only secondary means of access to abutting property.
 - (4) "Apartment" means a room or suite of rooms in a multi-family or multi-use building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

- (5) "Basement" means a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by other than a janitor employed on the premises.
- (6) "Board" means the Board of Appeals.
- (7) "Boarding house" means an abode, not a public inn, in which sleeping rooms for more than four persons for lodging with meals are provided for compensation.
- (8) "Building" means any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.
- (9) "Building line" means a line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from the right-of-way line.
- (10) "Building height" means the vertical distance from the average grade at a building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- (11) "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated as a cemetery for such purposes.
- (12) "Church or synagogue" includes the following: church, synagogue, rectory, parish house or similar building incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.
- (13) "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board, room or kept overnight on the premises.
- (14) "Club" means a non-profit association of persons who are bona-fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
- (15) "Convalescent, nursing or rest home" means any building or group of buildings providing personal assistance or nursing care for those dependent upon the services by reason of age or physical or mental impairment but not for the treatment of contagious diseases, addicts or mental illnesses.
- (16) "Court" means an open unoccupied and unobstructed

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

- (17) "District" means any section of the village the regulations governing the use of buildings and premises and the height and area of buildings are uniform.
- (18) "District line" means the boundary line between two zoning districts.
- (19) "Dwelling unit" means space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.
- (20) "Dwelling, single-family" means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.
- (21) "Dwelling, two-family" means a building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.
- (22) "Dwelling, multi-family" means a building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.
- (23) "Dwelling, industrialized unit" means an assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement.
- (24) "Dwelling, mobile home" means a detached dwelling unit designed to be repeatedly transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling and connection operations; but which involves no substantial reconstruction which would render the unit unfit as a conveyance on the highway. The unit shall be considered as real property if such reconstruction is undertaken.
- (25) "Drive-in restaurant" means any eating or drinking establishment designed for food or drinks to be consumed by persons in vehicles parked on the premises.
- (26) "Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons.
- (27) "Garage, private" means any accessory building designed or used for the storage of motor-driven vehicles which are owned by the occupants of the

building to which it is accessory.

- (28) "Garage, public" means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.
- (29) "Home occupation" means any occupation which is customarily incidental to the principal use of the premises and is conducted by a resident occupant.
- (30) "Hospital" means an institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central services facilities and staff offices which are an integral part of the facility.
- (31) "Hotel" means a public inn, in which there are sleeping rooms for more than six persons, without provision for cooking in any individual room or suite.
- (32) "Inn" means a place or shelter with sleeping rooms for more than six persons, open to the public for compensation but without provision for cooking in any individual room or suite.
- (33) "Junk yard" means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled; including auto wrecking yards, house wrecking yards, used material yards, but not including pawn shops, antique shops and places for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.
- (34) "Lodging house" means an abode, not a public inn, in which sleeping rooms for more than three persons are provided for compensation.
- (35) "Lot" means a distinct parcel of land on which a principal building and its accessories are placed, together with the required open spaces, and of which the location, dimensions and boundaries are determined by the latest official record or survey.
- (36) "Lot depth" means the mean average distance from the front line to the rear line of a lot for, in the case of corner lots, the average length of the longer sides.
- (37) "Lot width" means the mean distance between the side lines.
- (38) "Motel" means a series of attached or detached sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access of off-street parking spaces for the exclusive of the guests or occupants.
- (39) "Nonconforming use" means a building, structure or premise legally existing and/or used at the time of

adoption of this Zoning Code, or any amendment thereto, and which does not conform with the use provisions of this Zoning Code for the district in which the premises are located.

- (40) "Sign" means a name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, idea or business. However, a sign shall not include any display of official court or public office notices, nor shall it include the flag, separate emblem or insignia of a nation, political unit or school or religious group, or incombustible tablet or lettering built into the wall of a building or structure. A sign inside a building is not included unless its face is visible only from the exterior of a building. Each display surface of a sign shall be considered to be a sign.
- (41) "Sign, advertising (billboard, signboard)" means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.
- (42) "Sign, business" means a sign which directs attention to a business or profession conducted or to a commodity, service or entertainment-sold or offered upon the premises where such sign is located or to which it is affixed.
- (43) "Sign, flashing" means any illuminated sign including any sign illuminated by reflected or refracted light on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Zoning Code, any revolving illuminated sign shall be considered a flashing sign.
- (44) "Sign, surface area" means the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. Such perimeter shall not include any structural elements lying outside of the display. The area of a sign having more than one display surface shall be computed as one-half of the total of the exposed exterior surface.
- (45) "Setback line" means the building line parallel to the front lot line and located at the foremost portion of the building.
- (46) "Story" means that portion of a building, other than a basement, including 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.
- (47) "Street" means a public street which is a passageway over twenty feet wide, dedicated, platted and recorded

as a street and commonly used for travel.

- (48) "Street or alley line" means the dividing line between the right of way of a street or alley and a lot.
- (49) "Structure" means anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground.
- (50) "Structural alterations" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
- (51) "Trailer (including automobile trailer and mobile homes)"¹ means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- (52) "Trailer park or mobile home park" means any lot or part thereof or any parcel of land which is used or offered as a location for two or more trailers used for any purpose set forth in subsection (a)(51) hereof.
- (53) "Vacant" means lacking in use or occupation, in whole or in part, by any nonconforming use for a period of one year.
- (54) "Yard" means a required open space unoccupied and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward; except roof overhangs including gutters may extend into any yard up to twenty-four inches but in no case shall it be closer than two feet to any property line. However, fences and walls may be permitted in any yard subject to height limitations as indicated herein.
- (55) "Yard, front" means a space, from the ground up, unoccupied except by steps and extending the full width of the lot between the extreme line of a building and the street line.
- (56) "Yard, rear" means a space, from the ground up, unoccupied except by steps or an uncovered porch and extending the full width of the lot between the extreme rear line of a building and the rear lot line.
- (57) "Yard, side" means a space, from the ground up, unoccupied except by steps and extending the full length of a building between the building and the side lot line.

SECTION TWENTY-ONE: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION TWENTY-TWO: This Ordinance does revoke and replace Ordinances 83-14, 97-5 and 09-02.

Adopted this 5th day of June , 2012



Ron West, Mayor

Attest: 

Scott Thomas, Clerk

1st Reading April 3, 2012
2nd Reading May 1, 2012
3rd Reading June 5, 2012

Prepared By: Randall L. Lambert
 Village Solicitor