

ZONING ORDINANCE

VILLAGE OF CLINTON

SUMMIT COUNTY, OHIO

Amended 1970, 1988, 1989, 1997

ZONING ORDINANCE  
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ARTICLE I  
TITLE, INTERPRETATION, AND CONFLICT

Sec. 101 Short Title

This Ordinance shall be known as the “Zoning Ordinance of the Village of Clinton, Summit County, Ohio.”

Sec. 102 Interpretation

In their interpretation and application, the provisions of this Ordinance, as most recently amended, shall be held to be the minimum requirements for the promotion of public health, safety, morals, and general welfare.

Sec. 103 Conflict

Whenever the regulations of this Ordinance require a greater width or size of yards or other open spaces, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of population, a more restricted use of land, or impose other higher standards than are required in any other ordinance of regulation, private deed restrictions or private covenants, these regulations shall govern.

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## ARTICLE II

### DEFINITIONS

For the purpose of this Ordinance, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the word "building" shall include the word "structure;" the word "used" shall include the words "arranged," "designed," "constructed," "altered," "converted," or "intended to be used;" and a "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

Abandoned wells: A well which is in a condition in which it is incapable of functioning for thirty days.

Accessory Building or Use: A subordinate building or use customarily incidental to, and located upon the same lot occupied by the main building and use. A guest house or accessory living quarters shall be considered as an accessory use.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall be classified as agriculture only if agriculture is the principal or main use of the land.

Alley: A public thoroughfare which affords only a secondary means of access to a lot or abutting property.

Apartment: See "Dwelling, Town House, Row House or Multi-family."

Automobile Service Station: A place where gasoline, kerosene, or any other motor fuel or lubrication oil or grease for operation motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

Automobile Wrecking Yard: The use of more than twenty-five (25) square feet of any land, building or structure used for the purpose of wrecking, dismantling or storing, for private and/or commercial purposes, any discarded motor vehicle.

Basement: A story having more than one-half (1/2) of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.

Billboard: Same as "Outdoor Advertising Sign."

Boarding House: A building other than a hotel or motel where for compensation by the week or month, meals, or lodging and meals are provided for three (3) but not more than twenty (20) persons.

Building: Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.

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

Building Lines: The line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

Building, Principal: The building on a lot used to accommodate the primary use to which the premises are devoted.

Business Signs: A sign which identifies the business or profession conducted or the principal products sold upon the premises.

Car Port: A covered automobile parking space not completely enclosed by walls or doors. A car port shall be subject to all the provisions prescribed in these regulations for a private garage.

Centralized Sewer System: A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.

Centralized Water System: A system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.

Clinic: Any building or other structure devoted to the medical diagnosis, treatment, and care of human outpatients.

Commission: The Clinton Village Planning Commission.

Council: The Clinton Village Council.

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

Convalescent Home: A “rest home” or “boarding home” for the aged or mentally or physically infirmed conducted within any abode, building, institutional residence, or home used for the reception and care, for a consideration of three (3) or more persons who, by reason of age or mental or physical infirmities, are not capable of properly caring for themselves or who are 76 years of age or upwards, and for which a license has been issued by the Department of Public Welfare of the State of Ohio.

Density: The number of families residing on, or dwelling units developed on, a gross acre of land.

Discarded Motor Vehicle: Any inoperable motor propelled vehicle or accessory to same, which is in the process of being wrecked, dismantled or stored and/or which does not have a license thereon which is valid or was valid not more then six (6) months previous.

District: A section or sections of the incorporated territory of the Village of Clinton for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Dwelling: Any building, or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family, and multifamily but not including hotels, motels, boarding, houses, lodging houses, and tourist dwellings. An attached garage for purposes of determining the front, side and rear yards, shall be considered part of the dwelling.

Dwelling, Single-Family: A dwelling designed for or used exclusively for residences purposes by one family.

Dwelling, Two-Family: A building designed and used exclusively by two families living independently of each other.

Dwelling, Multifamily: A dwelling designed for or occupied by three (3) or more families living independently of each other.

Dwelling, Group: A group of single-family, two-family, or multifamily dwellings, or their combination located on one lot and around common court or courts.

Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping and eating.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other including buildings reasonably necessary for the furnishing of adequate service by such public health or safety or general welfare.

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) buildings. Floor area, for the purpose of these regulations, shall not include basement, garage, elevator and stair Bulkheads, attic space, terraces, breezeways, open porches and uncovered steps.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street or, if the street is dead ended, all the property abutting on one side between an intersecting street and the dead end of a street.

Garage, Private: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

Garage, Public: A building, or portion of a building in which more than four motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leasing such space and accommodations; and in which no repair work is carried on.

Grade, Finished: For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street. (Where no sidewalk exists, the elevation of the center line of the street shall be used in lieu thereof.)

For buildings having walls facing more than one street, the average elevation of the sidewalk at the centers of all walls facing the streets.

For buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings.

Any wall approximately parallel to a street line is to be considered as facing the street.

Grade, Natural: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

Gross Acre: Land area, measured on the horizontal plane, and including land occupied by all natural and man-made features of the landscape.

Guest House or Accessory Living Quarters: Living quarters located on the second floor of a private garage for the use of persons employed on the premises, or for the temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

Home Occupation: Any use or profession customarily conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling or dwelling purposes and does not change the character thereof.

Hospital: Any building or other structure containing beds for at least four (4) patients and devoted to the medical diagnosis, treatment, or other care of human ailments.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or a lodging house.

Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.

Junk Yard: Is the use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used buildings materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, stored, disassembled, dismantled or handled.

Land Use and Thoroughfare Plan: The long-range plan for the development of the village as officially adopted and amended by the Clinton Village Planning Commission.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lodging House: A building where lodging only is provided by the week or the month for compensation for three (3) or more, but not more than twenty (20) persons.

Lot: A piece, parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and



uses accessory thereto, together with such open spaces and access to or frontage on a public street, as required by these regulations.

Lot Area: The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established street right-of-way shall not be included as part of the lot area for the purpose of these regulations.

Lot, Corner: A lot at the junction of and abutting upon two (2) intersecting street.

Lot Coverage: The portion of the lot area that is covered by any buildings.

Lot, Depth: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

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

Lot, Interior: A lot other than a corner lot.

Lot Lines: The property lines defining the limits of a lot.

Lot Lines, Front: The line separating a lot from the street on which the lot fronts.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Summit County; or a parcel of land, the deed to which was of record on or prior to the effective date of these regulations.

Lot, Width of: The width measured along the minimum building setback line.

Major Thoroughfare and Collector Thoroughfare: Thoroughfares designated as such on the adopted Land Use and Thoroughfare Plan.

Minimum Building Setback Line: A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot. Where the right-of-way line is not established the right -of-way shall be assumed to be sixty (60) feet. When major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan the setback line shall be measured from the proposed right-of-way line.

Motel: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges and tourists courts.

Non conforming Use: Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated.

Oil/Gas Well Drilling Unit: Land being used, or to be used for oil or gas well drilling.

Outdoor Advertising Sign: A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected upon the ground, or wall of a building or above the roof of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, electrical displays, pictures or other pictorial or reading matter, for the benefit of a person, organization, business or cause not residing or located on the lot or in the building or on a lot adjoining the lot or building where said advertising sign shall include; any card, cloth, paper, metal, painted glass, wood, plaster, stone or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term “placed” as used in the definition of “Outdoor Advertising Sign” and “Outdoor Advertising Structure” shall include: erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever.

Parking Space: An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

Planned Unit Residential Development: A planned, integrated residential development of at least twenty (20) acres where minimum lot size and dwelling type may be modified somewhat to achieve particular design objective and economical provision of open space and utilities while maintaining the same over-all density limitations of the district in which the planned unit residential development is located and complying with other pertinent requirements of the Ordinance as interpreted by the Clinton Village Planning Commission.

Private Subdivisions: ~~A private subdivision shall consist of a minimum of four (4) single-family dwellings. Deleted per Ord. 96-2.~~

Public Utility: Any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing to the public, electricity, gas, steam, telephone, telegraph, transportation, water or any other similar public utilities.

Roadside Stands: A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products and produced on the premises and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales. No illuminated signs shall be used to advertise such products.

Sign: Any structure, or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purpose of these regulations, the word “sign” does not include the flag, pennant, badge, or insignia of any government, or governmental agency or of any charitable, religious, educational or similar organization.

Stable, Private: A stable with a capacity of not more than two (2) animals owned by the occupants of the dwelling to which it is in accessory use.

Satellite Dish or Earth Station: “Dish-type antenna” is any antenna or receiver designed to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources. It is also defined as a structure in the definition of the Clinton Village Zoning Ordinance.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

Street, Public: A public thoroughfare which has been dedicated to the public for public use or subject to public easements therefore, and which affords the principal means of access to abutting property.

Street, Private: A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements therefore.

Street Right-of-Way Lines: A dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, pergolas, farmer’ road side stands, satellite reception dishes or earth stations, but not including fences or walls used as fences.

Structural Alterations: Any change in the supporting members of building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of the building.

Swimming Pool, Family: A swimming pool used or intended to be used solely by the owner or lessee thereof and his family and by friends invited to use it without payment of any fee.

Swimming Pool, Commercial: A body of water in an artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults or children, or both adults or children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee, or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenances to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.

Thoroughfare: A street or alley.

Tourist Dwelling: A dwelling where overnight accommodations are provided for tourists.

Trailer or Mobile Home: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers.

Trailer Park or Mobile Home Park: A tract or parcel of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.

Use: The purpose for which a building or premises is or may be occupied. In the classification of uses, a “use” may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

Usable Open Space: The required portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants of the buildings for use for recreational and other leisure activities normally carried on outdoors. This space shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking or loading space, and shall be twenty (20) feet in least dimension on the ground. Balconies at least four (4) feet, six (6) inches wide, roof areas which are improved, and side and rear yards which have fences or walls at least five (5) feet high between the open space and adjacent property may also be counted as useable open space.

Used Car Lot: Any lot on which two or more motor vehicles (which have been previously titled in a name other than the manufacturer or dealer) in operating condition are offered for sale or displayed to the public.

Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Front: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot. Where the right-of-way line is not established the right-of-way shall be assumed to be sixty (60) feet. Where a major or collector thoroughfare is designed on the Land Use and Thoroughfare Plan the front yard depth shall be measured from the proposed street right-of-way line.

Yard, Rear: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

Yard, Side: A yard between the nearest portion of any building or structure existing or

proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the rear yard.

Zoning Map: The “Zoning Districts Map” of the Village of Clinton.

## ARTICLE III

### GENERAL PROVISIONS

#### Sec. 301 Establishment of Districts

The incorporated Village of Clinton, Summit County, Ohio, is hereby divided into zone districts. All such regulations are uniform for each building, structure, or use within each zone district.

#### Sec. 301-1 Type of Districts

CD	Conservation District
R-1	Rural Residential District
R-2	Residential District
R-3	High Density Residential District
C-R	Commercial-Residential District
C-1	Local Commercial District
C-2	Community Commercial District
I-1	Industrial District

#### Sec. 301-2 Zoning Districts Map

The districts and their boundary lines are indicated upon a map entitled "Zoning Districts Map: of the Village of Clinton, Summit county, Ohio, which said map is made a part of this Ordinance. The said districts map together with all notations, references and other matters shown thereon are hereby declared a part of this Ordinance.

#### Sec. 301-3 Interpretations of District Boundaries

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

a. Where Boundaries Approximately Follow Streets, Alleys, or Highways

Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

b. Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines

Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of street, the center lines or alley lines of alleys, 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 map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

c. Vacation of Public Ways

Whenever any street or public way is vacated in the manner authorized by law the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all areas included in the vacation shall thereafter be subject to all regulations of the extended districts.

#### Sec. 301-4 Supplementary Regulations

##### a. Permitted Uses

A building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the District provisions established by these regulations for the Districts in which the building or land is located. Uses which are omitted from these regulations, not being specifically permitted, shall be considered prohibited until, by amendment, such uses are written into these regulations.

##### b. Permitted Height Exceptions

Except as specifically stated in other parts of these regulations no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilation fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five per cent (25%) of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building, except that radio, television, and wireless aerials or masts may be erected to any height.

Public or semipublic buildings, when permitted in a District, may be erected to a height not to exceed forty-five (45) feet, except that churches and temples may be erected to a height not to exceed seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is located.

##### c. Front Yard Variances in Residential Districts

In any "R" – District where the average depth of at least two (2) existing front yards on lots within two hundred (200) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in these regulations, the required depth of the front yard on such lot may be modified. In such case, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the depth of the front yard on any lot shall not be less than twenty-five (25) feet and need not exceed one hundred (100) feet.

d. Corner Lot

Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.

e. Zoning Certificate

No zoning certificate shall be issued without evidence that the responsible Health Authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been requested. No zoning certificate shall be granted to build any structure within the confines of the incorporated area of the Village which has ingress or egress to the highway until the owner of such property has secured a permit from the State Highway Department, the County Engineer, or the proper Village official (whichever authority has jurisdiction), for permission to install a culvert of the proper size and specifications required by said State Highway Department, County Engineer, or proper local Village official (whichever authority has jurisdiction) and completed proper installation of such culvert.

f. Sewage and Water Facilities

Where central sanitary sewage facilities and central water facilities are not available, the minimum lot size shall be one (1) acre for a single-family dwelling and two (2) acres for a two-family dwelling, where permitted, unless a larger area is required by these regulation and/or the responsible Health Authority.

g. Transition Areas

To secure the optimum effect of transition from a residential to a nonresidential district, the Clinton Village Planning Commission shall have the power to determine the need for and amount of: plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications, including density and height figures for the over-all site development, shall include the proposed arrangement of such plantings and structures.

h. Essential Services

Essential services as defined by these regulations shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Ohio; it being the intention hereof to exempt such essential services from the applications of these regulations.

i. Construction

Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where construction has started before the effective date of these regulations provided that foundations have been put in place before said effective date of these regulations and provided further that such building shall be completed within two (2) years from the date of passage of these regulations.

j. Principal Building



No more than one dwelling shall be permitted on any lot unless otherwise specifically stated in these regulations and every dwelling shall be located on a lot having required frontage on a public street or private street. Private streets shall be permitted only for the use of private subdivisions.

k. Substandard Lots

Any lot not meeting minimum area requirements and being a lot of record or lot for which a land contract has been issued or any lot within an unrecorded allotment, of which at least one-half of said lots are of record or have been sold on land contract on the effective date of these regulations, may be used for a single-family dwelling irrespective of the area, depth, or width of said lot, the width of the said yard of any such lot need not exceed ten (10) per cent of the width of the lot; the depth of the rear yard need not exceed twenty (20) per cent of the depth of the lot, provided, however, that in no instance shall the minimum dimensions of the side and rear yards be less than five (5) and twenty (20) feet respectively.

l. Lots, Yards, and Open Space

No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by these regulations may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

m. Projections Into Yard Areas

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sill, belt-courses, cornices, and ornamental features projecting not to exceed twelve (12) inches. This requirement shall not prevent the construction of fences not exceeding six (6) feet in height except on that portion of lots within thirty (30) feet of the intersection of two or more streets. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the level of the ground (first) story may project into a required side yard, provided these projections be distant at least two (2) feet from the adjacent lot line. The ordinary projections of chimneys or flues are permitted into the required side, rear, and front yards.

