

# **Z O N I N G   O R D I N A N C E**

## **A N T W E R P ,   O H I O**

**45813**

**Revised November 21, 2022**

## **PREAMBLE**

An Ordinance of the Village of Antwerp, Ohio, enacted in accordance with a Comprehensive Plan and the Provisions of Chapter 713, Ohio Revised Code, dividing the Village into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Ordinance, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof,

Therefore be it ordained by the Council of the Village of Antwerp, State of Ohio:

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**ARTICLE 100 TITLE, INTERPRETATION, AND ENACTMENT**

**SECTION 101 TITLE.**

This ordinance shall be known and may be cited to as the “Zoning Ordinance of the Village of Antwerp, Ohio.”

**SECTION 102 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

**SECTION 103 SEPARABILITY CLAUSE.**

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 104 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE.**

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

**ARTICLE 200 PROVISIONS FOR OFFICIAL ZONING MAP**

**SECTION 201 OFFICIAL ZONING MAP.**

The districts established in Article 300 of this ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

**SECTION 202 IDENTIFICATION OF THE OFFICIAL ZONING MAP.**

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village.

**SECTION 203 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.

**ARTICLE 300 ESTABLISHMENT AND PURPOSE OF DISTRICTS**

**SECTION 301 INTENT.**

The following zoning districts are hereby established for the Village of Antwerp, Ohio:

- 302 A-1 Agricultural District**
- 303 R-1 Single Family District**
- 304 R-1-A Single Family District - Alternate**
- 305 R-2 Multiple Family District**
- 306 B-1 Downtown Business District**
- 307 I-1 Industrial District**
- 308 I-2 Industrial Grain District**
- 309 B-2 Gateway Business District**

For the interpretation of this ordinance the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this ordinance and the specific purposes of each zoning district as stated herein.

**SECTION 302 A-1 AGRICULTURAL DISTRICT.**

INTENT: To preserve agricultural lands for continued cultivation and general farming purposes.

**302.01 Permitted – see also table in section 311.**

- a) Crop Cultivation
- b) Road side produce or farm product stands

**302.02 Conditional Uses.**

- a) Specialized animal raising and care
- b) Commercial billboards or advertising structures
- c) Quasi(Semi)-public uses

**302.03 Accessory Uses.**

- a) Farm Homestead
- b) Quarters for seasonal employees
- c) Barns, silos, and similar structures or facilities customary and incidental to farming operations.

**302.04 Yard Requirements.**

No yard setbacks shall be required



**302.05 Height.**

The height of structures shall not be regulated.

**302.06 Off-Street Parking Requirements.**

See Section 311

**SECTION 303**

**R-1 SINGLE FAMILY DISTRICT.**

INTENT: To preserve, protect and enhance the qualities, integrity and desirability of homogeneous single family dwelling units.

**303.01 Permitted – see also table in section 311.**

- a) Single family detached dwelling units
- b) Schools, libraries governmental buildings, treatment plants and governmental facilities of a similar nature.
- c) Churches

**303.02 Conditional.**

- a) Hospitals
- b) Nursing homes
- c) Public utility substations & transmission facilities
- d) Home occupations
- e) Resident office space
- f) Funeral Home

**303.03 Accessory Uses – see also table in Section 311.**

- a) Garages
- b) Greenhouses
- c) Accessory buildings
- d) Swimming Pools

**303.04 Yard Requirements.**

- a) Front Yard: The minimum front yard setback shall be 55 ft. from the centerline of the street.
- b) Side Yards: A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimension of each side yard shall be 5 ft.
- c) Rear Yard: The minimum rear yard setback shall be 5 ft.
- d) Height: No building shall be constructed in excess of 2-1/2 stories or 35 ft. in height.
- e) Parking/Garages/Vehicles
  - (i) A minimum of two off street parking spaces shall be provided.
  - (ii) Garages shall meet all buildings set back requirements.

- (iii) Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if they have a current license.
- f) Density: The maximum density permitted shall be 4 dwelling units/acre.

**303.05 Off-Street Parking Requirements.**

See Section 311

**303.06 Garbage and refuse storage.**

The storage of garbage shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. All garbage shall be stored in fly tight, rodent proof containers and be placed at designated pick up points for no more than 24 hours prior to pick up.

**SECTION 304**

**R-1-A SINGLE FAMILY DISTRICT – ALTERNATE.**

INTENT: It is the intent of this article to regulate the location of mobile homes and to encourage, stabilize, and protect the development of well-planned mobile home parks.

**304.01 Permitted, Conditional and Accessory Uses – see also table in Section 311.**

- a) Single family detached dwelling units
- b) Schools, libraries governmental buildings, treatment plants and governmental facilities of a similar nature.
- c) Churches
- d) Mobile Home Park

**304.02 Approval Procedures.**

Mobile home parks may be located only in R-1-A districts. For mobile home parks, the requirements of Sections 304 and 305 of this ordinance shall govern. Procedure for approval of mobile home parks shall follow the procedure as specified in Sections 304, inclusive.

**304.03 General Standards for Mobile Home Parks.**

The Commission and Board of Zoning Appeals shall review particular facts and circumstances of each proposed mobile home park in terms of the following standards and shall find adequate evidence showing that the mobile home development:

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;  
Will not be hazardous or detrimental to existing or future neighboring uses;
2. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
3. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
4. Will be consistent with the intent and purpose of this ordinance and the comprehensive plan;
5. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
6. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance; and
7. Will meet all the requirements of the Ohio Revised Code and Sanitary Codes.

#### **304.04 Contents of Application.**

A written application shall be filed with the Chairman of the Commission. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Present use;
4. Present zoning district;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Commission may require to show the relationship of the development to the comprehensive plan;
7. A plan at a scale approved by the Commission showing the location and dimensions of streets, and other roadways; lots; typical lot improvements; areas for recreation, storage, and off or on street parking; buffering, screening, or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways, and such other things the Commission deems necessary; and

8. The fees as established by the Village or Village Council.

**304.05 Mobile Home Park Requirements.**

Mobile home parks shall meet the requirements of Section 304, inclusive.

**304.06 Park Size.**

A mobile home park shall contain a minimum of five (5) acres.

**304.07 Density.**

The maximum density shall not exceed six (6) mobile homes per gross acre.

**304.08 Width and Depth.**

The minimum width of the mobile home development shall not be less than two hundred fifty (250) feet. The ratio of width to depth shall not exceed one to five (1:5).

**304.09 Yards.**

All mobile homes or accessory buildings shall be located no closer than thirty-five (35) feet from the front property lines, nor closer than twenty (20) feet from the side or rear property line. However, if the side or rear property line abuts an arterial street as shown on the Major Thoroughfare Plan, the minimum side or rear yard shall be thirty-five (35) feet.

**304.10 Access.**

All mobile home parks should have access to adequate collector streets with a right-of-way not less than fifty (50) feet in width. Marginal access roads may be required if deemed necessary for mobile home parks that would have direct access onto an arterial street.

**304.11 Streets.**

The design and construction of the interior street system shall be sufficient to adequately serve the size and density of the development. All streets shall be paved and curbs and gutters shall be installed. The pavement width of all streets shall not be less than thirty (30) feet. The design and construction of the interior street system shall conform to the requirements of the Village engineer. Parking on interior streets shall not be permitted unless the pavement width is thirty-five (35) feet at a minimum. Street width shall be measured from back of curb to back of curb.

**304.12 Walkways.**

All mobile home parks shall have paved pedestrian walkways at least four (4) feet in width. The location of necessary walkways shall be decided by

the Commission and Board and may vary relative to location, intensity of use, and location of recreational areas and service buildings.

**304.13 Recreation and open Space.**

At least ten (10) percent of the gross land area of the mobile home park shall be reserved for recreational and open space uses. This figure is in addition to any other open areas required by yard requirements or other sections of this ordinance. A clustering of units is encouraged.

**304.14 Buffering and Screening.**

The outer boundaries of a mobile home park shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than twenty (20) feet in width, located along all park boundaries. The type of plantings shall be approved by the Commission and Board. This green strip may be in a yard adjacent to a street or road, provided all other provisions of the ordinance are met.

**304.15 Mobile Home Lot Requirements.**

Individual mobile home lots within mobile home parks shall conform to the requirements of Sections 304.16 to 304.28, inclusive of this ordinance.

**304.16 Lot Size.**

Each mobile home lot shall contain a minimum area of four thousand (4,000) square feet.

**304.17 Lot Width and Depth.**

The minimum width of each mobile home lot shall be forty (40) feet and the minimum depth of each lot shall be one hundred (100) feet. The minimum width of corner lots, however, shall be fifty (50) feet.

**304.18 Clearance.**

There shall be a minimum clearance of twenty (20) feet between individual mobile homes.

**304.19 Driveway and Parking.**

Each mobile home lot shall be provided with a paved driveway to accommodate off street parking for two (2) vehicles. The size of the driveway shall not be less than four hundred (400) square feet.

