

**April 2003: Adopted as Ordinance**

**VILLAGE OF  
BAILEY LAKES,  
OHIO**

**ZONING  
REGULATIONS**

## TABLE OF CONTENTS

ARTICLE I, DISTRICTS -----	1-1
ARTICLE II, GENERAL REGULATIONS -----	2-1
ARTICLE III, DEFINITIONS -----	3-1-2-3-4-5
ARTICLE IV, GENERAL AGRICULTURAL DISTRICT (A) -----	4-1
RESIDENTIAL DISTRICT (R) -----	4-2
COMMERCIAL DISTRICT (C) -----	4-3
MANUFACTURING DISTRICT (I) -----	4-4
ARTICLE V, SUPPLEMENTAL REGULATIONS -----	5-1
500 Temporary Structures -----	5-1
501 Deteriorating and Abandoned Structures -----	5-1
502 Accessory Buildings -----	5-1
503 Mineral Extraction, Storage and Processing -----	5-1
504 Home Occupation -----	5-1
505 Correction Period -----	5-2
506 Yard requirements -----	5-2
507 Public Nuisances and Hazards -----	5-2
508 Signs -----	5-2-3
509 Nonconforming Buildings and Uses -----	5-3
510 Fences and Hedges -----	5-4
511 Erosion and Storm water Runoff -----	5-4
512 Mobile Homes -----	5-4
513 Conditional Uses -----	5-4
514 Keeping of Animals, Fowl and/or Bees -----	5-4-5 * See Amendment
515 Storage Trailers -----	5-5
516 Satellite Dishes -----	5-5
517 Mobile Homes -----	5-5
ARTICLE VI ENFORCEMENT	
600 Zoning Permit Required -----	6-1
601 Application for Zoning Permit -----	6-1
602 Approval of Zoning Permit -----	6-1
603 Submission to the Director of Transportation -----	6-1
604 Expiration of Zoning Permit -----	6-1
605 Certificate of Occupancy -----	6-1
606 Records of Zoning Permits and Certificates of Occupancy -----	6-2
607 Failure to Obtain a Zoning Permit or Certificate of Occupancy -----	6-2
608 Construction and Use to be as Provided in Application, Plans, Permits and Certificates -----	6-2
609 Complaints Regarding Violations -----	6-2
610 Penalties for Violation -----	6-2
611 Schedule of Fees, Charges and Expenses -----	6-2

ARTICLE VII ADMINISTRATION

700 Office of Zoning Inspector Created	7-1
701 Duties of the Zoning Inspector	7-1
702 Proceedings of the Planning Commission	7-1
703 Duties of the Planning Commission	7-1
704 Board of Zoning Appeals Created	7-1
705 Proceedings of the Board of Zoning Appeals	7-1
706 Duties of the Zoning Board of Appeals	7-1-2
707 Duties of the Zoning Inspector, Zoning Board of Appeals, Village Council and Courts, in the Matter of Appeals	7-2
708 Procedure and Requirements for Appeals and Variance	7-2
709 Appeals	7-2
710 Stay of Proceedings	7-2
711 Variance	7-3
712 Application and Standard Variance	7-3
713 Supplemental Conditions and Safeguards	7-3
714 Public Hearing by the Board of Appeals	7-3
715 Notice of Public Hearing in Newspaper	7-3
716 Notice to Parties of Interest	7-3
717 Action by Board of Zoning Appeals	7-3
718 Procedure and Requirements for Approval of Conditional Use Permits	7-3
719 General	7-4
720 Special Uses	7-4
721 Supplementary Conditions and Safeguards	7-4
722 Procedure for Hearing and Notice	7-4
723 Action by the Board of Zoning Appeals	7-4
724 Expiration of Conditional Use Permit	7-4