An open unenclosed porch, or paved terrace may project into the front yard for a distance not to exceed ten (10) feet.

n. Visibility at Corner Lots

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.

o. Dwelling Other Than a Main Structure

No residential structure shall be erected upon a lot with another dwelling; except that a two-story garage with living quarters upon the second floor may be permitted provided such quarters are occupied by guests or a servant (and his family) employed by the family occupying the main structure.

p. Accessory Building

An accessory building attached to the principal building, on a lot, shall be made structurally a part thereof, and shall comply in all respects with the requirements of these regulations applicable to the principal building.

Accessory buildings which are not a part of the main building shall not be located closer than fifteen (15) feet from the main building, may be built within ten (10) feet of the rear and side lot lines, and must conform to the front yard building setback line. An accessory building which is not a part of the main building shall not occupy more than thirty (30) per cent of the required rear yard and shall not be located nearer than sixty (60) feet from any front lot line or side street lot line.

Accessory buildings in residence districts shall be limited to fifteen (15) feet in height unless a greater height is authorized by the Commission.

q. Temporary Buildings

Temporary buildings for use incidental to construction work may be erected in any of the zone districts herein established, however, such temporary building or buildings shall be removed upon the completion or abandonment of the construction work.

r. Approval of Plats

No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum requirements set forth in the various districts of these regulations.

s. Inconsistencies

In the event any of the requirements or regulatory provisions of these regulations are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

t. Prohibited Uses

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of these regulations, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, electrical interference, refuse matter, or water carried wastes. In addition, trailers and mobile homes used or intended to be used for residential purposes and trailer parks shall not be permitted in any of the zone districts.

u. Outdoor Advertising Signs

Outdoor advertising signs shall be classified as a business use and shall be erected subject to the provisions of Article V.

v. Compliance with Building Regulations

All structures shall comply with the standards and requirements of the building regulations adopted and administered by the Summit County Building Department.

w. Swimming Pools

Public or private in-ground or above-ground swimming, wading, or other pools containing over one and one-half (1-1/2) feet of water depth shall be considered as structures for the purpose of permits, shall not be located in front or side yards, and shall conform to all required yard setback lines. The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the city and/or county codes.

Every pool defined as a structure shall be completely surrounded by a fence or wall not less than four (4) feet in height; such fence shall be constructed so as to have not openings, holes, or gaps larger than three (3) inches in any dimension, except for doors or gates which shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of such enclosure. Pools above-ground having vertical surfaces of at least four (4) feet in height shall be required to have fences and gates only where access may be had to the pool. (Deleted by Ordinances 7-90 and 28-90) (Restored by Ordinance 97-06)

x. Fences, Walls, and Hedges

Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the side or front edge of any front yard shall be over two and one-half (2-1/2) feet in height.

Fences, walls, and hedges may be permitted along the side or rear lot lines to a height of not more than six (6) feet above the grade provided at least twenty-five (25) per cent of the vertical surface of any fence or wall shall be open to light and air; and that any fence, wall, or hedge shall be well maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous or disturbing to existing or future neighboring uses,

Informal planting may be higher than six (6) feet.

Solid walls and fences shall conform to all required setback lines for yards.

y. Private Subdivisions

~~All zoning regulations under article IV, use, area, height regulations, will apply to private subdivisions and all private streets shall be built and paved to conform to county standards and must be maintained to allow passage of emergency vehicles with adequate turn around space if road is Cul De Sac or dead end. Any person~~

~~proposing a private subdivision shall present a plat surveyed by a certified surveyor for consideration to the Planning Commission, and, if approved, the Planning Commission shall present the plat to the Village Council for approval or denial, and if approved, be recorded with the Summit County Engineer. Gates shall not be permitted at the entrance to private subdivisions, and all village and county inspectors shall be permitted access for the purpose of inspection. All dwellings in a private subdivision shall be marked with an address number to be identified by emergency personnel. Private subdivisions shall be permitted in CD and R1 districts only. Deleted entirely by Ordinance 95-03.~~

z. Satellite Dish or Earth Stations

Size: The dish-type satellite or Earth Station hereafter referred to as “satellite dish” shall not exceed twelve (12) feet in diameter nor shall it be attached to a pole greater than fifteen (15) feet. If installed on rooftop, the satellite dish diameter shall not exceed ten (10) feet.

Installation:

1. The satellite dish shall be located only in the rear of the residence or main structures, and only on a concrete base or caissons. Side yard installation is acceptable only if a rear yard does not exist and is also subject to a Conditional Use Permit. It shall be set back at least ten (10) feet from any property line or easement at the furthest horizontal extension of the dish’s outside diameter.
2. A satellite dish will be designed to withstand a wind force eighty-five (85) miles per hour without the use of guy wires.
3. The satellite dish will not be used for advertising purposes.

Permit required: No person, firm or corporation shall erect a satellite dish in the Village of Clinton without a permit.

## Sec. 302 OIL/GAS WELL DRILLING

### Sec. 302-1 Intent, Authority of the Planning Commission:

- A. It is the intent of this Section, in addition to prescribing minimum standards, to make drilling as safe as possible within the Village of Clinton.
- B. The Planning Commission is aware of the difficulty in setting rigid rules as to the areas to be included in any one drilling unit. It is the intent of this Section to have an oil/gas well properly drilled, when reasonable and expedient in the Commission's judgment, on one permit encompassing all appropriate and compatible properties and to prevent the withholding of permission by a landowner for the sole purpose of later requesting individual permission to drill on the same lot or area.
- C. The Planning Commission is herewith given full authority to give full force and affect to the intent as expressed in Subsection (a) herein. Each application for a drilling permit shall rest solely on its merits and the prudent use of discretion by the Planning Commission.

### Sec. 302-2 Oil/Gas Well Drilling Prohibitions:

- A. No oil/gas well drilling unit shall be located in the R-3 High Density Residential District or any commercial district.

### Sec. 302-3 Permit Requirements:

- A. Any person wishing to drill for oil, gas, or any other hydrocarbon within the Village of Clinton must secure a permit according to the specifications set forth as follows:
  - 1. A drilling permit, which is issued by the Planning Commission, shall be required for the actual drilling of the well. No drilling permit shall be issued until the applicant has paid the appropriate fee and met all requirements of the Section and whatever additional conditions the Planning Commission may impose.

### Sec. 302-4 Application for a Permit

- A. Any person desiring to drill an oil/gas well in the Village of Clinton shall make application for a permit with the Zoning Inspector who will after all requested information is provided, place it upon the Planning Commissions agenda. The fee must accompany the application and is nonrefundable. The applicant must provide all the information required in Subsections 302-4 through 302-15 of this Section. Eight (8) copies of the application must be submitted. A fee of \$100.00 shall be submitted with application. The drilling permit, if issued, will be terminated and become inoperative, without any action on the part of the Village, unless within ninety (90) days from the date of issue of the drilling permit, actual on-site drilling shall have commenced, and after the drilling of a well has commenced, the cessation of

a ninety (90) day period of the drilling operations shall operate to terminate and cancel the permit and the well shall be deemed abandoned for all purposes of this section, and it shall be unlawful thereafter to drill or operate any such well without the issuance of another permit. Reapplication requires payment of all fees.

- B. The Planning Commission may, for good cause, grant an extension of the drilling permit up to six (6) months without holding a public hearing. No well or wells shall begin production until compliance with all provisions is certified by both the Fire Inspector and the Zoning Inspector.
- C. No person shall be permitted to drill more than two (2) wells at any one time. Application for the third permit, or any subsequent permit, may be made upon completion of drilling the first, second, and each numerically subsequent well.

Sec. 302-5 Public Hearing Requirements

- A. The Planning Commission shall, before granting a drilling permit, schedule a public hearing, the date and time of which shall be established by the Commission, and shall cause all property owners and residents within the Village of Clinton within 1,000 feet of the wellhead to be notified of such hearing, in writing, all by regular mail, and notice shall be given of said hearing by publication in a newspaper of general circulation in Clinton not less than ten (10) days before the date of the hearing. The notice to be mailed must carry a map showing the specific location of the well. All mailings shall also include proof of service.

The public hearing must not occur less than four (4) weeks prior to the Commencement of drilling. It shall be sufficient notice to all the residents of any one residential unit to address notice to "Resident or Residents" at the mailing address of the residential unit.

- B. Compliance with the hearing provision of this subsection shall be mandatory conditions of drilling under the permit.

Sec. 302-6 Proof of Performance Bond:

- A. Prior to the issuance of a drilling permit of an oil/gas well, each applicant shall deposit with the Village of Clinton, proof that a performance bond has been attained. The bond shall be conditional upon compliance with all subsections of this Section. The amount of the bond, not less than \$10,000 shall be set by the Planning Commission. The bond shall be maintained by the permittee until the well is abandoned, all equipment is removed, the premises restored to predrilling condition, and the well is sealed. The bond shall not only be conditional upon compliance of the applicant, but also upon compliance of this Section by any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or any other party performing services in connection with any permit issued hereunder.

Sec. 302-7 Plot Plan and Vicinity Map:

Each application for drilling an oil/gas well must be accompanied by a plot plan and vicinity map of the drilling unit involved in the application drawn to a legible scale and showing thereon:

1. the lot lines of all properties within 1,000 feet of the proposed well site;
2. the location of all buildings and structures 750 feet of the proposed well site;
3. the location of all associated wells and appliances; that is, the well head, piping, tank batteries, access roads, drives and fences;
4. a landscaping plan drawn to reasonable scale as required by the Planning Commission;
5. the names and addresses of the owners and the addresses the occupants of each property shown on the map within a radius of 1,000 feet of the proposed well sites;
6. a circle drawn on the map at a radius of 300 feet, 400 feet, 500 feet, 700 feet and 1000 feet from the proposed well site;
7. a schematic of all pipe lines;
8. a listing of the name, address, and telephone number of the firm and/or individuals making application for a permit; and
9. if the request for a drilling permit is part of a larger planned drilling area, the applicant must submit a plan upon which is shown the location of all projected drilling units, including the proposed locations of the drilling sites.

The applicant must provide eight (8) copies of the application and all attachments.

Sec. 302-8 Drilling Unit Size:

- A. The minimum size of a drilling unit shall be twenty (20) acres for wells from 2,500 to 4,000 feet deep and forty (40) acres for wells deeper than 4,000 feet.

Sec.302-9 Minimum Depth of Well:

- A. All oil/gas wells drilled in the Village of Clinton shall be a minimum of 2,500 feet in depth. No production is permitted from wells shallower than 2,500 feet.

Sec. 302-10 Spacing of Oil/Gas Wells:

- A. The spacing between wells shall be a minimum of 1,000 feet.

Sec. 302-11 Placement of Oil/Gas Wells:

- A. A well site shall not be less than 500 feet from any boundary of the subject tract. If the drilling unit borders on any municipality boundary, the well head shall be at least 300 feet from said boundary.

Sec. 302-12 Drilling Near Structures; Exceptions:

- A. No drilling shall be permitted for oil or gas wells within 600 feet of a building designed for human occupancy, including residential structures, industrial or mercantile, or any school, child day-care centers, church, hospital, or assembly hall, regardless of the zone where drilling is permitted. In the case of particular installations where compliance with the foregoing distance requirements may be handicap to the use of the property and where no undue hazard will be created, the Planning Commission may, with waivers as required in Subsection 302-13, reduce the distance to not less than 400 feet. Any reduction in distance must be based upon a consideration of the special features such as topographical conditions, nature or occupancy, and proximity of the storage tanks, degree of fire protection provided and the facilities available at fire departments to cope with liquid fires. The above features are not to be in any way construed as a limitation of matters which the Planning Commission may consider. The Planning Commission shall have the right to consider any and all other special features it may deem important in determining whether or not an undue hazard is created.

Sec. 302-13 Consent from Property Owners Within 1,000 Feet:

- A. All applications for a drilling permit shall be accompanied by consents in writing of owners of 51 percent or more of the real estate units located within a radius of 1,000 feet from the proposed wellhead. The consents shall plainly state that the persons whose signatures are affixed thereto do give their consent to the drilling of an oil or gas well on the site as proposed in the application for a permit. Measurement for determination of the distance of the aforesaid 1,000 feet shall be made from the exact center of the hole that is to be drilled for the well. As used in this subsection, the term "real estate unit" shall mean a land area with a common ownership irrespective as to how it may be divided into lots. No permits may be issued until 51 percent of the real estate units within 1,000 feet of the wellhead approves of the drilling of oil/gas well.
- B. In the event the owner of any property abutting a proposed well site:
  1. has leased his property for drilling for oil or gas;
  2. has signed and filed an application for a permit to drill for oil or gas on his property, or his leasee, contractor, or agent has signed and filed the application;
  3. has signed and delivered a written assent under Subsection 302-8 through 302-9 to an application for a permit to drill a well for oil or gas; or
  4. has utilized his property by entering into a community lease or agreement for drilling a well for oil or gas, if drilled under the community lease or



agreement is to be located nearer to his property than the well or proposed well site first above mentioned in this division of this subsection;

then the owner shall not be permitted to object, but shall be deemed to have given his written assent under the provisions of this subsection, to drilling a well for oil or gas on the proposed well site first mentioned above. However, any owner who has united his property by entering into a community lease or agreement set forth in Subsection (b) (4) herein, shall not share in any adjacent well production because of conflicting lease interests of the real estate caused by the real estate being in more than one unitized area. It is the expressed intention of the provision to prohibit an owner of property from unitizing identical property under more than one community lease or agreement.

Sec. 302-14 Waivers from Owners and Occupants Within 600 Feet:

- A. In addition to the consents required in Subsection 302-12, no drilling shall be permitted for oil and/or gas wells in any permitted zone within 600 feet of any building or structure of any nature unless written waivers, as hereinafter provided for, accompany an application for a permit.
- B. The owners and occupants of any buildings or structures within 600 feet of the proposed well site must waive, in writing, the distance set forth. The owners or occupants may waive down to a minimum distance 400 feet without the necessity of vacating, or causing to be vacated, any buildings or structures during drilling operations.
- C. Where the owners or occupants of any buildings or structures which are closer than 600 feet to a proposed drilling site have, at any time, waived, in writing, the distance requirement provided for in this subsection for any proposed drilling site which was closer than 600 feet to the buildings or structures, then the property owners and occupants shall be deemed to have waived the distance requirement provided for in the party waived for the other proposed drilling site, or to the distance that the well was actually drilled, whichever is smaller.
- D. The Planning Commission may refuse to reduce the distance from any building or structure even though the owners and occupants within 600 feet of the well site have waived the distance set forth in this subsection. The Planning Commission will evaluate each case from the perspective of safety, impact on the immediate area, and relationship to long term plans for the area.