**304.20 Walkway.**

Each mobile home lot shall be provided with a three (3) foot walkway leading from the main entrance to the main walkway or adjacent street.

**304.21 Mobile Home Stand.**

Each mobile home lot shall be provided with a stable base upon which to place the mobile home. This base shall be approved by the Commission and Board.

**304.22 Patio.**

Each mobile home lot shall be provided with a paved patio area at least one hundred (100) square feet in area. The patio should be located on the entrance side of the mobile home.

**304.23 Anchors.**

Each mobile home lot shall be provided with anchors and tie downs such as cast-in-place concrete “dead men” eyelets imbedded in the concrete runways, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.

**304.24 Corner Markers.**

The four (4) corners of each mobile home lot shall be marked in a manner acceptable to the Commission and Board.

**304.25 Skirting.**

Each mobile home shall be skirted, entirely enclosing the bottom section, within ninety (90) days after its placement.

**304.26 Landscaping.**

On each mobile home lot at least one (1) deciduous hardwood tree a minimum of one and a half (1 ½”), caliper shall be planted in the front yard.

**304.27 Floor Area.**

Each mobile home placed within the mobile home park shall have a minimum area of four hundred (400) square feet.

**304.28 Height.**

The maximum height of mobile homes and accessory buildings shall not exceed twenty (20) feet.

**304.29 Mobile Home Utilities and Other Services.**

Mobile home park utility and other services shall conform to the requirements of Sections 304-30 to 30 .37, inclusive of this ordinance.

**304.30 Storm Drainage.**

Within each mobile home park storm drainage shall be provided in accordance with the following requirements:

1. All areas of a mobile home park shall be graded in a manner so that there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties.
2. Open drainage ditches are prohibited. All drainage systems shall be designed in accordance with the Village engineer.

**304.31 Water.**

Within each mobile home park there shall be installed a water supply and distribution system in conformance with the requirements of the Ohio Department of Health. Each mobile home lot shall be connected to this system.

**304.32 Sewage Disposal.**

Within each mobile home park there shall be installed a sanitary waste distribution system which shall be connected with the municipal sewer system where available. Where a municipal sewer system is not available, a central treatment plant shall be located, constructed, and maintained in accordance with the regulations of the Ohio Department of Health. Each mobile home lot shall be connected to this system.

**304.33 Electrical System.**

Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code and local codes to provide not less than sixty (60) amperes of power capability. All equipment shall be grounded and weatherproofed.

**304.34 Lighting.**

All interior streets and walkways shall be lighted by not less than three-tenths (3/10) foot candle of artificial light.

**304.35 Underground Utilities.**

Within each mobile home park, all utility lines, including those for electricity and telephone service shall be located underground.

**304.36 Garbage and Refuse Storage.**

The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. The containers shall be located no more than one hundred fifty (150) feet from any mobile home lot, and shall be collected at least once weekly.

**304.37 Fire Protection.**

Within each mobile home park there shall be provided a fire protection system approved by the Ohio Department of Health and the local fire authority. Standard fire hydrants should be located within four hundred (400) feet of all mobile homes. If standard fire hydrants are not feasible, there shall be installed within three hundred (300) feet of each mobile home lot a two (2) inch frost protected riser with a two and one half (2-1/2) inch hose connection. Portable fire extinguishers should be provided at convenient and accessible locations.

**304.38 Service Building.**

Service buildings may be provided by the management for offices, repair and storage, laundry facilities, and indoor recreation areas. No such building shall be located closer than fifty (50) feet from any mobile home.

**304.39 Supplementary Conditions and Safeguards.**

In approving any mobile home park, the Commission may recommend and the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of this ordinance and punishable under Section 512 of this ordinance.

Mobile home parks shall also meet the requirements of Chapter HE-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code Section 3733-02.

**SECTION 305**

**R-2 MULTIPLE FAMILY DISTRICT.**

INTENT: To provide alternatives to single family dwelling units which can meet the housing needs of those persons who do not elect single family home ownership.

**305.01 Permitted – see also table in section 311.**

- a) Single family detached dwelling units
- b) Two Family dwelling units
- c) Three family or more dwellings
- d) Schools, libraries, governmental buildings, treatment plants and governmental facilities of a similar nature.
- e) Churches

**305.02 Conditional – see also table in section 311.**

- a) Hospitals & clinics
- b) Nursing homes, assisted living, extended care facilities
- c) Funeral Homes



- d) Public utility substations & transmission facilities
- e) Home Occupations
- f) Resident Office Space

**305.03 Accessory Uses – see also table in Section 311.**

- a) Residential Garages
- b) Outbuildings.
- c) Greenhouse
- d) Resident parking areas
- e) Swimming Pools

**305.04 Yard Requirements.**

- a) Front Yard: The minimum front yard setback measured from the centerline of the street, shall be:

55 ft. for Single family detached  
55 ft. for two-family D. U.  
65 ft. for Apartment buildings

- b) Side Yards:

1. Single family D.U. or Two-family D. U. A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimension of each side yard shall be 5 ft.
2. Apartment Buildings – A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimensions of each side yard shall be 10 ft. Side yards between two or more structures on the same parcel shall maintain a distance not less than the height of the tallest building. Whenever an apartment building is constructed adjacent to an R-1 District, the required side yard between such building and R-1 District shall be no less than one-half the height of the apartment building.

- c) Rear Yards

1. Single family D. U. or two-family D. U. The minimum rear yard setback shall be 5 ft (per Ordinance 2009-17)
2. Apartment Building – The minimum rear yard requirement shall be 1-1/2 times the height of the tallest apartment building.

- d) Height – No structure shall be erected in excess of 3 stories or 40 ft.

- e) Parking Requirements - also See Section 311

1. Single or two-family D.U.
  - a. A minimum of two off street parking spaces shall be provided.
  - b. Garages shall meet all building set back requirements.
2. Apartment building – A minimum of two off street parking spaces per dwelling unit shall be provided.
3. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zone property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard of they have a current license.

## **SECTION 306**

### **B-1 BUSINESS DISTRICT.**

INTENT: To provide for downtown retail activity, along with housing options and professional and service uses in a downtown environment.

#### **306.01 Permitted – see also table in section 311.**

- a) Upper floor dwelling units
- b) Schools, libraries, governmental buildings-
- c) Churches
- d) Hospitals & clinics
- e) Funeral homes
- f) Personal service businesses including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios and similar businesses (not including a drive in or drive through facility).
- g) General merchandising including, but not limited to, hardware, clothing, dry goods, groceries, dairy products, catalogue sales, office supplies, drug stores
- h) Production and sales of art and art-related products such as pottery, paintings, graphic design, sculpture, jewelry, etc.
- i) Financial Institutions and Restaurants (not including a drive in or drive through facility).
- j) Professional Offices
- k) Youth Activity Center
- l) Lodges, fraternal organizations, private clubs
- m) Physical fitness center
- n) Theaters (indoor)
- o) Pharmacy
- p) Coffee Shops

**306.02 Conditional.**

- a) Nursing homes, assisted living, extended care fac.
- b) Public utility substations & transmission facilities
- c) Financial Institutions and Restaurants (including a drive in or drive through facility).
- d) Any retail or service business that involves a drive in or drive through
- e) Motels and hotels.
- f) Gas Station (with or without convenience retail and or drive in or drive through facility)

**306.03 Yard Requirements.**

- 1. Front Yard – No front yard setback required
- 2. Side Yard – No side yard setback requirement if fire resistant construction materials are utilized.
- 3. Rear Yard – A minimum rear yard setback of 30 ft. shall be required.
- 4. Height – The maximum permissible height shall be 3 stories or 40 ft.

**306.04 Off-Street Parking Requirements.**

No off-street parking is required in the B-1 Zoning District.

**SECTION 307**

**I-1 INDUSTRIAL DISTRICT.**

INTENT: To provide employment opportunities through orderly industrial development consistent with the objective of restricting noxious aspects of industrial uses from adversely affecting less intensive development.

**307.01 Permitted – see also table in section 311.**

- (a) Any use permitted in the B-1 District excepting residential uses.
- (b) Light manufacturing uses including but not limited to, bottling plants, contractor storage yards, lumber yards, concrete batch plants, food or dairy processing grain storage railroad yard or shops, trucking terminals or uses of a similar nature.
- (c) Billboards or advertising structures.

**307.02 Conditional.**

- (a) Any industrial activity which by virtue of its operation or nature constitutes a significant risk to the general health safety and welfare of the community (i.e. smoke, noise dust, flammability volatile liquids, etc.) including gasoline tank farms, forging, animal slaughter houses, quarries or uses of a similar nature.

**307.03 Accessory Uses.**

Any accessory use or structure customarily associated with, but incidental to the primary use shall be allowed.

**307.04 Yard Requirements.**

No building, structure or permanent improvement of any kind shall be permitted within 100 feet of a property line, except:

- (a) parking areas which shall be not less than 30 feet from a property line;
- (b) fences or security guard substations;
- (c) utility or lighting poles required for service.