ARTICLE VIII AMENDMENT

800 Procedure for Amendment or District Change	8-1
801 General	8-1
802 Initiation of Zoning Amendments	8-1
803 Application for Zoning Amendment	8-1
804 Transmittal to Planning Commission	8-1
805 Submission to the Director of Transportation	8-1
806 Recommendation by the Planning Commission	8-1
807 Public Hearing by the Village Council	8-1
808 Notice of Public Hearing in Newspaper	8-2
809 Notice to Property Owners by Village Council	8-2
810 Action by the Village Council	8-2
811 Effective Date and Referendum	8-2
812 Annexation	8-2

ARTICLE IX INTERPRETATION, SEPARABILITY AND REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE

900 Provisions of this Ordinance Declared to be Minimum Requirements	9-1
901 Separability Clause	9-1
902 Repeal of Conflicting Ordinance	9-1
903 Effective Date	9-1

## PREAMBLE

An ordinance of the Village of Bailey Lakes, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 713 of the Ohio Revised Code, dividing the Village into zones and districts, encouraging regulatory and restricting therein, the location, construction and reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational and public areas; providing for adequate light, air and convenience of access to such property, by regulating the use of land and building and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right of ways; providing for the compatibility of different land uses and the most appropriate use of land; providing for powers and duties of the administrative officers, as provided hereafter, and prescribing penalties for the violation of the provisions in this ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof;  
Therefore, be it ordained by the Council of the Village of Bailey Lakes, State of Ohio:

This ordinance shall be known as the Village of Bailey Lakes, Ohio, Zoning Ordinance; and may be referred to as the Zoning Ordinance.

100 For the purpose of this Ordinance, the Village of Bailey Lakes, is hereby divided into four District Classifications as follows;

Symbol

<p>General Agricultural Classification A</p>	<p>To protect and maintain the rural character of the countryside. To areas for rural developments of various kinds, where the General Agricultural District is appropriate.</p>
<p>Residential Classification R</p>	<p>To provide areas of medium density residential development near urban areas to meet the need of individuals wishing to live adjacent to the communities.</p>
<p>Commercial Classification C</p>	<p>To provide for the establishment of areas for local business uses which tend to meet the needs of the residents of the area and the motoring public.</p>
<p>Manufacturing Classification I</p>	<p>To provide areas for the development of manufacturing and wholesale business establishments which are clean, quite and free of hazardous or objectionable elements; such as noise, Odor, dust, smoke, or glare, generate little industrial traffic and Operate entirely within enclosed structures. Research activities are encouraged.</p>

101 The location and boundaries of the District Classifications listed in this Ordinance shall be known as depicted on a map, entitled, "Village of Bailey Lakes Zoning Plan 2003". Certified copy of this is on file in the offices of the Village of Bailey Lakes, and said map, all notations, dimensions and designations shown thereon are hereby declared to be part of this Ordinance.

- a. District boundaries are intended to follow street, alley, property or lot lines as they exist at the time of passage of this Ordinance.
- b. Where District boundaries do not follow existing lot lines, the dimensions of these areas shall be listed on the zoning map.
- c. In the case of a vacation of a street, alley, or other right-of-way, the abutting zoning classification on either side, shall be automatically extended to the centerline of said vacated property.
- d. Where boundaries appear to approximately follow foresaid lines and are not more than ten (10) feet distant from such lines, they shall be interpreted to be the boundary unless specifically shown and noted otherwise.
- e. The Zoning Map and any amendment shall be prepared on the authority of the village of Bailey Lakes, Ohio, Planning Commission. Any amendments to the map shall be dated with the effective date of the amendment.