Sec. 302-15 Construction Near Producing Oil/Gas Wells and Storage Tanks:

- A. Oil/Gas Well: No zoning permit shall be issued for the construction of any building designed for human occupancy or use, i.e., residential, industrial, business or public, if the proposed site is within 400 feet of any oil/gas well; until such time as the well has been plugged in conformance with this section.

- B. Oil/Gas Well Storage Tanks: No zoning permit shall be issued for the construction of any building designed for human occupancy, i.e., residential, industrial, business or public, if the proposed site is within 400 feet of any oil/gas well storage tank.

Sec. 302-16 Easements or Options for Pipelines and Storage Tanks:

- A. An applicant who has received drilling permission and has realized a producing well shall submit to the Zoning Inspector copies of easements or options for easements for a pipeline where the pipeline will be crossing other property, and shall also provide a copy of an agreement or option for a location or storage tanks should there be a producing well.

Sec. 302-17 Existing Applications for Permits:

- A. All applications for permits, which have not been placed on the agenda of the Planning Commission on the date of passage of this amended ordinance, shall be governed by the provisions of this amended ordinance.

Sec. 302-18 State Permit Required:

- A. No Drilling permit will be issued by the Planning Commission until the applicant presents evidence of having obtained a permit issued by the Ohio Department of Natural Resources, Division of Oil and Gas, and bearing a current date.

Sec. 302-19 Permit Issuance; Liability Insurance:

- A. Upon approval by the Planning Commission the permit shall be issued. However, prior to the issuance, the Village shall be provided with a policy or certificate of insurance covering the applicant's liability in an amount of not less than \$2,000.00. The insurance policy or policies must be maintained for such period of time as drilling is in progress, the well is pulled and plugged as hereinafter provided. The insurance policies and the coverages thereunder must be to the complete satisfaction of the Village and such policies may be rejected by the Solicitor for any valid reason. The rejection of the insurance policy by the Village shall serve to stay the granting of permit theretofore approved until such time as an insurance policy providing coverage resulting entirely satisfactory to the Village has been provided by the applicant. All policies must include coverage for property damage, personal injury, and including coverage resulting from blowout or cratering. The Village of Clinton shall be named as an insured and shall be held harmless from all liability resulting from the granting of a permit under this section.

Sec. 302-20 Inspection; Permit Revocation:

- A. Duly authorized representatives of the Village, including the Zoning Inspector, Fire Inspector, Fire Chief, and Police Chief, shall have the authority, at any time, to enter upon property where a well is being drilled, a well site is being contemplated, or a producing well site for the purpose of inspecting the site, equipment, and all other things necessary to ensure the

compliance with this section. Noncompliance is punishable as per Section 902.

Sec. 302-21 Information to be Furnished to the Village:

- A. The name, address, and telephone number of the persons responsible for the ownership, operation, and all maintenance of each producing well located within the village shall be furnished to the Zoning Inspector, police division, and fire division in order that some responsible person may be reached at any time in the event of an emergency. The Zoning Inspector shall prepare a list of such names and addresses and shall post a list in a conspicuous place in the police division for ready reference. Detailed instructions regarding the shutdown procedures for each well shall be filed with the Fire Chief. This information shall also be posted at the well site. In addition, the developer shall notify the Zoning Inspector forty-eight (48) hours before commencing drilling operations.

Sec. 302-22 Maintenance of Well Site: Ingress and Egress: Landscaping:

- A. The applicant shall install a forty (40) foot long culvert as approved by the Street Commissioner, at each entrance or exit, to provide for a gravel entry roadway, a minimum of twelve (12) feet wide, shall be laid to the well site to reduce the amount of mud being carried to the right-of-way.
- B. The well site shall be landscaped and maintained in a manner approved by the Planning Commission.
- C. All access roads shall be twelve (12) feet in width and constructed and maintained in a manner to allow access and egress by public safety vehicles under all climatic conditions.

Sec. 302-23 Rotary Equipment:

- A. The drilling preparation used in wells drilled with rotary equipment shall be capable of sealing off each oil, gas, brine, or fresh water stratum above the producing horizon/objective formation and shall be capable of preventing blowouts and flows of salt or fresh water in accordance with good drilling practices.

Sec. 302-24 Cable Tools:

- A. Wells drilled with cable tools shall have the innermost string of casing equipped with a high pressure master gate valve and control head and oil saver, securely anchored by concrete, prior to drilling any formation likely to contain oil or gas.

Sec. 302-25 Training of Crews: Condition of Equipment:

- A. All crews shall be trained in the operation of the blowout preventer, control head and related equipment, and all equipment used shall be in good condition.

Sec. 302-26 Sealing to Protect Fresh Water Wells:

- A. It shall be the duty of the permittee to seal gas and oil wells to protect fresh water wells from salt water or other pollution or contamination in such proper manner as is in accordance with good practice. Both the permittee and his driller shall establish contingency plans for the immediate furnishing of potable water to affected residents from such period as may be required to re-establish proper potability on any polluted or contaminated well or wells. The permit holder and his driller shall be jointly and severally responsible for the obligation to provide potable water, without cost to the residents receiving the same. Drillers' responsibility shall include covering the cost of drilling new wells or extending public water service, if available.
- B. Drillers shall also pay to have all water wells, within 1,000 foot radius of the well being drilled, tested before and after drilling.

Sec. 302-27 Fence Requirements; Electric Powered Well Pump Required:

- A. A permittee shall maintain a fence around the drilling site in accordance with good oil field practices. Should a well be a producing one, the permittee shall upon completion of the well construct a fence as specified by the Planning Commission. The fence shall be maintained around the well pump satisfactory to the Zoning Inspector. All landscaping shall be completed as soon as possible after setting the storage tanks, in no case longer than six (6) months.
- B. All well pumps shall be operated by explosion-proof electric motors only unless otherwise approved by the Planning Commission for demonstrated good cause.
- C. All existing and future tank batteries, separators, temporary holding pits and all other installations of equipment used at oil or gas well installations located within the Village of Clinton, shall be surrounded by a fence which shall be of sufficient height and construction to meet with the approval of the Planning Commission. The fence shall be a minimum of six (6) feet high and of a design and material specified by the Planning Commission, with suitable locking gates for access. Locking devices used on all gates, valves, or other secured apparatus in conjunction with any well or tank battery operated by a permittee in the Village of Clinton shall be keyed alike so that one key will provide access to any such secured apparatus. A copy of such key shall be provided to the Clinton Fire Department and the Clinton Police Department. All shut-off valves shall be painted a conspicuous common color.
- D. Electrical underground power service in schedule 40 plastic buried to a minimum of 24 inches is required.
- E. No lighting during drilling or on a producing well shall constitute a nuisance to surrounding properties.

Sec. 302-28 Prohibited Drainage in Storm or Sanitary Sewers and Lakes, Ponds, Canal and Streams:

- A. No waste, sludge, water or effluents of any type from where an oil or gas well is being drilled shall in any manner be drained or emptied into any storm or sanitary sewer or lakes, ponds, canal, or streams in the Village of Clinton. All sludge water, or effluents which are allowed to run off and pollute any area outside the dike shall be removed from the site in trucks, tanks, or similar vehicles for disposal in suitably licensed and permitted sites.

Sec. 302-29 Storage Tanks, Location and Diking:

- A. Oil well storage tanks must be located a minimum of 500 feet from industrial, commercial, or residential structures, or any church, hospital, assembly hall, library, public building, or other public gathering place, and at least 200 feet from a public road, street, or railroad tracks, regardless of the zone.
- B. Where more than one well is to be drilled, storage tanks for all wells shall be grouped together.
- C. All oil well storage tanks or groups of tanks situated within the corporate limits of the village shall be diked or other suitable means taken to prevent discharge of liquid from endangering adjoining property or reaching waterways. Each dike shall have a capacity of not less than that of the tank or tanks served by the enclosure.
- D. All dikes shall be constructed of earth, clay, steel, masonry, or reinforced concrete so constructed as to be watertight and afford adequate protection and, if of concrete or masonry, shall be properly reinforced and shall have footings below the frost line. All pits used for storage or disposal of sludge or lime shall be lined with plastic or comparable material to prevent leaching and shall be of sufficient size to contain all effluents.

Sec. 302-30 Mud on Site or Streets:

- A. All permittees shall use care at a drilling site to keep the area around the drilling site free of mud which could be carried onto public streets by any vehicle or other equipment used at the drilling site. Should any mud be carried onto public streets from a drilling site, the Zoning Inspector has the authority to request the permittee to clean up the public streets to his satisfaction. Failure to take specific steps to reduce mud at a given location, as requested by the Zoning Inspector, shall be grounds for revocation of the permit and/or forfeiture of the bond posted under Subsection 302-06.

Sec. 302-31 Restoration of Public Property; Site Clean Up:

- A. The permittee shall restore the streets, sidewalks, and other public places of the village damaged or destroyed in the operation of drilling or preparing to drill to their former condition immediately upon completion of drilling.

- B. The permittee shall clear the area of all litter, rubbish, machinery, derricks, buildings, oil, or other substances used or allied to the use of drilling or producing operations.
- C. The permittee shall hold the Village harmless from any and all liability growing out of the issuance of a drilling permit for an oil or gas well or unlawful brine disposal.
- D. The permittee shall pay to the owners of any realty, crops, building, improvements, goods, or chattels located in the area, except persons of the drilling unit, any extra cost of insurance on such property imposed by reason of granting of the permit to the operations carried on thereunder.
- E. Landscaping shall be required around all well sites and tank batteries to standards established by the Planning Commission. All landscaping shall be completed within six (6) months after setting the storage tanks.

Sec. 302-32 Abandoned Wells:

- A. In the event that a well is abandoned, it shall be the duty of the owner of lessee to notify the Zoning Inspector of such abandonment before the well has been abandoned and the equipment removed. A well shall be considered abandoned when it is in a condition in which it is incapable of functioning for thirty (30) days.
- B. All permittees shall be required to pull and/or plug a well site upon abandonment and to remove all aboveground appurtenances and to return the ground to its original grade and condition. All other rules or regulations promulgated by any department or division of the State of Ohio relative to pulling, plugging, and abandoning oil or gas wells shall also be complied with. All such efforts shall be completed within six (6) months of abandonment.
- C. Landscaping may be preserved at the time of abandonment of the well, if feasible, and only if desired by the property owner.

Sec. 302-33 Noise Level:

- A. Drilling operations shall be controlled by double exhausts or otherwise so that the noise level of actual drilling does not exceed the noise level of 75 decibels in a 600 feet radius during maximum noise-producing periods.

Sec. 302-34 Other Conditions:

- A. The wells, tank batteries and access roads shall be located as shown on the approved site plan.
- B. The applicant shall provide a list of all subcontractors, including the brine disposal subcontractors, with names, mailing addresses and telephone numbers.

Sec. 302-35 Brine Disposal Prohibited:

- A. Any method of brine disposal within the Village of Clinton is prohibited.

Sec. 302-36 Granting of Variances:

- A. Variances to any of the provisions of Section 302 shall be governed by Article 10.

Sec. 302-37 Penalty:

- A. Violations under Section 302 are punishable under Section 902.

**Section 303 PLACEMENT OF WIRELESS COMMUNICATION TOWERS AND ANTENNAE (Ordinance 98-19 adopted July 7, 1998)**

**303.01 Definitions**

**Co-location:** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Lattice tower:** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

**Monopole:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Open Space:** Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

**Telecommunication:** The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

**Wireless telecommunications antenna:** The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**Wireless telecommunications equipment shelter:** The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**Wireless telecommunications facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**Wireless telecommunications tower:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.



## 303.02 GENERAL

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for nonresidential and residential districts as set forth in Sections 303.03 and 303.04 which follow.

- A. When the Proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one inch is equal to 100 feet which shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
- B. The location of the tower and equipment shelter shall comply with any natural resources protection standards established in the Zoning Code, including those for floodplain, wetlands and steep slopes.
- C. Security fencing eight feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually as determined by the Planning Commission.
- D. The following buffer plantings may be located around the perimeter of the security fence as deemed appropriate by the Planning Commission:
  - 1. An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or
  - 2. A row of evergreen trees planted five feet on center maximum.
- E. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- F. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a one-half mile radius of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations and present written information regarding the co-location inquiries. The application shall not be deemed complete until this information is provided. The applicant's letter(s) as well as response(s) shall be presented to the Planning Commission as a means of demonstrating the need for a new tower.
- G. All wireless telecommunications facilities shall be constructed initially with the structural capability to allow a minimum of two (2) additional carriers to co-locate on the tower. The fenced in area shall be sufficient size to accommodate the additional carriers' equipment building(s).
- H. No wireless telecommunications facility shall be permitted within the Tuscarawas River/Ohio-Erie Canal Corridor as defined in Chapter 303.
- I. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

- J. No advertising is permitted anywhere on the facility, with the exception of identification signage.
- K. All providers utilizing towers shall present a report to the Zoning Inspector notifying the Inspector of any tower facility located in the municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the Zoning Inspector may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Zoning Inspector and instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the municipality will remove or will contract to have removed the facility and assess the property owner/operator or the landowner on which the facility exists the costs.
- L. The owner or operator shall be required as a condition of issuance of a permit to post a cash or surety bond acceptable to the Director of Law of not less than \$100 per vertical foot from natural grade of the wireless communication tower which bond shall insure that an abandoned, obsolete or destroyed wireless communication antenna or tower shall be removed within six (6) months of cessation of use and abandonment.
- M. No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting around the equipment shelter is permitted. No strobe lighting is permitted unless required by the FAA.
- N. "No Trespassing" signs shall be posted around the facility with a telephone number of whom to contact in the event of an emergency.
- O. Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.
- P. A Conditional Use Permit must be approved by the Village Planning Commission with a subsequent Zoning Permit issued by the Zoning Inspector. Co-location of antennas on a single tower is a permitted use and will not be subject to the conditional use permitting process.
- Q. Regular scheduled maintenance shall be conducted on weekdays from 8 a.m. to 5 p.m. in all districts. The Village shall be notified when emergency maintenance is required.
- R. Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission.
- S. Underground equipment shelters are encouraged, especially in nonindustrial districts, and may be requested by the Planning Commission.

- T. Any wireless telecommunications facility built for or by the Village for the primary purpose of police, fire and emergency communications shall be considered an essential service within the meaning of Section 303.09 of the Zoning Ordinance.