**307.05 Height.**

The height of structures shall not be restricted.

**307.06 Parking Requirements – see also Section 311.**

A minimum of one (1) off-street parking space shall be required for each employee on the major work shift and one (1) space for each company vehicle.

**307.07 Off-street Loading and Unloading.**

Reasonable off-street loading and unloading facilities, including docks, shall be provided as determined by the zoning inspector.

**SECTION 308**

**I-2 INDUSTRIAL GRAIN DISTRICT**

INTENT: To provide growth opportunities through orderly development for grain elevators.

To the extent that the provisions set forth in this section 308 are contradictory to or in, conflict with any other provisions of the Zoning Ordinance, the provisions included herein for an Industrial Grain District shall prevail for any area zoned as “I-2”

**308.01 Permitted Uses – See also table in Section 311.**

- (a) Any use permitted in the B-1 District excepting residential uses
- (b) Grain storage & drying
- (c) Feed sales
- (d) Seed sales
- (e) Pesticide sales and storage (no larger than 55gal. drums)

**308.02 Conditional Uses – see also table in Section 311.**

- (a) There shall be no Conditional Uses

**308.03 Accessory Uses – see also table in Section 311.**

- (a) Fertilizer sales & pesticide application services
- (b) Parking lots

**308.04 Yard Requirements.**

- (a) Front Yard: There shall be a minimum front yard setback of 60ft. from the center line of the street
- (b) Side Yard: No requirement, except where it abuts any residential district, there shall be a minimum side yard of not less than 5 ft for each side.
- (c) Rear Yard: No rear setbacks shall be required; unless it abuts a residential then 5ft to include screening (section 308.09)

**308.05 Height.**

The height of structures shall not be regulated.

**308.06 Corner Lots.**

Corner lots shall have 1 front yard setback of 60ft and 1 setback of 33 ft from the centerline of the street.

**308.07 Parking Requirements – see also Section 311.**

- (a) A minimum of one (1) off-street parking space shall be required for each employee on the major work shift and one (1) space for each company vehicle
- (b) Reasonable off-street loading and unloading facilities, including docks, shall be provided as determined by the zoning inspector.

**308.08 Landscape. Screening and Barriers Requirements.**

Where the property line abuts the right-of-way of a street

- a. continuous landscaping strip of no less than two (2) feet and no more than four (4) feet in width shall be located between the right-of-way and the property, except where driveways or other openings may necessitate other treatment.

Where the property line abuts a residential property line:

- b. a landscaping strip of no less than two (2) feet in width shall be located between property lines.
  - (1) Traditional Green Landscaping and Screening
    - a. Evergreens, trees and etc.
    - b. Height at installation: 6ft – 8ft
  - (2) Traditional Structural Barriers and Screening
    - a. Fencing, walls and etc.
    - b. Height: 6ft – 8ft

## SECTION 309

### B-2 GATEWAY COMMERCIAL DISTRICT.

INTENT: To provide for a high quality mixed-use development area located near US 24. This area is identified as being important to the Village of Antwerp in its Comprehensive Plan. It offers considerable development potential with easy highway access and the opportunity to express quality community character and image with development standards.

#### **309.01 Permitted, Conditional and Accessory Uses – see also table in section 311.**

(a) Permitted:

- 1) Crop cultivation
- 2) Road side produce or farm product stands
- 3) Public Use
- 4) Quasi-public Use
- 5) Single family detached dwelling units
- 6) Two Family dwelling units
- 7) Three family or more dwellings
- 8) Upper floor dwelling units
- 9) Schools, libraries, governmental buildings, treatment plants and governmental facilities of a similar nature.
- 10) Churches
- 11) Hospitals & clinics
- 12) Nursing homes, assisted living, extended care facilities
- 13) Funeral homes
- 14) Residential Garages & Outbuildings
- 15) Personal service businesses including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios and similar businesses (not including a drive in or drive through facility).
- 16) General merchandising including, but not limited to, hardware, clothing, dry goods, groceries, dairy products, catalog sales, office supplies, drug stores
- 17) Production and sales of art and art-related products such as pottery, paintings, graphic design, sculpture, jewelry, etc.
- 18) Financial Institutions and Restaurants (including a drive in or drive through facility).
- 19) Financial Institutions and Restaurants (not including a drive in or drive through facility).
- 20) Any retail or service business that involves a drive in or drive through
- 21) Professional Offices

- 22) Youth Activity Center
  - 23) Lodges, fraternal organizations, private clubs
  - 24) Physical fitness center
  - 25) Gas Station (with or without convenience retail)
  - 26) Theaters (indoor)
  - 27) Motels and hotels.
  - 28) Vehicle Sales and Service
  - 29) Pharmacy
  - 30) Coffee Shops
  - 31) Animal hospitals and veterinary offices (no outside runs or kennels).
- (b) Conditional:
- 1) Public utility substations & transmission facilities
  - 2) Major automobile engine and body repair
  - 3) Contractors' offices if when all equipment and construction materials area located within an enclosed building.
- (c) Accessory:
- 1) Accessory Parking Areas
  - 2) Swimming Pools

**309.02 Yard Requirements.**

**Business:**

- (a) Front Yard: The minimum front yard setback measured from the centerline of the street, shall be: 65 foot front yard setback required
- (b) Side Yard - 20 foot side yard setback required
- (c) Rear Yard - A minimum rear yard setback of 25 ft. shall be required.
- (d) Height - The maximum permissible height shall be 3 stories or 40 ft.

**Residential:**

- (a) Front Yard: The minimum front yard setback measured from the centerline of the street, shall be:
  - 1) 55 ft. for Single family detached
  - 2) 55 ft. for two-family Dwelling Unit (D. U.)
  - 3) 65 ft. for Apartment buildings
- (b) Side Yards:
  - 1) Single family D.U. or Two-family D. U.
    - a. A minimum of 20% of the lot width shall be devoted to side yard setbacks. The minimum dimension of each side yard shall be 5 ft.

- 2) Apartment Buildings –
  - a. A minimum of 20% of the lot width shall be devoted to side yard setbacks.
  - b. The minimum dimensions of each side yard shall be 5 ft (ord. 2009-17).
  - c. Side yards between two or more structures on the same parcel shall maintain a distance not less than the height of the tallest building.
  - d. Whenever an apartment building is constructed adjacent to an R-1 District, the required side yard between such building and R-1 District shall be no less than one-half the height of the apartment building.
- (c) Rear Yards
  - 1) Single family D. U. or two-family D. U. The minimum rear yard setback shall be 5 ft (ord. 2009-17).
  - 2) Apartment Building - The minimum rear yard requirement shall be 1-1/2 times the height of the tallest apartment building.
- (d) Height - No structure shall be erected in excess of 3 stories or 40 ft.

**309.03 Lot Coverage and impervious Area Coverage.**

No more than 60 percent of a lot may be covered by principal or accessory buildings. Further, no more than 80 percent of a lot may be covered by impervious surfaces. Impervious surfaces include rooftops, parking areas, driveways, walkways, and similar surfaces that are paved, or otherwise improved to provide a hard and impervious surface.

**309.04 Residential Density.**

Multi-family residential development (condominiums, apartments, townhomes, etc.) may not exceed a density of 12 housing units per acre (net- exclusive of road right-of-way)

**309.05 Parking and Loading Off-Street.**

Parking Requirements are listed in Section 311. Further, parking lots should be designed to avoid large expanses of asphalt. Where possible, parking lots should wrap around two or more sides of a building. Wherever a parking area must abut a public street, a landscaped strip 10 feet wide is required to help separate the pedestrian from surfaces designed for vehicles. This landscaped strip should include a combination of man-made



materials (such as fences or masonry columns) along with plant material that screens at least 50% of that parking area to a height of 3 feet.

**309.06 Sidewalks.**

Public sidewalks are required along the full frontage of the lot to be developed. Further, private sidewalks, or walkways are required to connect the public sidewalk to the building entrance. In instances where there is a parking lot between the building entrance and the public sidewalk, a defined pedestrian space shall be created using contrasting materials to define spaces for pedestrian movement

**309.07 Large Building Façades.**

Whenever a building of more than a 50,000 sq. ft. is proposed as a result of new construction, building consolidation, or renovation, steps to design the building to appear to be several smaller buildings should be taken where possible.

**309.08 Windows.**

Whenever a building faces a public street, at least 30 percent of the facade shall be windows.

**309.09 Roof lines.**

Pitched roofs are generally preferred, but in cases where that is not possible, variations in the facade at the roof line are necessary to add visual interest. All roof-top mechanical equipment should be hidden from view.

**309.10 Exterior Building Materials.**

To provide an atmosphere of endurance and quality. Use of multiple exterior materials makes a building more complex and visually interesting. New construction should incorporate variations in exterior materials and renovation activity should seek to maintain (or add to) the visual complexity of the building. While brick materials are generally preferred, the use of multiple colors and materials is a key consideration to help make the building more complex and visually interesting. Exterior Design shall be subject to approval by the Planning & Zoning Commission.