### **303.03 C-D, R-1 and I-1 Districts**

Wireless telecommunications facilities proposed for CD-Conservation District, R-1 Residential District, and I-1 Industrial District are subject to the following conditions:

- A. Sole use on a lot: A wireless telecommunications facility is permitted as a sole use on a lot subject to the following:

1. Minimum lot size allowable for the district.
2. Minimum yard requirements

Tower: The minimum distance to any single-family or multi-family residential use or district lot line shall be equal to the vertical height of the wireless telecommunications tower plus 50 feet.

Equipment shelter: Must comply with minimum setbacks.

3. Maximum height- Tower: 250 feet (includes antenna). Equipment shelter: Must comply with maximum building height for the district.
4. Maximum size of equipment shelter – 300 square feet for a single shelter, or, if there is more than one, 750 total square feet.

- B. Combined with another use:

A wireless telecommunications facility is permitted on a property with an existing use subject to the following conditions:

1. The existing use on the property may be any permitted use in the district or any lawful nonconforming use, and need not to be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or value of a nonconforming use.
2. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
3. Minimum lot area - The minimum lot area shall be the area needed to accommodate the tower a (and guy wires, if used), the equipment shelter, security fencing and buffer planting.
4. Minimum yard requirements – Tower: The minimum distance to any single-family or multi-family residential use or district lot line shall be equal to the vertical height of the wireless telecommunications tower plus 50 feet. Equipment shelter: Shall comply with the minimum setback requirements for the primary lot.

5. Access - The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
  6. Maximum height – Tower: 250 feet (includes antenna). Equipment shelter: Must comply with maximum building height for the district.
  7. Maximum size of equipment shelter: 300 square feet for a single shelter, or, if there is more than one, 750 square feet.
- C. Combined with an existing structure: Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:
1. Maximum height: 5 feet above the existing building or structure, whichever is greater.
  2. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building), the shelter shall comply with the following:
    - a. The minimum setback requirements for the subject zoning district.
    - b. A vegetative buffer must be established
    - c. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.
    - d. The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.
    - e. Building materials used on the equipment shelter shall be similar to those used on the principal structure.

#### **303.04 R-2, R-3, C-1, C-2 and C-R Districts**

Wireless telecommunications facilities that include new towers are not permitted in the R-2 Medium Density, R-3 High Density, C-1 Local Commercial, C-2 Community Commercial or C-R Commercial Residential districts. However, antennas attached to existing buildings or structures are conditionally permitted. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone. Once those efforts have been exhausted, a wireless telecommunications facility may be located in a residential district subject to the following conditions:

- A. General: The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance. This shall apply to B, C, D and E below.
- B. Combined with a nonresidential use: An antenna may be attached to a nonresidential building or a structure that is a permitted use in the district, including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:
  1. Maximum height: The antenna may not extend more than 5 feet above the existing building or structure.

2. If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:
  - a. The shelter shall comply with the minimum setback requirements for the subject zoning district.
  - b. The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.
  - c. A vegetative buffer will be established
  - d. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.
  - e. Building materials used on the equipment shelter shall be similar to those used on the principal structure.

### **303.05 Criteria for a Conditional Use**

Wireless Telecommunications Facility. Wireless telecommunications facilities may be permitted as a conditional use. In order to be considered for review, the applicant must prove that a newly-constructed tower or antenna placement is necessary in that opportunities for co-location on an existing tower in the Village or adjacent communities are not feasible. The following steps must also be taken for the application to be considered for review in this category:

- A. The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses, if applicable.
- B. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower and this proposed site is technically necessary.
- C. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.
- D. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a one-half mile radius of the proposed facility. The applicant shall inquire about potential co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Planning Commission as a means of demonstrating the need for a new tower.

## ARTICLE IV

### USE, AREA, HEIGHT REGULATIONS

#### Sec. 401 CD CONSERVATION DISTRICT

##### Sec. 401-1 Purpose

This district is established for the following purposes. (1) to preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic area; (2) to protect the ecological balance of an area; (3) to conserve natural resources, such as river valley and tracts of forest land; (4) to reduce the problems created by intensive development of areas having excessively high water tables, or which are subject to flooding, or which are topographically unsuited for urban type uses.

##### Sec. 401-2 Uses

###### A. Permitted Uses:

1. Single-family dwelling
2. Agriculture
3. Roadside stands, offering for sale only agricultural products which are produced on the premises, including only one (1) sign advertising such products not exceeding twenty (20) square feet in area may be erected beyond the building line on lands used for agriculture purposes. Such roadside stand and sign shall not be erected nearer than thirty (30) feet from either side lot line. Such stand, sign, and required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard.
4. Wildlife refuge and game preserve.
5. Accessory buildings, incidental to the principal use which do not include any activity conducted as a business.
6. Signs- As regulated by Article V hereof.

###### B. Conditionally Permitted Uses

The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Article VIII and to Article VIII referred to below.

1. Temporary farm labor accommodations necessary for the harvesting of crops grown on the premises subject to Subsection 124.
2. Cemetery subject to Subsections 103, 107, 129.

3. Church and other buildings for the purpose of religious worship subject to Subsections 101, 103, 107, 111, 114, 117.
4. Governmentally owned and or operated building or facility subject to Subsections 103, 107, 108, 111.
5. Strip or open pit mining, soil removal, or extracting operations for sand, clay, stone, gravel, coal and other natural resources subject to Subsections 105, 112, 113, 115, 116, 117, 120.
6. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academics, and other similar recreational facilities or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 109, 111, 117, 131, 132, 136, 137.
7. Governmentally or privately owned and/or operated parks, recreational areas, and campgrounds, where camping in tents, trailers, and other vehicles, cabins, or lodges is permitted by fee, membership, or otherwise, and for overnight or longer periods of time; and day camps, summer camps, health camps, and other types of outdoors and/or recreationally oriented uses which involve facilities for group activities and accommodations. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 109, 111, 117, 132, 133, 134, 135, 136, 137.
8. Airports, airfields, and landing strips subject to Subsections 101, 104, 105, 125.
9. Home occupation subject to Subsection 119.
10. Public Utility rights-of-way and pertinent structures subject to Subsections 101, 110, 111.
11. Child Day Care Center subject to Subsections 101, 102, 103, 105, 107, 109, 111, 117.

#### Sec. 401-3 Lot Requirements

- A. Minimum Lot Area Per Dwelling Unit – Five (5) acres.
- B. Minimum Lot Width at Building Line – Two-hundred (200) feet.
- C. Minimum Lot Frontage – Sixty (60) feet.

#### Sec. 401-4 Yard Requirements

- A. Minimum Front Yard Depth – One hundred (100) feet.
- B. Minimum Rear Yard Depth – Fifty (50) feet.

C. Minimum Side Yard Width on Each Side – Twenty-five (25) feet.

Sec. 401-5 Maximum Building Height – Thirty-five (35) feet.

Sec. 401-6 Off-Street Parking – As regulated by Article VI hereof.

Sec. 401-7 Minimum Floor Area Per Family

- A. One Bedroom Dwelling – 700 square feet.
- B. Two Bedroom Dwelling – 1,100 square feet.
- C. Three Bedroom Dwelling – 1,400 square feet.
- D. Four Bedroom Dwelling – 1,700 square feet.
- E. Five or More Bedroom Dwelling – 2,000 square feet.



## Sec. 402 R-1 RURAL RESIDENTIAL DISTRICT

### Sec. 402-1 Purpose

The purpose of this district is to accommodate residential development in areas which cannot be reasonably serviced by central water and/or sanitary sewer facilities and where the underground water supply or the soil conditions for septic tanks are inadequate to accommodate a higher density.

### Sec. 402-2 Uses

#### A. Permitted Uses

1. Single-family dwelling
2. Agricultural buildings and uses provided;
  - a. Buildings used to house farm animals shall be located no less than 200 feet from all property lines.
  - b. Livestock or poultry raising or breeding for commercial purposes shall only be permitted on lots of five (5) acres or more.
3. Roadside stands, offering for sale only agricultural products which are produced on the premises, including only one (1) sign advertising such products not exceeding twenty (20) square feet in area may be erected beyond the building line on lands used for agricultural purposes. Such roadside stand and sign shall not be erected nearer than thirty (30) feet from either side lot line. Such stand, sign, and required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard.
4. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
5. Signs- As regulated by Article V hereof.

#### B. Conditionally Permitted Uses

The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of the Subsections of Article VIII and to the specific requirements of the Subsections of Article VIII referred to below.

1. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject

to Subsections 101, 102, 103, 104, 105, 109, 111, 117, 131, 132, 136, 137.

2. Governmentally or privately owned and/or operated parks, recreational areas, and camp-grounds where camping in tents, trailers and other vehicles, cabins, or lodges is permitted by fee, membership, or otherwise, and for overnight or longer periods of time; and day camps, summer camps, health camps, and other types of outdoors and/or recreationally oriented uses which involve facilities for group activities and accommodations. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 109, 111, 117, 132, 133, 134, 135, 136, 137.
3. Cemetery subject to Subsection 103, 107, 129.
4. Church and other buildings for the purpose of religious worship subject to Subsection 101, 103, 107, 111, 114, 117.
5. Governmentally owned and/or operated building or facility subject to Subsections 103, 107, 108, 111.
6. Strip or open pit mining, soil removal, or extracting operations for sand, clay, stone, gravel, coal, and other resources subject to Subsections 105, 112, 113, 115, 116, 117, 120.
7. Airport, airfields, and landing strips subject to Subsections 101, 104, 105, 125.
8. Home occupation subject to Subsection 119.
9. Public and parochial schools subject to Subsections 101, 102, 103, 105, 106, 111.
10. Public utility rights-of-way and pertinent structures subject to Subsections 101, 110, 111.
11. Child Day Care Center subject to Subsections 101, 102, 103, 105, 107, 109, 111, 117.

#### Sec. 402-3 Lot Requirements

- A. Minimum Lot Area Per Dwelling Unit – Two (2) acres. 20,000 square feet with sewer and water
- B. Minimum Lot Width at Building Line - Two hundred (200) feet. (Amended by Ordinance 96-02) 100 feet with sewer and water
- C. Minimum Lot Frontage – Sixty (60) feet.

#### Sec. 402-4 Yard Requirements

- A. Minimum Front Yard Depth – One hundred (100) feet. 60 ft with sewer and water

- B. Rear Yard Depth – Fifty (50) feet.
- C. Side Yard Width on Each Side – Twenty-five (25) feet. 15 feet with sewer and water

Sec. 402-5 Maximum Building Height – Thirty-five (35) feet.

Sec. 402-6 Off-Street Parking – As regulated by Article VI hereof.

Sec. 402-7 Minimum Floor Area Per Family

- A. One Bedroom Dwelling – 700 square feet.
- B. Two Bedroom Dwelling – 1,100 square feet.
- C. Three Bedroom Dwelling – 1,400 square feet.
- D. Four Bedroom Dwelling – 1,700 square feet.
- E. Five or More Bedroom Dwelling – 2,000 square feet.

## Sec. 403 R-2 RESIDENTIAL DISTRICT

### Sec. 403-1 Purpose

This district is established to accommodate single-family and two-family residential dwellings in areas that may reasonably be expected to be provided with central sewer and water facilities. The stipulated densities are intended to maintain the suburban character of the community.

### Sec. 403-2 Uses

#### A. Permitted Uses

1. Single-family residential dwelling.
2. Two-family residential dwelling.
3. Agriculture.
4. Roadside stands, offering for sale only agricultural products which are produced on the premises, including only one (1) sign advertising such products not exceeding twenty (20) square feet in area may be erected beyond the building line on lands used for agricultural purposes. Such roadside stand and sign shall not be erected nearer than thirty (30) feet from either side lot line. Such stand, sign, and the required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard.
5. Accessory uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
6. Signs – As regulated by Article V hereof.

#### B. Conditionally Permitted Uses

The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of the subsections of Article VIII referred to below.

1. Public and parochial schools subject to Subsections 101, 102, 103, 105, 106, 111.
2. Churches and other buildings for the purpose of religious worship subject to Subsections 101, 103, 107, 111, 114, 117.
3. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle

ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 117, 131, 132, 136, 137.

4. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged, and philanthropic institutions subject to Subsections 101, 102, 103, 105, 107, 109, 111, 117.
5. Cemeteries subject to Subsections 103, 107, 129.
6. Governmentally owned and/or operated buildings and facilities other than those listed above subject to Subsections 103, 107, 108, 111.
7. Strip or open pit mining, soil removal, or extracting operations for sand, clay, stone, gravel, coal, and other natural resources subject to Subsections 105, 112, 113, 115, 116, 117, 120.
8. Planned unit residential developments subject to Subsection 128.
9. Institutions for higher education subject to Subsections 101, 102, 103, 104, 105, 107, 111.
10. Tourist dwelling subject to Subsections 111, 117.
11. Home occupations subject to Subsection 119.
12. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A., - Y.W.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsections 109, 111, 117, 137.
13. Public utility rights-of-way and pertinent structures subject to Subsections 101, 110, 111.
14. Child Day Care Center subject to Subsections 101, 102, 103, 105, 107, 109, 111, 117.

#### Sec. 403-3 Lot Requirements

##### A. Minimum Lot Area

1. Single-family dwelling:

One (1) acre without centralized sewer and water.

Fifteen thousand (15,000) square feet with centralized sewer and water.

2. Two-family dwelling:

Two (2) acres without centralized sewer and water.

Thirty thousand (30,000) square feet with centralized sewer and water.

B. Minimum Lot Width at Building Line

1. Single-family dwelling:

One hundred twenty (120) feet without centralized sewer and water.  
(Amended by Ordinance 96-02)

Ninety (90) feet with centralized sewer and water.

2. Two-family dwelling:

One hundred sixty (160) feet without centralized sewer and water.

One hundred twenty (120) feet with centralized sewer and water.

C. Minimum Lot Frontage – Fifty (50) feet.

Sec. 403-4 Yard Requirements

- A. Minimum Front Yard Depth – Sixty (60) feet.
- B. Minimum Rear Yard Depth – Fifty (50) feet.
- C. Minimum Side Yard Width – Fifteen (15) feet.

Sec. 403-5 Maximum Building Height – No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height except as provided otherwise in Article III hereof.

Sec. 403-6 Off-Street Parking – As regulated by Article VI hereof.

Sec. 403-7 Minimum Floor Area Per Family

- A. One Bedroom Dwelling – 700 square feet.
- B. Two Bedroom Dwelling – 1,100 square feet.
- C. Three Bedroom Dwelling – 1,400 square feet.
- D. Four Bedroom Dwelling – 1,700 square feet.
- E. Five or More Bedroom Dwelling – 2,000 square feet.

## Sec. 404 R-3 HIGH DENSITY RESIDENTIAL DISTRICT

### Sec. 404-1 Purpose

The purpose of this district is to encourage apartment development of densities of up to ten (10) dwelling units per acre. The regulations are intended to restrict the overcrowding of land and to encourage the provision of amenities of urban living in areas offering unique regional transportation, recreational, and/or scenic advantages, and in areas where centralized water and sewerage facilities exist or can be provided as projects are developed.