**309.11 Signage.**

Proposed signage needs to be submitted and approved by the Planning & Zoning Commission before zoning application approval.

**309.12 Lighting.**

Building illumination is encouraged to accentuate the building facade or signage. The lighting source should generally be separate from the building with light washing onto the structure itself to highlight signage or

architectural elements of the building. Only low intensity light should be used to accent signage or building elements without light “spillover” on to adjacent property. The light source affixed to a building should not direct light outward toward the street or any public space.

**309.13 Screening.**

Above-ground utility structures such as transformers, meters, manifolds, generators, switches, junctions, etc., shall be screened from view by masonry walls, wood fences, wood/plastic composite fences, decorative ornamental metal fences, or appropriate landscape coverage.

**SECTION 311 PERMITTED, CONDITIONAL, ACCESSORY USE TABLE.**

Land Uses P= Permitted, C= Conditional, A=Accessory	Zoning Districts							
	A-1	R-1	R-1-A	R-2	B-1	B-2	I-1	I-2 <sup>(1)</sup>
<b>Agricultural Uses</b>								
Crop cultivation	P					P		
Road side produce or farm product stands	P					P		
Specialized animal raising and care	C							
Commercial billboards	C							
Semi-public uses	C					P		
Farm homestead	A							
Quarters for seasonal employees	A							
Barns, silos, and similar structures or facilities customary and incidental to farming operations.	A							
<b>Residential &amp; Related Uses</b>								
Single family detached dwelling units		P	P	P		P		
Two Family dwelling units				P		P		
Three family or more dwellings				P		P		
Upper floor dwelling units					P	P		
Schools, libraries, governmental buildings, treatment plants and governmental facilities of a similar nature.		P	P	P	P	P	P	
Churches		P	P	P	P	P	P	
Hospitals & clinics		C	C	C	P	P	P	
Nursing homes, assisted living, extended care fac.		C	C	C	P	P		
Funeral homes		C	C	C	P	P	P	
Public utility substations & transmission facilities		C	C	C	C	C		
Home Occupations		C	C	C				
Resident Office Space		C	C	C				
Residential Garages & Outbuildings		A	A	A		P		
Greenhouse (residential scale)		A	A	A				
Residential Accessory Buildings		A	A	A				
Mobile Home Parks			P					
Resident Parking Areas				A				
Swimming Pools		A		A		A		

**Zoning Districts**

Land Uses P= Permitted, C= Conditional, A=Accessory	A-1	R-1	R-1-A	R-2	B-1	B-2		I-1	I-2 <sup>(1)</sup>
<b>Business and Related Uses</b>									
Professional Offices					P	P		P	P
Parking Lots									A
Personal service businesses including barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up stations, photography studios and similar businesses (not including a drive in or drive through facility).					P	P		P	P
General merchandising including, but not limited to, hardware, clothing, dry goods, groceries, dairy products, catalogue sales, office supplies, drug stores, automotive supplies					P	P		P	P
Production and sales of art and art-related products such as pottery, paintings, graphic design, sculpture, jewelry, etc.					P	P		P	P
Financial Institutions and Restaurants (including a drive in or drive through facility).					C	P			
Financial Institutions and Restaurants (not including a drive in or drive through facility).					P	P		P	P
Any retail or service business that involves a drive in or drive through					C	P			
Rehabilitation Clinic					P				
Youth or Senior Activity Center					P	P		P	P
Lodges, fraternal organizations, private clubs				C	P	P		P	P
Physical fitness center					P	P		P	P
Major automobile engine and body repair						C		P	
Gas Station (with or without convenience retail and or a drive in or drive through facility)					C	P			
Truck Stop / Travel Center									
Theaters (indoor)					P	P		P	P
Motels and hotels.					C	P			
Greenhouse (commercial scale)								P	
Vehicle Sales and Service						P			
Pharmacy					P	P		P	P
Coffee Shops					P	P		P	P
Animal hospitals and veterinary offices (no outside runs or kennels).						P		P	
Kennels, animal hospitals and veterinary offices with outside runs and kennels.								P	
Carpenter or cabinet shop if conducted wholly within an enclosed building.								P	

**Zoning Districts**

<b>Land Uses</b> P= Permitted, C= Conditional, A=Accessory	<b>A-1</b>	<b>R-1</b>	<b>R-1-A</b>	<b>R-2</b>	<b>B-1</b>	<b>B-2</b>		<b>I-1</b>	<b>I-2 <sup>(1)</sup></b>
Sexually-Oriented Businesses								C	
Grain storage, including handling and transferring of grain;								P	P
Feed sales, seed sales; and pesticide sales and storage (no larger than 55gal. drums).									P
Distributors' warehouses and wholesale outlets with no outdoor storage, and no processing or fabrication.								P	
Fertilizer sales & application services; and								C	A
Contractors' offices if when all equipment and construction materials area located within an enclosed building.						C		P	
Contractors' offices with outside storage of equipment and construction materials								P	
Industrial plants manufacturing or assembling the following: boats; small metal products such as bolts, nuts, screws, washers, rivets, nails, etc.; clothing; drugs and medicines; electrical equipment; glass products from previously manufactured glass; furniture and wood products; and plastic products for production of finished equipment.								P	
Life science technology and medical laboratories, including but not limited to biomedical engineering, materials engineering, biotechnology, genomics, proteomics, molecular and chemical ecology.								P	
Limited light manufacturing of prototypes and related research & development, where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building and no outside storage of raw material or finished products are involved.								P	
Light manufacturing uses including, but not limited to, bottling plants, food or dairy processing or uses of a similar nature.								P	
Railroad yard or shops.								P	
Electronic computing facilities.								P	
Bulk storage of petroleum products.								C	
Warehouses.								P	
Research laboratories.								P	
Asphalt mixing plant.								C	
Cement product or cinder block manufacture.								C	
Iron, steel, brass or copper foundry.								C	

**Zoning Districts**

<b>Land Uses</b> P= Permitted, C= Conditional, A=Accessory	<b>A-1</b>	<b>R-1</b>	<b>R-1-A</b>	<b>R-2</b>	<b>B-1</b>	<b>B-2</b>		<b>I-1</b>	<b>I-2 <sup>(1)</sup></b>
Metal stamping.								C	
Trucking Terminals								P	A

<sup>(1)</sup> Specifically prohibited uses in I-2 include, residential uses, chemical & pesticide application services; livestock operations; open grain storage.

**PARKING REQUIREMENTS**

<b>Use</b>	<b>Parking Required</b>
Agricultural sales and service use	1 for each 1 employee, plus 1 for each 100 square feet of both temporary and permanent area devoted primarily to retail sales
Animal hospital / Veterinary Clinic	1 space for every 2 on-duty employees, plus 1 space per doctor, plus 1 space per examination room
Antique shop	1 off-street parking space for each 600 square feet of floor area
Appliance and equipment repair establishment	1 per each 800 square feet of usable floor area, plus 1 per each employee
Auction house	1 space per 4 seats in designed capacity
Automobile dealership	1 per each 200 square feet of usable floor area
Automobile parts store	1 space per 350 square feet of gross floor area
Automobile service station	1 space for each gas pump island, plus 2 spaces for each working bay, plus 1 parking space for each employee on largest shift
Bakery	1 per 300 square feet of gross floor area
Bank, drive-thru	1 for each employee per largest work shift, plus a minimum of 3 additional parking spaces
Bank, without drive-thru	1 for each 150 square feet of usable floor space
Barber/beauty shop	1 per chair and 1 per employee
Bed and breakfast inn	1 for every facility, plus 1 for every guest room
Book store	4.5 spaces for every 1,000 square feet of gross floor area
Bowling alley	2 spaces for each alley, plus 1 additional space for each 2 employees
Café	1 per 100 square feet of gross building area
Car wash	1 space per each employee, plus reserve spaces equal to 3 times the wash lane capacity
Church	1 per 10 seating spaces
Clinic	1 space for each 300 square feet of floor area
Condominium	2 spaces per dwelling unit
Construction sales and service establishment	1 space per 250 square feet, plus 1 space per 1,000 square feet of outdoor storage and display area
Day care center	1 space per 375 square feet of gross floor area
Dental office	1 space per 250 square feet of gross floor area
Drug store	1 space per 200 square feet
Dry cleaning establishment	1 space per 100 square feet of gross floor area
Dwelling	2 spaces per dwelling unit
Elderly housing (assisted living)	0.75 spaces per dwelling unit
Farm supply store	4 per 1,000 square feet
Flea market	1 per 600 square feet of site area
Florist	1 off-street parking space for each 400 square feet of floor area
Funeral home	1 per 3 persons capacity

<b>Use</b>	<b>Parking Required</b>
Gas station and mini-mart	1 for each employee, plus 1; 1 for each 150 square feet of floor area used for retail sales
Golf course	1 per 3 golf holes, plus 1 per each 2 employees
Golf course, miniature	1 space per hole, plus 1 space per employee on the largest work shift
Grain Elevators and ancillary facilities	A minimum of one (1) off-street parking space shall be required for each employee on the major work shift and one (1) space for each company vehicle. Reasonable off-street loading and unloading facilities, including docks, shall be provided as determined by the zoning inspector
Greenhouse	1 space per 400 square feet of sales area
Gun shop	4 per 1,000 square feet
Hardware store	1 per each 660 square feet of floor area
Hotel	1 space for each guest room without kitchen facilities and 1.5 spaces for each guest room with kitchen facilities, plus 1 space per each 100 square feet of banquet, assembly, meeting, or restaurant seating area.
Industrial use, unless otherwise specified	1 space for every 2 employees during shift of maximum employment and 1 space for every truck to be stored or stopped simultaneously
Laundromat	1 space per 250 square feet
Martial arts studio	1 space per 150 square feet of floor area
Mini-warehouse	1 per 25 storage units, plus 1 per employee
Office use (unless otherwise specified)	1 space per 250 square feet of primary floor area
Personal services establishment	1 per 200 square feet of floor area
Photography studio	1 off-street parking space for each 600 square feet of floor area
Recreation facility, indoor	1 space for each 4 persons in designed capacity
Repair service establishment	1 space per 300 square feet of gross floor area plus repair services
Retail use, unless otherwise specified	Retail sales establishment under 150,000 square feet: 1 space per 200 square feet. Retail sales establishment 150,000 square feet or greater: 1 space per 300 square feet
Shopping center, regional (a center with at least 500,000 square feet of gross floor Area)	1 per 250 square feet of gross leasable area
Tanning salon	1 per 250 square feet of gross floor area
Tattoo parlor/body-piercing studio	2 spaces per tattoo or body piercing artist
Truck stop	1 truck parking space for each 10,000 square feet of site area, plus 1 vehicle parking space per 200 square feet of building area
Warehouse	1 parking space for each 1.5 employees, plus 1 space for every vehicle used in connection with the business
Wholesale establishment	1 space per 500 square feet

**SECTION 311 (C) OFF-STREET LOADING REQUIREMENTS.**

Except in the B-1 District, every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following minimum regulations:

- (a) Every building shall be provided with at least one off-street loading and unloading space, adequate to insure that the truck and trailer shall not impede traffic unless deemed necessary by the Planning & Zoning Commission during their Site Plan Review.
- (b) Access to loading and unloading space shall be provided directly from a public street or alley or from any right of way that will not interfere with public convenience and will permit the orderly and safe movement of such loading vehicles.
- (c) Loading space as required under this section shall be provided as area additional to off-street parking spaces and shall not be considered as supplying off-street parking space.



**ARTICLE 400      ADMINISTRATION**

**SECTION 401                      OFFICE OF ZONING INSPECTOR CREATED.**

A Zoning Inspector designated by the Mayor shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Mayor shall direct.

**SECTION 402                      DUTIES OF ZONING INSPECTOR.**

For the purpose of this ordinance, the Zoning Inspector shall have the following duties:

1.      Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, ordering the action necessary to correct such violation;
2.      Order discontinuance of illegal uses of land, buildings, or structures;
3.      Order removal of illegal buildings or structures or illegal additions or structural alterations;
4.      Order discontinuance of any illegal work being done;
5.      Take any other action authorized by this ordinance to ensure compliance with or to prevent violations of this ordinance. This may include the issuance of, and action on, zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

**SECTION 403                      PROCEEDINGS OF PLANNING AND ZONING COMMISSION.**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Zoning Inspector.

**SECTION 404                      PLANNING AND ZONING COMMISSION CREATED.**

A Planning and Zoning Commission is hereby created, which shall consist of the Mayor and four (4) members to be appointed by the Mayor, with the consent of the Village Council. Members of the Commission shall serve five (5) year,-terms except that the initial appointments shall be one (1)

member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident elector of the Village during his continuance in such capacity. Excepting the Mayor, members of the Board may be removed from office by the Village Council for cause upon written charges after public hearing.

**SECTION 405**

**DUTIES OF PLANNING AND ZONING COMMISSION.**

For the purpose of this ordinance the Commission shall have the following duties:

1. Initiate proposed amendments to this ordinance;
2. Review all proposed amendments to this ordinance and make recommendations to the Village Council as specified in Article 700.

**SECTION 406**

**BOARD OF ZONING APPEALS CREATED.**

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor, with the consent of the Village Council, each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident elector of the Village during his continuance in such capacity. Members of the Board may be removed from office by the Village Council for cause upon written charges after public hearing. Vacancies shall be filled by appointment by the Mayor, with the consent of Village Council, for the unexpired term of the member affected.

**SECTION 407**

**PROCEEDINGS OF THE BOARD OF ZONING APPEALS.**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine.

All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Inspector.

**SECTION 408**

**DUTIES OF THE BOARD OF ZONING APPEALS.**

In exercising its duties, the Board may, hear appeals from the decisions of the Zoning Inspector and, as long as such action is in conformity with the

terms, spirit, and intent of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination so appealed. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter which it is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of this ordinance the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
2. To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done;
3. To grant conditional use permits under the conditions specified in Section 420 including such additional safeguards as will uphold the intent of this ordinance.

## **SECTION 409**

### **DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL.**

It is intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law.

The Board of Zoning Appeals may also consider appeals from decisions of the Planning Commission when it is acting in an administrative capacity with respect to Site Plan Review. In such circumstances, the Board of Zoning Appeals shall consider the same standards for review as considered by the Planning Commission and determine if required modifications, restrictions, and conditions attached to Site Plan Approval are onerous and burdensome, and not clearly related to such standards. The Board of Zoning Appeals may also find that other modifications, restrictions, and conditions would be acceptable and equally effective in meeting the standards for review.

It is further the intent of this ordinance that the duties of the Village Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The

procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 513 of this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

**SECTION 410**

**PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.**

Appeals and variances shall conform to the procedures and requirements of Sections 411 to 419, inclusive, of this ordinance. As specified in Section 408, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

**SECTION 411**

**APPEALS.**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

**SECTION 412**

**STAY OF PROCEEDINGS.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

**SECTION 413**

**VARIANCES.**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance will not be contrary to the

public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

#### **SECTION 414**

#### **APPLICATION AND STANDARDS FOR VARIANCES.**

A Variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants;
2. Legal description of property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of title ordinance;
  - c. That special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 604 of this section have been met by the applicant.

**SECTION 415**

**SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 512 of this ordinance.

**SECTION 416**

**PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**SECTION 417**

**NOTICE OF PUBLIC HEARING IN NEWSPAPER.**

Before holding the public hearing required in Section 416, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

**SECTION 418**

**NOTICE TO PARTIES IN INTEREST.**

Before holding the public hearing required in Section 416, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 417.

**SECTION 419**

**ACTION BY BOARD OF ZONING APPEALS.**

Within thirty (30) days after the public hearing required in Section 416, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 415, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 409.

**SECTION 420                   PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS.**

Conditional uses shall conform to the procedures and requirements of Sections 421 to 427, inclusive of this ordinance.

**SECTION 421                   GENERAL.**

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 300, shall follow the procedure and requirements set forth in Sections 422-427, inclusive.

**SECTION 422                   CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT.**

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance;
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
8. Such other information as may be required by the Board.

## **SECTION 423**

### **GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES.**

In addition, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use established for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village's comprehensive plan and/or the zoning ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional-requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

## **SECTION 424**

### **SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 512 of this ordinance.



**SECTION 425                   PROCEDURE FOR HEARING, NOTICE.**

Upon receipt of the application for a conditional use permit specified in Section 422, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections through \_\_\_\_.

**SECTION 426                   ACTION BY THE BOARD OF ZONING APPEALS.**

Within thirty (30) days after the public hearing required in Section 416, the Board shall either approve, approve with supplementary conditions as specified in Section 424, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section \_\_\_\_.

**SECTION 427                   EXPIRATION OF CONDITIONAL USE PERMIT.**

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

**SECTION 428                   SITE PLAN REVIEW.**

The purposes of site plan review procedures and requirements are to provide a means and process to review the proposed development of structures and establishment of land uses in a way that considers the following concerns and, where necessary, requires modification of development proposals to eliminate or reduce potential land use conflicts and nuisances. The principle areas of concern are:

1. Balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without land use conflicts;
2. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
3. The protection of surface or ground water from pollution and the adequacy of waste disposal methods;
4. The protection of natural environmental features on the site and in adjacent areas;
5. Aesthetic issues regarding the form of the proposed development as it relates to the inclusion of architectural features that are inviting to the

public, help create a sense of place and urban character, and provide a more human scale urban environment.

**428.01 Projects Requiring Site Plan Review.**

No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given, and no existing use shall be expanded in floor area, when such activity results in the creation of five or more off-street parking spaces, except in conformity with a site plan approved by the Planning Commission.