### Sec. 404-2 Uses

#### A. Principal Permitted Uses

1. Single-family dwellings.
2. Two-family dwellings.
3. Signs - As regulated by Article V hereof.

#### B. Conditionally Permitted Uses

The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of the subsections of Article VIII referred to below.

1. Multifamily dwellings of the townhouse, row house, garden apartment, or multistory type subject to Subsections 105, 109, 111, 122, 138, 139, 140, 141.
2. Churches and other buildings for the purpose of religious worship subject to Subsections 101, 103, 107, 108, 111.
3. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies and other similar recreational facilities or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf ranges, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Use permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 117, 131, 132, 136, 137.
4. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, child day-care center, homes for the aged, and philanthropic institutions subject to Subsections 101, 102, 103, 105, 107, 109, 111, 117.
5. Public and parochial schools subject to Subsections 101, 102, 103, 105, 106, 111.
6. Home occupations subject to Subsection 119.

7. Tourist dwelling subject to Subsections 111, 117.
8. Institutions for higher education subject to Subsections 101, 102, 103, 104, 105, 107, 111.
9. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A. - Y.W.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsections 109, 111, 117, 137.
10. Public utility rights-of-way and pertinent structures subject to Subsections 101, 110, 111.

Sec. 404-3 Lot Requirements

A. Minimum Lot Area

1. Single-family dwelling – Ten thousand (10,000) square feet.
2. Two-family dwelling – Fifteen thousand (15,000) square feet.
3. Multi-family dwelling – Four thousand (4,000) square feet per dwelling unit with a minimum parcel of forty thousand (40,000) square feet.

B. Minimum Lot Width at Building Line

1. Single-family dwelling – Eighty (80) feet.
2. Two-family dwelling – One hundred (100) feet.
3. Multi-family dwelling – One hundred-fifty (150) feet.

C. Minimum Lot Frontage – Fifty (50) feet.

Sec. 404-4 Yard Requirements

A. Minimum Front Yard Depth – Forty-five (45) feet plus one (1) foot for each one (1) foot of building height in excess of thirty-five (35) feet.

B. Minimum Rear Yard Depth – Twenty (20) feet plus one (1) foot of building height in excess of thirty-five (35) feet.

C. Minimum Side Yard Width on Each Side – Ten (10) feet plus one (1) foot for each one (1) foot of building height in excess of thirty-five (35) feet.

Sec. 404-5 Maximum Lot Coverage

1 to 2 stories – 25%

3 to 5 stories – 20%



6 to 8 stories – 18 %  
9 stories and higher – 15%

Parking buildings, when having no part of the building used for residence purposes directly above them, shall not be considered in computing maximum lot coverage.

Sec. 404-6 Maximum Building Height – One hundred (100) feet.

Sec. 404-7 Minimum Usable Open Space – Twenty per cent (20%) of lot area.

Sec. 404-8 Off-Street Parking – As regulated by Article VI hereof.

Sec. 404-9 Minimum Floor Area Per Family

A. Single-family and Two-family Dwelling:

1. One bedroom dwelling – 700 square feet.
2. Two bedroom dwelling – 1,100 square feet.
3. Three bedroom dwelling – 1,400 square feet.
4. Four bedroom dwelling – 1,700 square feet.
5. Five or more bedroom dwelling – 2,000 square feet.

B. Multi-family Dwelling:

1. Efficiency suites – 500 square feet.
2. One bedroom dwelling unit – 650 square feet.
3. Two bedroom dwelling unit – 900 square feet.
4. Three bedroom dwelling unit – 1,200 square feet.
5. Four or more bedroom dwelling unit – 1,500 square feet.

## Sec. 410 C-R COMMERCIAL – RESIDENTIAL

### Sec. 410-1 Purpose

The purpose of the C-R district is to permit the residents to use their property for certain specified office, personal service, and sales uses provided that these uses are established and maintains the essential residential character of the district.

### Sec. 410-2 Uses

#### A. Permitted Uses

1. Single and two-family dwellings.
2. Accessory buildings incidental to the residential use and which do not include any activity conducted as a business.
3. Signs – As regulated by Article V hereof.

#### B. Conditionally Permitted Uses

The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of the subsections of Article VIII referred to below.

1. Cemeteries subject to Subsections 103, 107, 129.
2. Churches and other buildings for the purpose of religious worship subject to Subsections 101, 103, 107, 111, 114, 117.
3. Governmentally owned and/or operated building and facilities subject to Subsections 103, 107, 108, 111.
4. Public and parochial schools subject to Subsections 101, 102, 103, 105, 106, 111.
5. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 105, 109, 111, 117, 131, 132, 136, 137.
6. Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional, and meeting facilities, such as those developed and used by the Y.M.C.A. - Y.W.C.A., Boy Scouts, or various fraternal or community service groups, subject to Subsections 109, 111, 117, 137.

7. Multi-family dwellings of the row house, town house, and garden apartment types, subject to Subsections 105, 109, 111, 122, 138, 139, 111, 117.
8. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, child day-care center, homes for the aged, and the philanthropic institutions subject to Subsections 101, 102, 103, 105, 107, 109, 111, 117.
9. Tourist dwelling subject to Subsections 119.
10. Institutions for higher education subject to Subsections 101, 102, 103, 104, 105, 107, 111.
11. Public utility rights-of-way and pertinent structures subject to Subsections 101, 110, 111.
12. The following types of home occupations and/or businesses, subject to Subsections 102, 104, 105, 109, 111, 117, 132.
  - a. Professional offices such as those pertaining to but not limited to architecture, dentistry, engineering, law, and medicine (for human care only).
  - b. Real estate and insurance offices.
  - c. Personal services such as barber and beauty shops, cleaning and laundry outlets (where no processing is done on the premise and tailor shops.)
  - d. Baking and caning of food products when conducted entirely within the dwelling.
  - e. Fabrication and/or repair of goods and the selling of goods produced on the premises provided that no more than 1,500 square feet of floor area in the dwelling is used for such purposes and provided that no noticeable odors, smoke, noise, dust, refuse, electromagnetic interference, or other objectionable conditions are created outside the structure.
  - f. Limited retail uses such as small art supply shops, hobby shops, photo shops, clothing shops, coffee shops, delicatessen, ice cream parlors, florist shops and other similar uses provided that no more than 1,500 square feet of floor area in the dwelling is used for such purposes and provided that no noticeable odors, smoke, noise, dust, refuse, electromagnetic interference, or other objectionable conditions are created outside the structure.

Sec. 410-3 Lot Requirements

A. Minimum to Area

1. Single-family dwelling:

One (1) acre without centralized sewer and water.

Fifteen thousand (15,000) square feet with centralized sewer and water.

2. Two-family dwelling:

Two (2) acres without centralized sewer and water.

Thirty thousand (30,000) square feet with centralized sewer and water.

3. Residential-commercial uses:

One (1) acre without centralized sewer and water.

Fifteen thousand (15,000) square feet with centralized sewer and water.

B. Minimum Lot Width at Building Lane

1. Single-family dwelling:

One hundred twenty (120) feet without centralized sewer and water.

Ninety (90) feet with centralized sewer and water.

2. Two-family dwelling:

One hundred sixty (160) feet without centralized sewer and water.

Ninety (90) feet with centralized sewer and water.

C. Minimum Lot Frontage – Fifty (50) feet.

D. Minimum Usable Open Space – At least twenty-five (25) per cent of the actual lot area of any lot, whether used residentially or residentially and commercially, shall be devoted to usable open space.

E. Maximum Lot Coverage – All residential and residential-commercial uses shall cover the actual lot area to no greater extent than thirty (30) per cent of the lot area.

Sec. 410-4 Yard Requirements for Residential and Residential-Commercial Uses

- A. Minimum Front Yard Depth – Thirty (30) feet.
- B. Minimum Rear Yard Depth – Thirty (30) feet.
- C. Minimum Side Yard Width:
  - 1. Single-family dwelling – Eight (8) feet.
  - 2. Two-family dwelling – Ten (10) feet.
  - 3. Residential-commercial uses – Ten (10) feet.

Sec. 410-5 Maximum Building Heights:

Thirty-five (35) feet.

Sec. 410-6 Off-Street Parking and Loading – As regulated by Article VI.

Sec. 410-7 Minimum Floor Area Per Family:

- A. One bedroom dwelling – 700 square feet.
- B. Two bedroom dwelling – 1,100 square feet.
- C. Three bedroom dwelling – 1,400 square feet.
- D. Four bedroom dwelling – 1,700 square feet.
- E. Five or more bedroom dwelling – 2,000 square feet.

## Sec. 411. C-1 LOCAL COMMERCIAL DISTRICT

### Sec. 411-1 Purpose

This District is established to provided for uses which principally accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

### Sec. 411-2 Uses

#### A. Permitted Uses

1. Bank
2. Barber and beauty shop
3. Delicatessen, meat market, and dairy store
4. Drug store
5. Dry cleaning and laundry agency
6. Florist and gift shop
7. Food sales including supermarket
8. Offices for doctors, dentists, etc
9. Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain, tavern
10. Real estate and insurance agency
11. Shoe repair shop
12. Tailor and dressmaker
13. Other uses similar in character as determined by the Village of Clinton Planning Commission.
14. Accessory uses clearly incidental to the uses permitted on the same premises
15. Public utility rights-of-way and pertinent structure
16. Signs – As regulated by Article V hereof.
17. Child Day Care Center
18. Mini-Storage Facility for the purpose of renting or leasing indoor storage space to the public shall be permitted. ~~at 7724 Cleveland-Massillon Road.~~ (Deleted per Ordinance 96-02)

#### B. Conditionally Permitted Uses

The Planning Commission may issue conditional zoning certificates or uses listed herein subject to the general requirements of Article VIII and to the specific requirements of the subsections of Article VIII referred to below.

1. Churches and other buildings for the purpose of religious worship subject to Subsections 101, 103, 107, 111, 114, 1117.

2. Governmentally owned and/or operated buildings and facilities subject to Subsections 103, 107, 123, 142.
3. Gasoline filling stations subject to Subsections 105, 107, 123, 142.
4. Commercial recreational uses such as bowling alley, or other types of completely enclosed recreational uses, subject to Subsections 102, 105, 117, 123.
5. Drive-in refreshment stands such as frozen custard stands where no meals are served, subject to Subsections 102, 105, 117, 123.
6. Motels subject to Subsections 105, 109, 117, 121, 123.
7. Car Wash. Any approved car wash shall adhere to State Health and E.P.A. codes and regulations.

Sec. 411-3 Lot Requirements

- A. Minimum Lot Area – One-half (1/2) acre.
- B. Minimum Lot Width – One hundred (100) feet.
- C. Minimum Lot Frontage – One hundred (100) feet.

Sec. 411-4 Yard Requirements

- A. Minimum Front Yard Depth – Fifty (50) feet.
- B. Minimum Side Yard Width – Twenty-five (25) feet when adjacent to a residential district and on the side adjacent to the residential district only.
- C. Minimum Rear Yard Depth - Twenty-five (25) feet.

Sec. 411-5 Maximum Building Height – No structure shall exceed thirty-five (35) feet in height.

Sec. 411-6 Parking and Loading – As regulated by Article VI hereof.

## Sec. 412 C-2 COMMUNITY COMMERCIAL DISTRICT

### Sec. 412-1 Purpose

This district is established to provide for planned and integrated groupings of stores which will retail convenience and comparison goods and provide personnel and professional services for a community area.

### Sec. 412-2 Uses

#### A. Permitted Uses

1. Department store
2. Five and ten cent store or variety store
3. Clothing and apparel store
4. Yard goods store
5. Furniture store
6. Appliance store
7. Radio, television, or music store
8. Electrical supply store
9. Paint, glass, wallpaper, and hardware store
10. Jewelry store
11. Optical goods store and service
12. Hobby and toy shop
13. Camera and photography store
14. Bank and drive-in banking facilities
15. Bowling alley, theater, and other similar completely enclosed commercial recreational uses
16. Any of the permitted uses listed in the C-1 Local Commercial District
17. Other uses similar in character as determined by the Village of Clinton Planning Commission
18. Motel
19. Public utility rights-of-way and pertinent structures
20. Signs – As regulated by Article V hereof
21. Child Day Care Center

#### B. Conditionally Permitted Uses

The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of the subsections of Article VIII referred to below.

1. Gasoline filling stations subject to Subsections 105, 107, 123, 142.
2. Churches and other buildings for the purpose of religious worship subject to Subsections 103, 107, 111, 114, 117.



3. Governmentally owned and/or operated buildings and facilities subject to Subsections 103, 107, 108, 111.
4. Exterior commercial recreational uses, such as drive-in theaters, golf driving ranges, etc., subject to Subsections 101, 102, 105.
5. Drive-in eating establishments of all types, subject to Subsections 102, 105, 117, 123.
6. Car Wash. Any approved car wash shall adhere to State Health and E.P.A. codes and regulations.

Sec. 412-3 Lot Requirements

- A. Minimum Lot Area – One (1) acre.
- B. Minimum Lot Width – One hundred fifty (150) feet.
- C. Minimum Lot Frontage – One hundred fifty (150) feet.

Sec. 412-4 Yard Requirements

- A. Minimum Front Yard Depth – Fifty (50) feet.
- B. Minimum Side Yard Depth – Seventy-five (75) feet when adjacent to a residential district only.
- C. Minimum Rear Yard Depth - Fifty (50) feet.

Sec. 412-5 Maximum Building Height – No structures shall exceed thirty-five (35) feet in height.

Sec. 412-6 Parking and Loading Requirements – as regulated by Article VI hereof.

## Sec. 420 I-1 INDUSTRIAL DISTRICT

### Sec. 420-1 Purpose

This district is established to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from the encroachment of residential, retail, and institutional uses. The uses allowed are those which because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and commercial districts.

### Sec. 420-2 Uses

#### A. Permitted Uses

1. Off-street public parking lot and garage
2. Plant greenhouse
3. Warehousing
4. Wholesale establishments
5. The following types of manufacturing, processing, cleaning, servicing, testing, or occupants of adjacent premises or the community at large by reason of the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat, or electromagnetic disturbances:
  - a. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products; except fish or meat products, sauerkraut, yeast, and rendering or refining or fats or oils.
  - b. Products from the following previously pre-prepared materials: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, plastics, precious or semiprecious metals or stones, metal (except where presses over twenty (20) tons rated capacity are employed), shell, textiles, tobacco, wax wood (where saw and planing mills are employed within a completely enclosed building), yarns.
  - c. Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
  - d. Musical instruments, toys, novelties, rubber or metal stamps, and other small rubber products.

e. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs, and household appliances.

f. Electric and neon signs, billboards, and other commercial advertising structures.

g. Laboratories and processing- experimental film, or testing provided no operation shall be conducted or equipment used which would create hazards, noxious, or offensive conditions.

In the interests of the community and other industries within the district, the Zoning Inspector shall in regard to an industrial operation whose effects on adjacent premises are not readily known, refrain from issuing a zoning certificate and shall refer the request to the Planning Commission for an interpretation of whether or not the industrial use is permitted use under the requirements of this Section. The Commission may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

6. The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six (6) foot solid painted fence with openings no greater than fifteen (15) per cent.

a. Building materials, sales yard, and lumber yard including mill work when within a completely enclosed building.

b. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.

c. Fuel, food, and goods distribution station, warehouse, and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located less than three hundred (300) feet from any R-District.

d. Motor, freight garage, truck, or transfer terminal, office, warehousing, and storage.

e. Public storage garage and yards.

7. The following uses when conducted no closer than within one hundred (100) feet of any R-District. Where the I-District abuts upon but is separated from any R-District by a street the width of the street may be considered as part of the required setback.

- a. Bag, carpet, and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- b. Blacksmith, welding, or other metal working shops, including machine shop operations of the tool, die, and gauge types.
- c. Carpenter, cabinet, upholstering, sheetmetal, plumbing, heating, roofing, air conditioning, sign painting, painting, and other similar establishments.
- d. Foundry, casting light weight nonferrous metals, not causing noxious fumes or odors.
- e. Ice manufacturing and cold storage plant; creamery and bottling plant.
- f. Laundry, cleaning, and dyeing plant.
- g. Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune ups, muffler shops, tire repairing sales, and service including vulcanizing.
- h. Stone or monument works not employing power tools, or if employing such tools then within a completely enclosed building.
- i. Veterinarian hospital or clinic.

- 8. Public utility rights-of-way and pertinent structures.
- 9. Accessory uses clearly incidental to the uses permitted on the same premises.
- 10. Signs – As regulated by Article V hereof.

**B. Conditionally Permitted Uses**

The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Article VIII and to the specific requirements of the Subsections of Article VIII referred to below.

- 1. Governmentally owned and/or operated buildings and facilities subject to Subsections 103, 107, 108, 111.
- 2. Strip or open pit mining, soil removal, or extracting operations for sand, clay stone, gravel, coal, and other natural resources subject to Subsections 105, 112, 113, 115, 116, 117, 120.

3. Oil, gas, or brine wells, drilling, and operation necessary for their extraction, storage, and skimming subject to Subsection 101, 117, 118. ---- this section has been deleted ----

Sec. 420-3 Lot Requirements

- A. Minimum Lot Area – One-half (1/2) acre.
- B. Minimum Lot Width – One hundred (100) feet.
- C. Minimum Lot Frontage – One hundred (100) feet.

Sec. 420-4 Yard Requirements

- A. Minimum Front Yard Depth – Fifty (50) feet, except as otherwise required in Section 420-7.
- B. Minimum Rear Yard Depth – Twenty-five (25) feet, except as otherwise required in Section 420-2 above and Section 420-7.
- C. Minimum Side Yard Depth – Twenty-five (25) feet, except as otherwise required in Section 420-2 above and Section 420-7.

Sec. 420-5 Maximum Building Height – Fifty (50) feet, except as provided otherwise in Article III hereof.

Sec. 420-6 Parking and Loading Requirements – As regulated by Article VI hereof.

Sec. 420-7 Yards Adjoining Any Residential District

Where the boundary of an I-District adjoins the boundary line of any residence (R) district, the minimum front, rear, or side yard, as the case may be, shall be one hundred (100) feet. The area abutting the residential boundary, to a depth of fifty (50) feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

ARTICLE V  
SIGN REGULATIONS

Sec. 501 Signs

Sec. 501-1 Purpose

The purpose of this article is to provide for the use, location and size of signs.

Sec. 501-2 Permitted Signs

- a. The following signs are permitted in all “R” and “CD” Districts.
  1. One name plate not exceeding one (1) square foot in area shall be permitted for each dwelling.
  2. A church, school, community center, or other public, or institutional building may have its own use an announcement sign or bulletin board not over twenty (20) feet in area and shall not be located closer than ten (10) feet from any street right-of-way line.
  3. One unlighted name plate not more than two (2) square foot in area announcing the name and occupation shall be permitted for a “home occupation.” Such sign shall not be located closer than ten (10) feet from any street right-of-way line.
  4. One unlighted real estate sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or rent of the particular building, property, or premises upon which displayed. Such sign shall not be closer than ten (10) feet from any street right-of-way line.
  5. One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision within which such sign is located may be located and maintained upon the issuance of a temporary six (6) months renewable zoning certificate and shall be removed from the premises within thirty (30) days of the sale or rental thereof. Such sign shall not exceed eighty (80) square feet in area nor shall it be located closer than twenty-five (25) feet from any street right-of-way line.
  6. Signs incident to legal process and necessary to the public safety and welfare.

7. One unlighted sign not more than twenty (20) square feet in area in conjunction with a roadside stand which shall be used to advertise agricultural products produced on the premises. Such signs shall be removed the conclusion of the seasonal sales.
- b. The following signs are permitted in all “C” and “C-R” districts provided no business sign shall be located closer than twenty-five (25) feet to any lot located in any “R” District.
1. Signs appropriate to a public or quasi-public building for purpose of displaying the name and activities or services therein. Such sign shall not exceed twenty (20) square feet in area and shall be restricted to the premises. Such sign shall not be located closer than ten (10) feet from any street right-of-way line.
  2. One unlighted real estate sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or rent of the particular building, property or premises upon which displayed. Such sign shall not be closer than ten (10) feet from any street right-of-way line.
  3. One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision within which such sign is located may be located and maintained upon the issuance of a temporary six (6) months renewable zoning certificate and shall be removed from the premises within thirty (30) days of the sale or rental thereof. Such sign shall not exceed eighty (80) square feet in area nor shall it be located closer than twenty-five (25) feet from any street right-of-way line.
  4. One exterior business sign may be erected which advertise a business or service conducted upon the premises and/or advertise products, merchandise, commodities stocked and sold on the premises. Such sign may be affixed flat against the wall of buildings or may project, therefrom, not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building. Projected signs shall not be over twelve (12) feet in height and in no case shall exceed the height regulations nor shall exceed fifty (50) square feet in area.
  5. One pole type business sign which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises may be permitted, provided such sign shall not have an area o more than twenty (20) square feet. In districts where setbacks are required no such sign shall be located closer than ten (10) feet from the street right of way line. Such sign shall not be over twenty-five (25) feet in height.

One pole type high rise sign which advertises a retail business or service conducted on the premises in the C-2 Community

Commercial District, may be permitted for each retail establishment provided such sign shall have an area not greater than one hundred sixty (160) square feet per side.

6. Temporary signs for commercial endeavor shall not exceed three (3) feet by five (5) feet in dimensions. Such signs shall be permitted on issuance of a thirty (30) day renewable permit.
- c. The following signs are permitted in the “I” Districts provided no sign shall be located closer than twenty-five (25) feet to any lot located in any “R” District.
1. One unlighted real estate sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or rent of the particular building, property or premises upon which displayed. Such sign shall not be closer than ten (10) feet from any street right-of-way line.
  2. One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision within which such sign is located may be located and maintained upon the issuance of a temporary six (6) months renewable zoning certificate and shall be removed from the premises within thirty (30) days of the sale or rental thereof. Such sign shall not exceed eighty (80) square feet in area nor shall it be located closer than twenty-five (25) feet from any street right-of-way line.
  3. One exterior sign may be erected which advertises an industrial activity conducted upon the premises and/or advertise products, merchandise, or commodities produced on the premises. Such sign may be affixed flat against the wall of buildings or may project, therefrom, not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building. Projected signs shall not be over twelve (12) feet in height and in height and in no case shall exceed the height regulations.
  4. One nonpole type free standing sign shall be permitted on the premises of a business or industry provided said sign shall not exceed ten (10) feet in over-all-height, including supports; fifteen (15) feet in length, and one hundred (100) square feet in area per side.
  5. Temporary signs; signs or commercial endeavor shall not exceed three (3) feet by five (5) feet in dimensions. Such signs shall be permitted on issuance of a thirty (30) day renewable permit.
- d. Billboards and outdoor advertising signs shall be permitted in all “C” (except the C-R District) and “I” Districts or on land used for agricultural purposes. Such signs shall be located so as to maintain the minimum front yard, side yard, and rear yard as required for buildings located in the same district. Such signs shall not be located upon the same lot or adjacent premises. Such signs shall not exceed a gross area of five hundred and fifty (550) square feet. Such a sign shall



not be permitted which has blinking, flashing, revolving light, or utilizes fluorescent or reflective surfaces. No billboard or outdoor advertising sign shall be permitted which faces and is within five hundred (500) feet of any public park-way, public square, or entrance to any public park, public or parochial school, library, church or similar institution.

Sec. 501-3 General Requirements

- a. Signs shall not project over or obstruct the required windows or doors of any building, or attach to or obstruct a fire escape.
- b. Signs shall not be erected so as to obstruct traffic sight lines or traffic control lights at street intersections, or signals at railroad grade crossings.
- c. Signs visible from a street shall not contain an arrow or words such as "stop", "go", "slow", etc., or otherwise resemble highway traffic or directional signals.
- d. No sign shall be located within any public right-of-way.
- e. Signs which are illuminated, shall use indirect lighting only. The source of light shall not be visible from the street, and no flashing, revolving, or intermittent illumination shall be employed.

Sec. 501-4 Zoning Certificate Fee for Signs (see Sec. 901-5)

## ARTICLE VI

### PARKING AND LOADING REQUIREMENTS

#### Sec.601 Off-Street Parking

In all districts, in connection with every building or part thereof hereafter created, sufficient parking facilities shall be provided off-street to meet all the parking needs; the nearest edge of such facilities shall be within five hundred (500) feet of the principal permitted use or building.

#### Sec. 601-1 Minimum Number of Off-Street Parking Spaces Required

- a. Auditorium, Stadium, and Similar Uses – One (1) for each four (4) seats based on maximum seating capacity.
- b. Business and Professional Offices, Banks, and Studios – One (1) for each one hundred fifty (150) square feet, or fraction thereof, of floor area, plus one (1) space for each two (2) employees.
- c. Churches and School Auditoriums – One (1) for each three (3) seats in principal auditorium, based on maximum seating capacity.
- d. Clubs and Lodges – One (1) per one hundred fifty (150) square feet, or fraction thereof, of floor area or one (1) for each three (3) seating spaces in the assembly room.
- e. Dwelling – Two (2) for each dwelling unit.
- f. Hospitals – One (1) parking space for each two (2) beds, plus one (1) space for each three (3) employees.
- g. Hotels, Motels, and Tourist Homes – One (1) parking space for each one (1) sleeping room.
- h. Medical and Dental Offices and Clinics – Five (5) for each physician or dentist plus one (1) for each two (2) other employees.
- i. Restaurants – One (1) for each two (2) seats.
- j. Retail Stores and Personal Service Shops, etc. – One (1) for each one hundred (100) square feet, or fraction thereof, of floor area.
- k. Indoor Theaters – One (1) for each three (3) seats.
- l. Lodging Houses, Boarding Houses – One (1) for each three (3) guest rooms but not less than two (2) in any case.

- m. Libraries and Museums – One (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- n. Automobile Repair Garages – One (1) for each two (2) employees plus one (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- o. Food Locker – One (1) for each two (2) employees plus one (1) for each five hundred (500) square feet, or fraction thereof, of floor area.
- p. Roadside Stand – Two (2) parking spaces.

#### Sec. 601-2 General Regulations

- a. Floor Area – For the purpose of this section “floor area” in offices, merchandising, and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. In measurement for parking spaces, fractions of required floor area over one-half shall require one parking space.
- b. Parking Space – Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area exclusive of access drives or aisles.
- c. Parking Area Design – Such parking areas shall be of usable shape, improved with bituminous, concrete, or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light sources such as the stringing of light bulbs shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises; to contain the cars on sloping surfaces; and to prevent bumper over-hang.
- d. Entrances and Exits – Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than two (2) accessways abutting on any one street. Such accessways shall be not less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street. Residential uses may have accessways of not less than eight (8) feet.
- e. Yard Restrictions – Off- street parking facilities shall not occupy any part of any required front or side yard in all OC, R, and C-R District Areas, but where open may be included as part of a required open space for a rear yard. In all C and I District Areas, open off-street parking facilities may be located in the required front yard provided a minimum of twenty (20) foot wide landscaped strip is located between the parking area and the street right-of-way line. In all C, C-R, and I District Areas, off-street parking facilities may occupy the required rear yard.
- f. Locating – The parking space required for dwelling units shall be located on the lot and parking spaces required for other uses shall be located on the lot or within five

hundred 500) feet of the use measured along lines of public access to the property but shall not be allowed in residential districts except as provided in subsection “h” below.

- g. Joint Use – Parking spaces already provided to meet off-street parking requirements for places of public assembly, commercial and industrial establishments, lying within five hundred (500) feet of a church measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, and are made available for other parking, may be used to meet not more than seventy-five (75) per cent of the off-street parking requirements of a church.

Parking spaces already provided to meet off-street parking requirements for commercial and industrial establishments lying within five hundred (500) feet of place of public assembly along lines of public access, that are not normally in use between the hours of 6:00 p.m. and midnight and are made available for other parking, may be used to meet not more than fifty (50) per cent of the total requirements of parking spaces.

- h. Parking Lots in Residential Districts – The Planning Commission may issue a conditional Zoning Certificate for parking lots in residential districts subject to article VIII, Article VIII and the following conditions:

1. The parking lot shall be accessory to and for the use in connection with one or more permitted or conditionally permissible uses in and adjoining commercial or industrial district.
2. Such parking lot shall contain not less than five thousand (5,000) square feet, which shall abut at least fifty (50) feet, either directly or across an alley or street on the district in which the use for which the parking is provided, permitted or conditionally permissible.
3. Such parking lot shall be used solely for the parking of passenger vehicles and no commercial repair work or service of any kind shall be conducted on such parking lot.
4. No sign of any kind, other than those designating entrances, exits, and conditions of use, shall be maintained on such parking lot and no charge shall be made for parking.
5. Entrances and exits shall be at least twenty (20) feet distance from any adjacent property located in any Residential District.
6. Such parking lot shall be efficiently screened on each side by a fence of acceptable design, wall, or compact hedge. Such fence, wall, or hedge shall be not less than four (4) feet in height and no solid portion shall be more than six (6) feet in height and shall be maintained in good condition. The planting strip for hedges shall be no less than three feet in width. At least one (1) water outlet shall be provided not more than fifty (50) feet from the lot for the maintenance of plant materials. The space between such fence, wall, or hedge and the side lot line of adjoining premises in and Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

7. The Planning Commission may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography physical conditions, and the use and character of adjacent properties. The Planning Commission may also impose such additional requirements as it may deem necessary in view of the aforesaid consideration.