**428.02 Procedure/Related Approvals.**

An applicant proposing a development subject to site plan review pursuant to this section shall file ten (10) copies of the site plan documents required, along with the required application fee with the Zoning Inspector. When other zoning approvals are required, such as conditional uses or variances, any additional required information shall be submitted with the site plan, and related approval issues shall be addressed subsequent to site plan review by the Planning Commission.

After determining that an application for site plan approval is complete, the Zoning Inspector shall transmit copies of the application to the Planning Commission. If all information required is not provided, the Building and Zoning Inspector shall promptly notify the applicant of the items needed. Following the determination that the application is complete, and after proper notifications are provided, the Planning Commission shall consider the proposed site plan and take action. Action on the site plan shall consist of either:

1. Approval of the site plan based upon a determination that the proposed plan is in compliance with the standards set forth herein.
2. Approval of the site plan, subject to any conditions, modifications, and restrictions that will ensure that the project meets the standards set forth in herein.

**428.03 Submission Requirements.**

A site plan shall be prepared at a scale of 1 inch equal twenty feet (20 ft.). Developments greater than five acres may be drawn at a scale of 1 inch equal fifty feet (50 ft.) on standard 24" x 36" sheets. A site plan shall include all data, details, and supporting information as required by this Section. Additional fees may be required to defray the expenses associated with the public review of the plans, including the need to retain a registered professional engineer, planner, architect, or landscape architect, or other professional consultant to advise the Planning

Commission on any or all aspects of the site plan. Said additional fees, once determined based on the size of the proposed development, must be submitted to the Zoning Inspector, and said additional fees will be escrowed to provide for the payment of expenses contemplated by this section.

**428.04 Standards for Review.**

The Planning Commission shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed as follows.

1. Traffic: Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
2. Parking: Provisions for the off street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
3. Services: Reasonable demands placed on municipal services and infrastructure.
4. Pollution Control: Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes reducing soil erosion both during and after construction.
5. Nuisances: Protection of abutting properties and municipal amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.
6. Existing Vegetation: Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
7. Amenities: The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space.
8. Community Character: The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape.
9. Design Standards: Compliance with any applicable design standards or other community planning documents adopted and in force.

**428.05 Site Plan Content.**

A site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, with notations explaining the reasons for any omissions. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Items required for submission include:

1. Name of the project, boundaries, legal description and location maps showing sites' location in the Village, date, north arrow, and scale of the plan.
2. Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect who prepared the site plan.
3. Names and addresses of all owners of record of abutting parcels and those within two hundred feet (ft.) of any property line of the subject property.
4. All existing lot lines, easements, and rights of way. Include area in acres or square feet, abutting land uses, and the location and use of structures within two hundred feet (200 ft.) of the site.
5. The location and use of all existing and proposed buildings and structures within the proposed development.
6. All dimensions of height and floor area, showing all exterior entrances, and all anticipated future additions and alterations.
7. An illustration of traffic movement, ingress and egress, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
8. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
9. The location, height, size, materials, and design of all proposed signage.
10. The location, height, size, materials, and design of all proposed structures.
11. Plans for fire protection and emergency vehicle movement and access.
12. The location of all present and proposed utility systems including, sewage or septic systems, water supply system, telephone, cable and electrical systems, storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
13. All existing natural land features, trees, forest cover, and water sources, and all proposed changes to these features including size and

- type of plant material. Water sources will include ponds, lakes, streams, wetlands, flood plains, and drainage retention areas.
14. Zoning for adjacent parcels, including those across the street.
  15. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred feet (100 ft.) of the site (including those on opposite sides of a street). A pedestrian circulation plan shall also be shown.
  16. A table containing the following information must be included:
    - (a) Area of building to be used for a particular use such as retail operation, office, storage, etc.
    - (b) Maximum number of employees.
    - (c) Maximum seating capacity, where applicable.
    - (d) Number of parking spaces provided for the intended use(s).
  17. Elevation plans at a scale of  $1/4'' = 1'$  or  $1/8'' = 1'$  for all exterior facades of the proposed structure(s) showing architectural design features and the type and color of materials to be used.
  18. A landscape plan showing proposed areas of vegetation to be maintained.
  19. A Traffic Impact Study (if required according to Section 408.06).
  20. For larger development projects, the Zoning Inspector and/or Village Engineer may require the following:
    - (a) Copies of Soil logs and percolation tests
    - (b) Storm water runoff calculations and plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable
    - (c) Existing and proposed topography at a one (1) foot contour intervals. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100 year flood plain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within fifty feet (50 ft.) of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.

#### **428.06 Traffic Impact Study.**

In cases where the proposed development (both new developments and expansions of existing buildings and uses) will produce more than 100 vehicular trips in the peak hour of traffic generation as defined by the most recent Trip Generation Manual, published by the Institute of Transportation Engineers, a Traffic Impact Study may be required by the Planning Commission. Such a study is intended to minimize impacts to the existing roadway system. The scope of the traffic study shall concentrate

on the subject property and adjacent property including properties across the road. All traffic impact studies shall include the following items:

1. A description of the site, surroundings, and study area: Illustrations and a narrative shall describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description shall include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any planned roadway improvements. The study shall define and justify the study area selected for analysis.
2. A description of the proposed development: A description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees, and shift change factors. Intended phasing or future expansion shall also be noted.
3. Description of existing traffic conditions: Traffic counts: Existing conditions including existing peak hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity, which are expected to be impacted, shall be provided. Traffic count data shall not be more than two (2) years old.
4. Background Traffic Growth: For any project requiring a Traffic Impact Study with a construction completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of construction completion.
5. Trip Generation: Forecasted trip generation of the proposed development for the a.m. (if applicable) and p.m. peak hour and average day shall be calculated. This forecast shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE).
6. Trip Distribution: The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points and nearby intersections where required.
7. Impact Analysis: Level of service or “capacity” analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board shall be provided. Before and after capacity analyses shall be performed for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity.

8. Access Design/Access Management Standards: The study shall include a map and description of the location and design of proposed access (driveways or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty feet (250 ft.) on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, and support that the access points will provide safe and efficient traffic operation.
9. Other Study Items: The Traffic Impact Study shall also include the following:
  - (a) Need for, or provision of, any additional right of way where planned or desired by the Village.
  - (b) Changes that should be considered to the site plan layout.
  - (c) Description of how the proposed site plan conforms to thoroughfare policies described in the Village Comprehensive Plan.
  - (d) If the use involves a drive through facility, the adequacy of the queuing area shall be evaluated.
  - (e) If a traffic signal is being requested, the applicable traffic signal warrants shall be provided along with an analysis of traffic progression along the roadway through coordination with other signals.
  - (f) Description of site circulation and available sight distances at site driveways.
  - (g) Description of opportunities to improve pedestrian circulation to and from the site and any anticipated impact relative to existing or planned bike/walking trails and/or dedicated bike lanes in roadways.
10. Mitigation/Alternatives: The Traffic Impact Study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include items such as roadway widening, turn lane geometries, changes to signalization, elimination or combination of access points, or reduction in the proposed intensity of use. Any applicable local or State agency shall review proposed mitigation measures. The responsibility for construction and timing of roadway improvements shall be described.

#### **428.07 Changes to Site Plans.**

After the approval of a Site Plan, the developer, individual property owners or subsequent property owners may wish to make major or minor modifications to site plans. To distinguish between major and minor

modifications, and to provide an abbreviated a process through which minor changes to previously approved site plans can be approved, the following procedures shall be followed:

1. An application for an “Amendment to an Approved Site Plan” shall be filed with the Building and Zoning Inspector. The application shall include five copies of revised development plans clearly showing the proposed changes. The building and Zoning Inspector shall review the proposed modifications and shall determine if the scope of the proposed changes is major or minor in nature.
2. To qualify as a minor modification, the Building and Zoning Inspector shall determine that the proposed modification(s) consists of activity that results in only minor adjustments to the size and location of existing structures, existing off street parking areas and other existing features such as loading areas, ponds, pools, decking, dumpster locations, patios and required screening, fencing, lighting, landscaping and other improvements. Minor modifications typically include no more than a twenty-five (25%) increase in building mass of a principal structure through an increase in height, length or percent of lot coverage. If the Building and Zoning Inspector determines that a proposed change is a minor modification, he or she may approve such minor changes provided they meet all applicable codes and regulations.
3. Proposed changes to Site Plans that are not determined to be a minor change, must be reviewed by the Planning Commission in the same manner as a new Site Plan.

#### **428.08 Changes to Site Plans.**

A decision to approve the site plan including an approval subject to any conditions, modifications or restrictions, expires twelve (12) months from the date of the Planning Commission’s approval, unless the building permit has been obtained. The Planning Commission, upon written request, may grant a single six (6) month extension to the applicant.