## Sec. 602 Loading and Unloading Space Requirements

### Sec. 602-1 Minimum Spaces Required

- a. 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 premises for all loading and service purposes on the basis of the following minimum regulations:
  1. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance. An additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof, of gross floor area in the building.
  2. Access to truck 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 that will permit the orderly and safe movement of such trucks.
  3. Loading space as required under this section shall be provided as area additional to off-street parking spaces are required under Section 701 and shall not be considered as supplying off-street parking space.

## Sec. 603 Parking and Loading Requirements for Uses Not Specified

Where the off-street parking and loading requirements for a use are not specifically defined therein, the parking and loading facilities for such use shall be developed so as to be sufficient to meet all the parking and loading needs of the proposed use; no parking, loading, or servicing shall be done on the right-of-way of any publicly dedicated thoroughfare.

ARTICLE VII  
NONCONFORMING USES

Sec. 701 Purpose

The purpose of this section is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Ordinance or amendments thereto.

Sec. 701-1 Regulations

The lawful use of any building or land existing at the effective date of this Ordinance or amendments thereto may be continued, although such use does not conform with the provisions of this Ordinance.

a. Alterations

A building, structure, or parcel containing a nonconforming use may be altered, improved or reconstructed, enlarged, or extended provided such work is not to an extent exceeding fifty (50) per cent of the cubic feet of volume of such structure or square feet of land area of the use as originally existed at the time such use became legally nonconforming. Only one such fifty (50) per cent extension, enlargement, alteration, or addition involving the same premises shall ever be permitted, unless the building or structure is changed to a conforming use.

b. Nonconforming to Nonconforming Use

A nonconforming use may be changed to another nonconforming use provided that the proposed nonconforming use is in less conflict with character and use of the district than the existing nonconforming use as determined by the Planning Commission.

c. Restoration

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure, damaged by fire, collapse, explosion or acts of God, subsequent to the date of the Ordinance wherein the expense of such work does not exceed fifty (50) per cent of the replacement cost of the building or structure at the time such damage occurred.

d. Construction Approved Prior to Ordinance

Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a Zoning Certificate has been issued prior to the effective date of this Ordinance or any amendment thereto provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period

in excess of thirty (30) days; and that the entire building shall have been completed within two (2) years after the issuance of said Zoning Certificate.

e. Displacement

No nonconforming use shall be extended to displace a conforming use.

f. Discontinuance or Abandonment

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with the provisions of this Ordinance.

g. Unsafe Structures

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

h. Certificate of Nonconforming Use

Within one (1) year of the effective date of this Ordinance, the Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all known owners of legal nonconforming use property, the use of which does not conform to the provisions of the use zone in which the property is located.

1. In accordance with the provision of this section no use of land, buildings, or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless said use shall be in which the property is located.

2. A copy of each "Certificate of Nonconforming Use" shall be filed in the office of the Planning Commission and a copy given to the Zoning Inspector.

i. District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

Sec. 701-2 Continuation of Existing Uses Conditionally Permissible under this Ordinance

All uses existing at the time of passage of this Ordinance or amendments thereto and conditionally permissible in their respective districts under this Ordinance shall be issued Conditional Zoning Certificates within one (1) year after the passage of this Ordinance or amendments thereto.

The certificates shall be issued by the Planning Commission.

## ARTICLE VIII

### CONDITIONAL ZONING CERTIFICATES

#### Sec. 801 Purpose

To provide for issuance of Conditional Zoning Certificates where conditionally permitted uses are provided for in this Ordinance.

#### Sec. 801-1 Procedures for Making Application

Any application for Conditional Zoning Certificates for any land or structure use permitted under this Ordinance shall be submitted in accordance with the following procedures:

- a. Application Submitted to the Zoning Inspector and submitted to the Planning Commission on a special form for that purpose. Each application shall be accompanied by the payment of a fee of fifty (50) dollars which fee shall not be refundable. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant and said report shall be furnished to the Planning Commission as soon as it is practicable.
- b. Data Required with Application
  1. Form supplied by Planning Commission completed by applicant.
  2. Site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings, their uses, and the acreage of area involved, including that for parking.
  3. Complete plans and specifications for all proposed development and construction, and where appropriate, reclamation.
  4. A statement supported by substantiating evidence regarding the requirements enumerated in Section 801-2 below.

#### c. Review by Village Planning Commission

The Village Planning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Ordinance. Such review shall be completed and made public within sixty-five days from the time of submission.

#### d. Hearing



After adequate review and study of any application, the Planning Commission shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Village at least ten (10) days prior to the date of the hearing.

e. Issuance and Revocation of Conditional Zoning Certificates – Violation and Penalty

Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Planning Commission issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall constitute a violation of this Ordinance. Such violation shall be punishable as per Section 902.

f. Reapplication

No application for a Conditional Zoning Certificate which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Planning Commission. At the expiration of one (1) year from the date of the original application each reapplication shall be accompanied by a fee of fifty (50) dollars.

g. Termination

The Conditional Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless the structure or alteration thereof is started.

h. Continuation of Existing Uses Conditionally Permissible

All uses existing at the time of passage of this Ordinance and conditionally permissible in their respective districts under this Ordinance, shall be issued Conditional Zoning Certificates by the Planning Commission within one (1) year after the passage of this Ordinance.

Sec. 801-2 Basic of Determination

The Planning Commission shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Planning Commission may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed.

a. General Standards

The Planning Commission 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 on the proposed location:

1. will be harmonious with and in accordance with the general objectives or with any specific objective of the Land Use and Thoroughfare Plan of current adoption;
2. 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;
3. will not be hazardous or disturbing to existing or future neighboring uses
4. will not be detrimental to property in the immediate vicinity or to the community as a whole;
5. will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
6. will be in compliance with State, County, and Village regulations;
7. 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.

## CONDITIONALLY PERMISSIBLE USES

Sec. 802 Regulations pertaining to Conditionally Permissible Uses as listed in Sections 401-2B, 402-2B, 403-2B, 404-2B, 410-2B, 411-2B, 412-2B, 420-2B

- 101 All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- 102 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 103 All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- 104 There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- 105 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 106 Elementary school structures should be located on a collector thoroughfare.
- 107 Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 108 Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial districts.
- 109 Such uses shall not required uneconomical extensions of utility services at the expense of the community.
- 110 Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
- 111 Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- 112 Shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope. No sand or gravel shall be removed or stored or overburden stored within one hundred (100) feet of any lot line not owned or controlled by the developer or operator of said business or his agent, nor shall such mineral extraction business be conducted

closer to any lot line or street so that areas contiguous and adjacent thereto do not have adequate lateral support.

All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.

- 113 No rehabilitated slope shall exceed an angle with the horizontal of forty-five (45) degrees.
- 114 Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- 115 All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

Such operations shall be conducted so as not to leave or cause to exist spoil banks.

- 116 Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- 117 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to insure that this provision will be met.
- 118 The area of use shall be completely enclosed by a six (6) foot (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
- 119 Such uses shall be permitted subject to the following conditions:
  - a. Such use shall be conducted entirely in the dwelling unit except uses as determined by the Planning Commission (E.G. carpenter, carpet cleaning, etc.) and no use of any accessory buildings or yard space shall be permitted. Accessory buildings may be used for the storage of tools, vehicles, and equipment pertinent to the home occupation.
  - b. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - c. Such use shall be conducted only by persons residing in the dwelling unit, or one non-resident to participate in the "home occupation".
  - d. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.

- e. The use shall not involve the use of more than thirty-three and one-third (33-1/3) per cent of the floor area of the premises.
  - f. One (1) unlighted name plate or sign not more than two (2) square feet in area announcing the name and home occupation shall be permitted.
  - g. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.
- 120 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond of \$25,000.00 per acre with a minimum bond of \$25,000.00 to the Village of Clinton as a guarantee that such work will be done in a satisfactory manner. Plans and specifications of proposed restoration shall be approved by the Village Council prior to the issuance of the permit.
- 121 Such development should be located on or immediately adjacent to state highways.
- 122 Special provisions for group dwellings:
- a. Group dwelling shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements, the entire group as a unit requiring one (1) front and rear and two (2) side yards as specified for dwellings in the appropriate district.
  - b. Each two (2) or two and one-half (2-1/2) story group dwelling development shall have a minimum court of forty (40) feet in width and forty (40) feet in length, in addition to its required yards, and each one (1) story group dwelling development shall have a minimum court of thirty (30) feet in width and thirty (30) feet in length, in addition to its required yards.
  - c. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen (15) feet.
  - d. The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles, or other street improvements.
  - e. The court shall have an unobstructed opening, not less than thirty (30) feet wide, onto the front yard of a lot which has a width not less than that required in the district in which it is located.
  - f. All dwelling structures of the group except those facing a public street shall face upon the court.
- 123 Such uses shall be permitted under the following conditions:
- a. Provided that such facilities be located at the extremity of business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian oriented facilities.

- b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
  - c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
  - d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
- 124 Any temporary structures must be indicated as such on site plans submitted to the Planning Commission for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Planning Commission.
- 125 Such uses should be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 126 Such uses shall be conducted not closer than one hundred (100) feet from any R-District. Where the I-District abuts upon but is separated from an R-District by a street, the width of the street may be considered as part of the required setback. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matters, or water carried wastes.
- 127 Truck parking areas, maneuvering lanes, and accessways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
- 128 It is the intent of this Subsection to permit in a large scale development a more flexible placing of buildings on the land, the grouping of open space, and accessory facilities as garages or parking spaces, and flexibility in architectural design, including multifamily dwellings of the row house or garden apartment type of construction and variation of area and height regulations. The area proposed shall be in one ownership, or if in several ownerships the application shall be filed jointly by all of the owners of the properties included in the plan.
- a. In addition to the other requirements of this section, application shall include:
    - 1. Topography, including contours of no greater vertical interval than two (2) feet.
    - 2. Tables showing total number of acres and the percentage of each of the dwelling types, and nonresidential uses including parking, streets, parks, and schools.

3. Any other data the Planning Commission may require.

- b. The plan and development shall cover an area of not less than twenty (20) acres.
- c. The area shall be entirely within one (1) or more residential districts.
- d. The overall density of residential development shall not exceed the average density that would have been permitted if the area developed under the conventional regulations for the district which the property is located. The maximum number of lots that may be created shall be computed by (1) subtracting twenty (20) per cent of the total area from the total site size and dividing the remaining land area by the minimum lot size requirement of the district in which the planned unit development is located: or (2) submitting a site plan indicating the number of lots that could be created on the site in question while complying to conventional lot size regulations for the district.
- e. Central sanitary sewer facilities shall be required.
- f. The minimum are regulations for single-family residential development may be modified for planned unit residential developments at the discretion of the Planning Commission up to the maximum reduction stipulated in the following schedule:

In no case shall any lot be created with less than fifty (50) feet of frontage on a public dedicated street. Yards on the perimeter of the planned unit development shall not be reduced but shall be required to comply with the yard requirements of the applicable district regulations.
- g. No greater than ten (10) per cent of the number of dwelling units in the development may be multifamily dwellings which shall be located so as to not cause traffic congestion. Multifamily dwellings shall conform to the Area and Height Regulations of the R-3 Residential District (Section 404-3, 404-4, 404-5, 404-6), except that the overall density of the planned unit development shall be determined by Subsection 128-d of this Article.
- h. Off-street parking shall be provided as regulated by Article VI hereof.
- i. Developments regulated by this subsection shall conform in all ways to the county and/or city subdivision regulations applicable to any specific area of the Village.

PLANNED UNIT RESIDENTIAL DEVELOPMENT LOT REQUIREMENTS COMPARED TO DISTRICT REGULATIONS FOR CONVENTIONAL DEVELOPMENT		
	R-2	
	Conventional Development	Planned Unit Residential Development
Minimum Lot Area Per Dwelling Unit	15,000 square feet	12,000 square feet
Minimum Lot Width at Building Line	90 feet	75 feet
Minimum Front Yard Depth	60 feet	50 feet
Minimum Rear Yard Depth	50 feet	40 feet
Minimum Side Yard Depth	15 feet	10 feet

- j. Any additional conditions deemed necessary by the Planning Commission to safeguard the health, safety, welfare, and property values of the community.

129 The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:

- a. Only memorial park cemeteries having grave markers flush with the surface of the ground shall be permitted. The term “marker” to refer to name of deceased.
- b. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
- c. Minimum area required for a cemetery site to be forty (40) acres.
- d. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
- e. Pavement width of driveways shall be at least twenty (20) feet (ten feet per moving lane).
- f. Drives shall be of useable shape, improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within area.
- g. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Planning Commission.
- h. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
- i. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health and the County Engineer prior to the issuance of a conditional use permit.
- j. Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the Planning Commission.



- k. Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwelling: such shrubs, trees, and hedges shall not be less than two feet in height and must be maintained in good condition.
- l. Provisions shall be made for landscaping throughout the cemetery.
- m. Location of cemetery buildings and all other structures shall conform to front, side, and rear yard building lines of the particular district in which it is located.
- n. No grave sites shall be located within one hundred (100) feet of the right-of-way lines of any publicly dedicated thoroughfare.
- o. A grave site shall not be within two hundred (200) feet of an existing residence unless the owner of such residence gives his written consent.
- p. Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Planning Commission, the County Engineer, and the County Board of Health. Guarantees shall be in a form approved by the Planning Commission and may be one of the following:
  - 1. A performance bond in the amount of \$25,000.00 for cemeteries of forty (40) acres. An additional \$5,000.00 shall be required for each ten (10) acres added at a later date. The amount of the bond will be reduced annually, proportional to the portion of the cemetery not developed to the specifications of the plans approved by the Planning Commission, the County Engineer, and the County Board of Health.
  - 2. Other methods as might be worked out by the Planning Commission, Council, Developers and their legal advisors.
- q. A trust fund of an amount set by the Planning Commission shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. Said trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and the Council. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be an amount set by the Planning Commission. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.

130 In the interests of the community and other industries within the I-2 Heavy Industrial District, the Planning Commission may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such operation. The cost of securing such expert assistance shall be borne by the applicant.

- 131 Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.
- 132 A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a three (3) year period only. After a three (3) year period has elapsed, a new Conditional Zoning Certificate shall be required. And may be issued provided that the Planning Commission and the Zoning Inspector determine that the said use has been and is being and is being operated according to the specifications of the Zoning ordinance and the previous Conditional Zoning Certificate. If necessary, the Commission may make additional requirements for the continued operation of the use as a prerequisite for reissuance of the Conditional Zoning Certificate.
- 133 No campsite shall be occupied by the same occupant or group and/or tent, trailer, or other camping equipment for a period longer than fourteen (14) consecutive days. No cabin, lodge, room, or other rental accommodations shall be occupied by the same occupant or group for a period longer than thirty (30) consecutive days.
- 134 Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground. Included as such retail uses are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park.
- 135 A minimum area of fifty (50) acres shall be required for a use proposed under these regulations.
- 136 All facilities and structures shall meet all County and/or State of Ohio health, building, electrical, and other applicable codes.
- 137 All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
- 138 The proposed project shall conform to all requirements and/or conditions as the Planning Commission may deem necessary to meet the following criteria:
  - a. Vehicular approach to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
  - b. Maximum possible privacy for each apartment shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.
  - c. The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.