#### **429 Comprehensive Plan.**

\*see footnote<sup>1</sup>

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<sup>1</sup> Comprehensive Plan established by Ordinance 2014-13 available on the Village of Antwerp website as a separate document.



## **ARTICLE 500      ENFORCEMENT**

### **SECTION 501                      ZONING PERMITS.**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance. Issuance of a zoning permit for a business use is contingent on verification that any required state building permits have been obtained and approved by the State.

### **SECTION 502                      CONTENTS OF APPLICATION FOR ZONING PERMIT.**

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2-1/2) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Two copies of plans drawn to scale showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

### **SECTION 503                      APPROVAL OF ZONING PERMIT.**

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning

Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting the fact that the use or alteration is in conformance with the provisions of this ordinance.

#### **SECTION 504**

#### **SUBMISSION TO DIRECTOR OF TRANSPORTATION.**

Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period of any extension thereof agreed upon the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this ordinance, issue the zoning permit.

\*see footnote<sup>2</sup>

#### **SECTION 505**

#### **EXPIRATION OF ZONING PERMIT.**

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2-1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

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<sup>2</sup> The Village of Antwerp does not currently have a position titled "Director of Transportation." As this is an administrative function, the Mayor, or someone designated by the Mayor, will execute the requirements of this section.

**SECTION 506**

**CERTIFICATE OF OCCUPANCY.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the buildings or land conforms to the requirements of this ordinance.

**SECTION 507**

**TEMPORARY CERTIFICATE OF OCCUPANCY.**

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

**SECTION 508**

**RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.**

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

**SECTION 509**

**FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.**

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this ordinance and punishable under Section 512 of this ordinance.

**SECTION 510**

**CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.**

Zoning Permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance, and punishable as provided in Section 512 of this ordinance.

**SECTION 511**

**COMPLAINTS REGARDING VIOLATIONS.**

Whenever a violation of this Zoning ordinance occurs, or is alleged to have occurred, any person who resides, owns or leases property, or operates a business within the Village of Antwerp, may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

**SECTION 512****PENALTIES FOR VIOLATION.**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this ordinance, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred (100) dollars, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION 513****SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Village shall by ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

\*see footnote<sup>3</sup>

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<sup>3</sup> \$250 See Ordinance 2015-19

## **ARTICLE 600      NON-CONFORMITIES**

### **SECTION 601                      INTENT.**

Within the districts established by this ordinance or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

### **SECTION 602                      INCOMPATIBILITY OF NON-CONFORMITIES.**

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a nonconforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

### **SECTION 603                      AVOIDANCE OF UNDUE HARDSHIP.**

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

### **SECTION 604                      SINGLE NON-CONFORMING LOTS OF RECORD.**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any

single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 300 and 900 of this ordinance other than lot area or width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 411 through 419.

#### **SECTION 605**

#### **NON-CONFORMING LOTS OF RECORD IN COMBINATION.**

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

#### **SECTION 606**

#### **NON-CONFORMING USES OF LAND.**

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this ordinance;
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance;
3. If any such non-conforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;

4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

## **SECTION 607**

### **NON-CONFORMING STRUCTURES.**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its locations on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise unlawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this ordinance;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## **SECTION 608**

### **NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.**

If a lawful use involving structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming 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 non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance;

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

#### **SECTION 609**

#### **REPAIRS AND MAINTENANCE.**

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **SECTION 610**

#### **USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES.**

Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.



**ARTICLE 700     AMENDMENT**

**SECTION 701                    PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES.**

This ordinance may be amended utilizing the procedures specified in Sections 702 to 713, inclusive of this ordinance.

**SECTION 702                    GENERAL.**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance after receipt of recommendation thereon from the Planning Commission, and subject to procedure provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

**SECTION 703                    INITIATION OF ZONING AMENDMENTS.**

Amendments to this ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Planning and Zoning Commission;
2. By adoption of a resolution by Village Council;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

**SECTION 704                    CONTENTS OF APPLICATION.**

Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 200 shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. Proposed amending ordinance, approved as to form by the Village Legal Advisor;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
8. A list of all property owners and their mailing addresses appearing on the County Auditor's current tax list or the Treasurer's mailing list who

- are within, continuous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
9. A statement on how the proposed amendment relates to the comprehensive plan;
  10. A fee as established by Village Council

\*see footnote<sup>4</sup>

Applications for amendments proposing to amend, supplement, change, or repeal portions of this ordinance other than the Official Zoning Map shall include items (1), (2), (9) and (10) listed above.

## **SECTION 705**

### **TRANSMITTAL TO PLANNING AND ZONING COMMISSION.**

Immediately after the adoption of an ordinance by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said ordinance or application shall be transmitted to the Commission.

## **SECTION 706**

### **SUBMISSION TO THE DIRECTOR OF TRANSPORTATION.**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

\*see footnote<sup>5</sup>

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<sup>4</sup> \$250 See Ordinance 2015-19

<sup>5</sup> The Village of Antwerp does not currently have a position titled "Director of Transportation." As this is an administrative function, the Mayor, or someone designated by the Mayor, will execute the requirements of this section.

**SECTION 707**

**RECOMMENDATION BY PLANNING AND ZONING COMMISSION.**

Within sixty (60) days from the receipt of the proposed amendment, the Planning and Zoning Commission shall transmit its recommendation to the Village Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

**SECTION 708**

**PUBLIC HEARING BY VILLAGE COUNCIL.**

Upon receipt of recommendation from the Planning and Zoning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.

**SECTION 709**

**NOTICE OF PUBLIC HEARING IN NEWSPAPER.**

Notice of the public hearing required in Section shall be given by Village Council by at least one publication in one (1) or more newspapers of general circulation in the Village affected. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

**SECTION 710**

**NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL.**

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 408.

**SECTION 711**

**ACTION BY VILLAGE COUNCIL.**

Within thirty (30) days after the public hearing required by Section 408, the Village Council shall either adopt or deny the recommendation of the Planning and Zoning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning and Zoning Commission, it must do so by not less than three-fourths of the full membership of Village Council. No such ordinance shall

be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.

**SECTION 712**

**EFFECTIVE DATE AND REFERENDUM.**

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after passing the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

**SECTION 713**

**ANNEXATION.**

All land annexed to the Village subsequent to the adoption of this ordinance shall remain subject to the previous County or Township zoning district until such time as the Official Village Zoning Map is amended according to the provisions of this Article. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning shall remain unzoned until the Official Village Zoning Map is amended according to the provisions of this Article.

## ARTICLE 800 DEFINITIONS

Interpretations of Terms or Words: For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
4. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
5. The word “lot” includes the words “plot” or “parcel.”

**Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**Agriculture:** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

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

**Automotive, Mobile Home, Trailer, and Farm Implement Sales:** The sale or rental of new and used motor vehicle, mobile homes, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

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

**Basement:** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

**Boarding House, Rooming House, Lodging House, or Dormitory:** A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

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

**Building, Accessory:** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**Building, Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building Line:** See Setback line

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Business, Convenience:** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day to day need in the neighborhood.

**Business General:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

**Cemetery:** Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Channel:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**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 provided with board or room or kept overnight on the premises.

**Club:** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**Commercial Entertainment Facilities:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Comprehensive Development Plan:** A plan, or any portion thereof, adopted by the planning commission and/or the legislative authority of the Village of Antwerp showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**Conditional Use:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the board of zoning appeals. Additional uses permitted in each district are presented in the Official Schedule of District Regulations.

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

**Corner Lot:** See Lot Types

**Cul-de-Sac:** See Thoroughfare

**Dead-end Street:** See Thoroughfare

**Density:** A unit of measurement; the number of dwelling units per acre of land. (D.U.) means dwelling unit.

- a. **Gross Density** - the number of dwelling units per acre of the total land to be developed.
- b. **Net Density** - the number of dwelling units per acre of land when the acreage involved includes the and devoted to residential uses.

**Dwelling Unit:** 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.

**Dwelling, Single Family:** A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

**Dwelling, Two-Family:** 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.

**Dwelling, Multi-Family:** 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.

**Dwelling, Mobile Home, Modular Home, Industrialized Unit, Manufactured Home:** See individual names.

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

**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**Family:** 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.

**Flood Fringe:** That portion of the flood plain, excluding the flood way, where development may be allowed under certain restrictions.

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

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

**Flood-way:** That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the regional flood waters. Floods of less frequent recurrence are usually contained completely within the flood-way.

**Floor Area of a Residential Building:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but



including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**Floor Area of a Non-Residential Building (To Be Used in Calculating Parking Requirements):** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

**Floor Area, Usable:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Food Processing:** The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

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

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

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

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

1. Sales and service of spark plugs, batteries, and distributors parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head on crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;

12. Provisions of road maps and other informational material to customers, provision of restroom facilities and
13. Warranty maintenance and safety inspections.

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

**Highway Director:** The director of the Ohio Department of Highways.

**Home Occupation:** An occupation conducted in a dwelling unit, provided that:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 per cent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. No home occupation shall be conducted in any accessory building;
5. There shall be no sales on the premises;
6. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard; and
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit or conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

**Hotel or Motel and Apartment Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**Industrialized Unit:** means a building unit or assembly of closed construction that is fabricated in an off-site facility and is substantially self-sufficient as a unit or as part of a greater structure, and

that requires transportation to the site of intended use, such as a pre-fabricated or panelized home. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Once at the site, the unit must be placed on a permanent foundation. See permanent foundation.

**Institution:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

**Junk Buildings, Junk Shops, Junk Yards:** Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

**Kennel or Cattery:** Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Location Map:** See Vicinity Map.

**Lot:** For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

**Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

**Lot, Minimum Area of:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

**Lot Measurements:** A lot shall be measured as follows:

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

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

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

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

**Major Thoroughfare Plan:** The comprehensive plan adopted by the Village Planning-Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the corporation limits of Antwerp and/or unincorporated areas within three (3) miles thereof.

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

**Manufacturing, Heavy:** Manufacturing processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**Manufactured Home:** means a factory assembled housing unit or portion thereof assembled in closed construction and is fabricated in an off-site facility that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all

applicable federal construction and safety standards. It is to be considered real property and must be constructed with only wooded floor joists. It must be transported to one site by truck or trailer or on a set of wheels, whether or not the wheels are detachable. Once at the site, the unit, or portion thereof, are fastened together, placed on a permanent foundation. See permanent foundation. Other components, if not included in the unit at the factory, including, but not limited to, roof or portion thereof, porches, bay windows, trim, part of the exterior siding, etc. may be added at the construction site.

This type of home must be a least twenty-four (24) feet by forty (40) feet in width and length and must conform to all State and local building codes and certifications required for manufactured homes including construction limitations, restrictions pertaining to lot size, side yard, front yard and rear yard setback requirements. It must also conform to building codes as to wiring, plumbing, type and size of studding, floor joists, roof rafters, ceiling joists, roof slope, insulation, etc. In addition, this home should be placed on a permanent foundation and site immediately. The title, if any, must be surrendered to the proper county authorities and the zoning inspector notified of the date and time of action within two (2) months of time that it is placed within the Municipality. No manufactured home as herein above defined may be placed in any part of the Municipality unless a zoning permit approved by the zoning inspector has been issued.

**Manufacturing, Light:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**Mobile Home:** is defined as a building unit or assembly of closed construction that is fabricated in an off-site facility and is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred and twenty (320) or more feet, that is built on a permanent chassis and transportable in one or more sections, and that does not qualify as a manufactured home, modular home or industrialized unit. Once at the site, the mobile home must be placed on a permanent foundation. See permanent foundation. Mobile Homes are only permitted in R-1-A Single Family District-Alternate.

**Mobile Home Park:** Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

**Modular Homes:** See Manufactured home.

**Nonconforming Use:** A building, structure, or use of land existing at the time of enactment of this ordinance 9 and which does not conform to the regulations of the district or zone in which it is situated.

**Nursery, Nursing Home:** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**Nursery, Plant Materials:** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Open Space:** An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the planning commission deems permissive. Streets, structures for habitation, and the like shall not be included.

**Parking Space, Off-Street:** For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**Performance Bond or Surety Bond:** An agreement by a sub-divider or developer with the Village, County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement.

**Permanent Foundation:** means permanent masonry, concrete, or locally approved footing or foundation that meets all of the following criteria:

1. The foundation must be of poured concrete or cement block with poured footer and no less than three(3) feet deep and eight(8) inches wide with a height of eighteen(18) inches or two(2) eight(8) inch blocks.
2. At no time should foundation ever be covered by skirting.
3. Structure should be permanently attached to foundation leaving no visible gaps between foundation and home.

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

**Planned Unit Development:** An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned 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.

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

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

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

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

**Quasi-public Use:** Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**Research Activities:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural and related products.

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

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

**Steps, Deck, Porch or Add-on:** means additional structures that may or may not be attached to the home.

1. All steps must be constructed on site and must fit entrance accordingly.
2. All decks must be wooden and anchored to the ground by footers.

3. All porches and add-ons must be constructed to fit the style of home.

**Setback Line:** A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the centerline of street pavement, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards)

**Sewers, Central or Group:** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-Site:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

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

**Story:** That part of a building between the surface of a floor and the ceiling immediately above.

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

**Supply Yards:** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**Swimming Pool:** A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying additional charge for admission by the residents and guests of a single household, a multifamily development, or a community; the members and guests of a club; or the patrons of a motel or hotel.
2. Community: Operated with a charge for admission.

**Travel Trailer:** means a non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on site. “Travel trailer” continues to include a tent-type fold-out camper trailer as defined in section 4517.01 of the Revised Code.

**Thoroughfare, Street, or Road:** The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:



1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential, commercial, or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

**Through Lot:** See Lot Types

**Use:** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

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

**Veterinary Animal Hospital or Clinic:** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

**Vicinity Map:** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Village of Antwerp in order to better locate and orient the area in question.

**Walkway:** A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Yard:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Zoning Permit:** A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**ARTICLE 900 SUPPLEMENTARY DISTRICT REGULATIONS**

**SECTION 901 PURPOSE.**

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

**SECTION 902 CONVERSION OF DWELLING TO MORE UNITS.**

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
2. The lot area per family equals the lot area requirements for new structures in that district;
3. The conversion is in compliance with all other relevant codes and ordinances.

**SECTION 903 PRIVATE SWIMMING POOLS.**

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any commercial or residential district, except and an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located closer than five (5) feet to any property line;
3. An in-ground swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock. Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with the fence or wall requirement.

**SECTION 904 COMMUNITY OR CLUB SWIMMING POOLS.**

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements.

1. 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;
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

## **SECTION 905**

### **TEMPORARY BUILDINGS.**

- (A) Temporary buildings, construction trailers, equipment and material used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector.
- (B) Portable Storage Containers that are loaded with materials and placed on a residential property for the purpose of temporarily storing materials are permitted with the following regulations:
  - (1) Portable Storage Containers shall not be located on any parcel for a period exceeding fourteen days from date of delivery. At the end of fourteen days, an extension for a maximum fourteen additional days may be granted by the Zoning Inspector based on just cause.
  - (2) Portable Storage Containers shall not be located on any parcel for a period exceeding twenty-eight days per calendar year.
  - (3) Portable Storage Containers shall be kept in the driveway of the property at the furthest accessible point from the street. The location of the Portable Storage Container on a driveway shall not obstruct visibility nor block the sidewalk. If no driveway is present, approval from Village departments for the placement of the Portable Storage Container prior to its delivery is required.
  - (4) Only one Portable Storage Container shall be placed at any residential property at one time.

## **SECTION 906**

### **PARKING AND STORAGE OF CERTAIN VEHICLES.**

Automotive vehicles or trailers of and kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if they have a current license.

**SECTION 907**

**REQUIRED TRASH AREAS.**

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence or at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

**SECTION 908**

**SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.**

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this ordinance, the provisions of Sections 909 to 915, inclusive shall be used for interpretation and clarification.

**SECTION 909**

**SETBACK REQUIREMENTS FOR CORNER BUILDINGS.**

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

**SECTION 910**

**VISIBILITY AT INTERSECTIONS.**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2-1/2) and (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

**SECTION 911**

**FENCE AND WALL RESTRICTIONS IN FRONT YARDS.**

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2 1/2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2-1/2) feet and ten (10) feet.

**SECTION 912**

**YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.**

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual

building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

**SECTION 913**

**SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.**

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) per cent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) 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 twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

**SECTION 914**

**ARCHITECTURAL PROJECTIONS.**

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

**SECTION 915**

**EXCEPTIONS TO HEIGHT REGULATIONS.**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

**SECTION 916**

**SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES.**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 917 to 926, inclusive.

**SECTION 917**

**FIRE HAZARDS.**

Any activity involving use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

**SECTION 918**

**RADIOACTIVITY OR ELECTRICAL DISTURBANCE.**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

**SECTION 919**

**NOISE.**

Objectionable noise as determined by the Zoning Inspector which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

**SECTION 920**

**VIBRATION.**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

**SECTION 921**

**AIR POLLUTION.**

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

**SECTION 922**

**GLARE.**

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

**SECTION 923**

**EROSION.**

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

**SECTION 924**

**WATER POLLUTION.**

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

**SECTION 925**

**ENFORCEMENT PROVISIONS.**

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

**SECTION 926**

**MEASUREMENT PROCEDURES.**

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington D.C., The United States Bureau of Mines, and the Ohio Environmental Protection Agency.

**SECTION 927**

**FLOOD FRINGE AREAS.**

Any use of the flood fringe areas designated on the official zoning map are to be generally associated with open space, recreational and agricultural land uses and shall not hinder the movement of flood waters. Any proposed use of areas within the designated flood fringe area will require a conditional use permit in accordance with Section 420.