- d. Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
  - e. Television antenna shall be centralized.
  - f. On-site circulation shall be designed to make possible adequate fire and police protection.
  - g. In large parking areas, visual relief shall be provided through the use of tree planted and landscaped dividers, islands, and walkways. No parking or service areas shall be permitted between any street and the main building.
  - h. Paved off-street parking and service areas shall be required, parking spaces shall contain at least two hundred (200) square feet and shall be provided at the rate of two (2) spaces per dwelling unit in each apartment building; all parking and service areas shall be paved with concrete, asphalt or equivalent, and shall be located no closer than twenty (20) feet from any residential structure. Paved vehicle access drives of at least ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
  - i. The property must be served by centralized sewer and water facilities approved by the State and County Health Department and operated and maintained according to the inspection and rules of the Summit County Health Department and Summit County Sanitary Engineer's regulations.
- 139 No Zoning Certificate shall be issued until final site plans have been submitted and approved by the Planning Commission. Said site plans shall show the following: drainage (including storm water), location of all buildings, fuel tanks (if any), off-street parking and service facilities, water supply, sanitation, walks, fences, walls, landscaping, outside lighting, traffic flow and its relation to abutting streets.
- No Zoning Certificate shall be issued until the approval by the State and County Health Departments has been obtained concerning the proposed sanitary sewerage facilities.
- 140 The design and construction of all access drives, access points to public streets, and parking and service areas shall be approved by the Planning Commission.
- 141 A performance bond or other financial acceptable to the Planning Commission shall be placed with the Commission to insure that the landscaping be installed, that the hardsurfacing of the access drives and parking and service areas be installed, and that adequate storm water drainage be installed, all in accordance with the Planning Commission's approved plans.
- 142 All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.
- 143 In the interests of the health, safety, general welfare, and the protection of property values of the community, the area and adjoining land uses, and the other industries

within the I-2 District, the Planning Commission may require any conditions deemed necessary; and in regard to an industrial operation whose effects on adjacent premises, the area, or the community are not readily known, the Commission may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify and injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

- 144 Dikes constructed to provide liquid waste areas shall be constructed and designed in accordance with good engineering procedures, proof of which shall be submitted to the Planning Commission along with the application for the Conditional Zoning Certificate. The exposed area of all earthen type dikes or dams shall be covered with a minimum of six (6) inches of top soil and seeded and/or provided with other adequate soil erosion controls as deemed necessary by the Commission.

#### Sec. 802-1 Additional Conditions

Planning Commission may add to or delete any part of the foregoing conditions in specific cases where desirable or warranted, owing to unusual topography, physical conditions, character of the conditional use, and/or character and use of adjacent property. The Planning Commission may also impose additional conditions where it may deem necessary to safeguard the health, safety, and welfare of the community.

## ARTICLE IX

### ADMINISTRATION AND ENFORCEMENT

#### Sec. 901 Administration

##### Sec. 901-1 Zoning Inspector

For the purpose of enforcing the zoning regulations, the Village Council shall establish and fill the position of Village Zoning Inspector, together with such assistants as the Council deems necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Village Council.

##### Sec. 901-2 Planning Commission

The Planning Commission shall have the power to administer Article VIII, Conditional Zoning Certificates of the Ordinance and shall have the power to issue Conditional Zoning Certificates as specified and regulated in this Ordinance.

When the Planning Commission finds it necessary to maintain a strict record of public hearing procedures, or when the Planning Commission will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs. (See Ordinance 97-05)

##### Sec. 901-3 Submission of Applications

All applications for Zoning Certificates shall be submitted to the Zoning Inspector who may issue Zoning Certificates when all applicable provision of the Ordinance have been complied with.

##### Sec. 901-4 Zoning Certificates Required

- a. Before constructing, or altering any sign, structure, or building, including accessory buildings, application shall be made to the Zoning Inspector for a Zoning Certificate. The application shall include the following information:
  1. A plot plan drawn to scale showing the exact dimensions and area of the lot to be built upon.
  2. The locations, dimensions, height, and bulk of structures to be erected.
  3. The intended use.
  4. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.
  5. The yard, open area, and parking space dimensions.
  6. Conformance with Section 301-4-f.
  7. Any other pertinent data as may be necessary to determine.

- b. Within thirty (30) days after the receipt of application, the Zoning Inspector shall issue a Zoning Certificate if the application complies with the requirements of this Ordinance and the application is accompanied by the proper fee as indicated in Section 901-5.
- c. The Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started. If not construction is started or use changed within one (1) year of date of permit, a new permit is required upon proper application.
- d. If the application is for a Conditional Zoning Certificate, the application procedure defined in Section 801-1 shall be followed in lieu of the above regulations.

~~Sec. 901-5 Payment of Fees~~

~~a. Zoning Certificate Fee Schedule:~~

- ~~1. One or two family residential structure—\$20.00  
Accessory buildings and additions or modifications of more than ten (10) square feet—\$10.00~~
- ~~2. Multifamily, commercial, or industrial structures and/or accessory buildings or additions—a minimum of \$20.00 plus two cents per square foot of area within the outside dimensions of the foundation, not to exceed \$500.00~~
- ~~3. Recreational, institutional, governmental, and miscellaneous structures and/or accessory buildings or additions—a minimum of \$20.00 plus two cents per square foot of area within the outside dimensions of the foundation, not to exceed \$100.00~~

~~4. Signs:~~

~~Signs advertising a business or service, other than a home occupation, being operated on the premises:~~

~~Less than 50 square feet—\$15.00  
50 square feet and larger—\$30.00~~

~~Signs advertising a home occupation—\$5.00~~

~~Temporary signs, Ten Dollars (\$10.00) initial fee, and Ten Dollars (\$10.00) per renewal.~~

~~Subdivision or temporary real estate sign advertising the development of the premises or the opening and identification of a new subdivision—\$50.00~~

~~Real estate signs advertising the sale, rental, etc., and special events signs advertising events sponsored by schools, clubs, organizations, etc., no permit required. All signs must be removed within ten (10) days after the sale is closed and deed recorded, rental, or day of event.~~

~~Political signs: No charge for permit. However, a Twenty five Dollar (\$25.00) deposit shall be required when the permit is issued, and shall be returned to the depositor provided all signs have been removed within seven (7) days after the election.~~

~~Outdoor advertising signs (billboards) pertaining to business, services, and/or activities not carried on upon the premises upon which sign is located:~~

~~Less than 50 square feet — \$25.00~~

~~50 square feet and less than 100 square feet — \$50.00~~

~~100 square feet but less than 200 square feet — \$100.00~~

~~200 square feet and larger — \$175.00~~

~~5. Satellite Dish — \$10.00~~

~~b. The fee for a Conditional Zoning Certificate shall be fifty (50) dollars.~~

~~When the Planning Commission finds it necessary to maintain a strict record of public hearing procedures, or when the Planning Commission will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs. (See Ordinance 97-05 and 97-07)~~

## ENFORCEMENT, VIOLATIONS AND PENALTIES

### Sec. 902 Enforcement, Violations, and Penalties

#### Sec. 902-1 Violations

Buildings erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se.

#### Sec. 902-2 Inspection

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Ordinance.

Sec.902-3 All violations shall be corrected within a period of fourteen (14) days after the written is issued or for a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within a specified time period shall be reported to the Village Solicitor who shall initiate prosecution procedures.

#### Sec. 902-4 Penalties

The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder, or contractor who shall assist in the commission of any such violation, and any person who shall violate any of the provisions of this Ordinance or fail to comply therewith shall, for each violation of noncompliance, be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty-five (25) dollars nor more than five hundred (500) dollars. Each day such violations or failure to comply shall exist shall constitute a separate offense.

#### Sec. 902-5 Prevention of Violations

In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is, or is proposed to be used in violation of Section 713.05 to 713.15, inclusive of the Revised Code of Ohio, or of any regulations or provisions adopted by the Village Council under such Sections, the Council, the Village Solicitor, the Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violations may file a complaint in regard thereto. All complaints must be in writing and shall be filed with the Zoning Inspector who shall record such complaint and immediately investigate and report thereon to the Planning Commission for their ruling. If they rule that a violation has occurred, they shall so instruct the Police Authority of the Village of Clinton.



## ARTICLE X

### BOARD OF ZONING APPEALS

Sec. 1001 A board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Ordinance.

#### Sec. 1001-1 Composition and Appointment

The board shall consist of five (5) members appointed by the Village Council. The members shall be residents of the incorporated area of the Village of Clinton. Each member shall serve until his successor is appointed and qualified. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Council, after public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place or residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment of the Village Council and shall be for the unexpired term.

#### Sec. 1001-2 Organization

The Board shall elect a chairman from its membership shall appoint a Recording Secretary, and shall prescribe rules for the conduct of its affairs.

#### Sec. 1001-3 Quorum

Three (3) members of the Board shall constitute a quorum at all meetings. A concurring vote of three (3) members shall be necessary to effort an order, take action, make decisions, or act on any authorization.

#### Sec. 1001-4 Meetings

The Board shall meet at the call of its Chairman and at such other times as it may determine. All meetings of the Board shall be open to the public.

#### Sec. 1001-5 Witnesses

The Board Chairman or Acting Chairman may administer oaths and the board may compel the attendance of witness in all matters coming within the purview of the Board.

#### Sec. 1001-6 Powers and Duties

The Board of Zoning Appeals shall have the following powers:

- a. The Board shall have the powers to hear and decide appeals where it is alleged there is error in any order requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Ordinance.

- b. The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where owing to 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. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of this Ordinance.
- c. The Board of Zoning appeals shall have no authority to permit a use where such use is not permitted by this Ordinance.

#### Sec. 1001-8 Appeals

Appeals to the Board may be taken by any person, officer, board or department of the Village of Clinton, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector or any decision in which the Board has original jurisdiction. Such appeal shall be taken within twenty (20) days after the decision. The appellant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector whose decision has been appealed, shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed by other than a restraining order grant by the Board or by a court having lawful jurisdiction. Within its powers, the Board of Zoning appeals may reverse or affirm, wholly or in part or modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within a reasonable time after the date of hearing.

#### Sec. 1001-10 Procedure

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Ordinance. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the Ordinance involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings:

Interpretation; Variances; Conditional Zoning Certificate; together with all documents pertaining thereto.

#### Sec. 1001-11 Notice of Hearings

When a notice of appeal has been filed in proper form with the Board of Zoning appeals, the Secretary shall immediately place the said request for appeal upon the calendar for

hearing, and shall cause notices stating the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of such hearing. The Board at its discretion may send out further notices to publicize such hearings. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

#### Sec. 1001-12 Decisions

A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the same in the Zoning Certificate or Conditional Zoning Certificate to the applicant or appellant, whenever a permit is authorized by the Board. A decision of the board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

#### Sec. 1001-13 Fees:

Any request for an interpretation, exception, variance or appeal from the Board shall be accompanied by a minimum fee of fifty (50) dollars which fee shall not be refundable. In the event that the Board will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee shall be raised in order cover all expense of such expert testimony. (Changed to one hundred (100) dollars per Ordinance 8-92) Amended – Ordinance 00-06 Fee changed to \$200.00.

ARTICLE XI  
AMENDMENTS

Sec. 1101-1 Amendments

A. Procedure by Council

Council may from time to time on its own motion, or on petition, or on recommendation of the Planning Commission, amend by ordinance the number, shape or area of districts established in the zoning districts map or the regulations set forth in this Ordinance. Every such proposed amendment shall be referred in writing by resolution of Council to the Planning Commission, for approval, disapproval or recommended modifications, and the Commission shall be allowed a reasonable time, not less than thirty (30) days and not more than sixty (60) days, for consideration and report. No amendment which fails to receive the approval of the Planning Commission shall take effect unless passed by not less than three-fourths (3/4) vote of the membership of Council.

Council shall hold a public hearing before the adoption of any proposed amendment. Council, by resolution adopted at a stated meeting or at an adjournment thereof, shall fix the time and place of the public hearing on the proposed amendments, and such hearing shall be set not less than thirty (30) days from the date of the first publication as required herein and shall cause notice to be given as follows:

1. The Council shall cause to be published a notice of such amendment and the time and place of the public hearing once a week for three (3) consecutive weeks in at least one (1) newspaper of general circulation in the Village.
2. The Council shall cause to have on file for public examination, in the office of the Village Clerk, the text or copy of the text of such ordinance, measure or regulation, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure, or regulations and the maps, plans, and reports submitted by the Planning Commission.
3. If the ordinance, measure or regulation intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village Clerk, by first class mail, at least twenty (20) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels using the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The notice shall state the general nature of the proposed amendment as well as the text. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation.
4. Written notice of the hearing shall be mailed by the Village Clerk, by first class mail, at least twenty (20) days before the date of the public hearing to every association of residents of the Village which shall have registered its name and address for this purpose with the Village Clerk. The notice shall state the general

nature of the proposed amendment as well as the text. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation.

#### B. Applications

All applications for a zoning amendment shall include:

1. Evidence that the existing zoning ordinance is unreasonable with respect to the particular property and that it deprives the property owner of this lawful and reasonable use of the land. For the purpose of this Ordinance, a limitations upon the financial gain from the land in question shall not constitute unreasonable zoning.
2. Evidence that the proposed amendment would materialize in an equal or better ordinance than that existing.
3. Any applicant who seeks an amendment to rezone property from one use district, or who seeks to change, add or delete permitted uses in any use district, shall file with his application a fee of fifty dollars (\$50.00) to defray the expenses of processing such request, which fee shall not be refundable.
4. Any person desiring an amendment to the zoning districts map shall accompany the petition for such amendment, or the ordinance introduced for this purpose, with a statement giving the names and addresses of the owners of all properties within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted.

#### C. Addition of Definitions

Whenever an amendment is made to the text of the Ordinance, the appropriate definitions pertinent to such amendments shall be included in Article XI.

## ARTICLE XII

### VALIDITY AND SEPARABILITY

If any section, subsection, or any provision of this Ordinance, or amendments thereto, are held to be invalid by a court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or amendments thereto.

## ARTICLE XIII

### REPEALER

All existing Ordinance of the Village of Clinton, Ohio, inconsistent herewith, are hereby repealed.

ARTICLE XIV

EFFECTIVE DATE

This amended Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Recommended by the Village Planning  
Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman of the Village Planning Comm.

Adopted by the Village of Clinton Council

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attest by the Clerk of the Village:

\_\_\_\_\_  
Clerk