- 200 No building or structure shall be built or altered for uses other than those for which permitted in the District Classification in which the structure is located.
- 201 Land uses, other than those listed in this Ordinance, are prohibited on the property in the Village of Bailey lakes.
- 202 Any addition to an existing building shall not intrude into any required yard or open space.
- 203 New lots of record shall meet all minimum size requirements for the District Classification in which they are located.
- 204 No more than one main building shall be located on a lot of record.
- 205 Two or more lots of record, or platted lots, when contiguous and owned by the same individual, may be treated as a single lot for the purpose of this Ordinance as long as the property in question is located in a single District Classification.
- 206 The Village of Bailey Lakes, Ohio, Zoning Ordinance, shall serve as a supplement to existing and future, Federal, State, County and Local Laws. Whenever this Ordinance differs from other lawfully adopted regulations, the most restrictive or highest standard shall apply.
- 207 Any lot of record existing at the time of the adoption and enactment of this Ordinance, and any held in separate ownership, different from that of adjoining parcels may be used for any purpose normally permitted in that District Classification, even though it's area, width and/or depth are less than the minimum requirements of that District Classification.

For the purposes of this Ordinance, certain terms and words, shall be defined as follows;

- 300 The words, "used for" shall include "designed for" and vice-versa; words used in the present tense, include the future; words in the singular number shall include the plural number and vice-versa; the word "building" shall include the word "structure"; the word "dwelling" shall include the word "residence"; the word "lot" shall include the word "plot"; the word "shall" is mandatory and not directory.
- 301 Accessory Structure: A structure (such as a garage) incidental to the main structure of the lot.
- 302 Accessory Use: A use on the same lot with and clearly incidental to the principal use of the property involved.
- 303 Agriculture: The use of land for farming; dairying; pasturage; apiculture; horticulture; floriculture; viticulture; and animal and poultry husbandry; and packing treating or storing of produce provided, however, that the operation of any accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- 304 Alterations, Structural: Any change to the supporting members of a building such as bearing walls, columns, beams and/or girders.
- 305 Board: Shall mean the, "Village of Bailey, Lakes, Ohio, Board of Zoning Appeals".
- 306 Building: A structure having a roof supported by columns or walls for the purpose of shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such buildings shall be deemed a separate building.
- 307 Building Height: The vertical distance measured from the average elevation of the finished grade along the front of the building the highest point of the roof surface if a flat roof, to the deck line of a mansard roof, and to the main height level between eaves and ridge for a gambrel roof.
- 308 Building, Main: A building in which is conducted the principal use of the lot on which it is located.
- 309 Business, Local: An enterprise engaged in retail trade of a clearly limited nature for the convenience of surrounding residents. These uses may include, but are not limited to, repair shops, cleaning establishments, drug stores, beauty or barbershops, hobby shops and businesses for the sale of food and beverages for the consumption on or off the immediate premises.

- 310 **Conditional Use:** A use which is subject to approval by the Board of Zoning Appeals. A conditional use permit may be granted by the Board, when there is a specified provision for such exception made in this Ordinance.
- 311 **Dwelling:** A building, or portion thereof, designed exclusively for permanent residential occupancy (habitation by humans), including one family dwellings, two family dwellings, but not including hotels, motels, boarding houses and/or rooming houses.
- a. **Mobile Home:** A detached residential unit designed for transportation after fabrication, on public or private thoroughfares on it's own wheels or on a flatbed truck or other trailer and arriving at the site ready for occupancy, except for minor and incidental unpacking and assembly operations. A factory built structure, having at least seven hundred and fifty (750) square feet, excluding porches, and garages of living area.
  - b. **Multi-Family Dwellings:** A building designed and constructed for and occupied by, up to four families, living independently of each other, and having either separate or combined entrances, each having it's own independent closure.
  - c. **Single Family Dwelling:** A building designed and constructed for and occupied exclusively by one family.
  - d. **Two Family Dwelling:** A dwelling consisting of two separate dwelling units, which may be either attached side by side, or one story above the other, and each unit having a separate or combined entrance or entrances, each having it'
- 312 **Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipalities or other governmental agencies, for gas, electrical, water, communication, supply and/or distribution, service and/or disposal facilities, including poles, wires, mains, drains, pipes, signals and/or hydrants, including any necessary structures and/or buildings, reasonably required to assure the provision of adequate supplies and/or service of public utilities, or by the utility branch of any government.
- 313 **Home Occupation:** An occupation, carried on by the occupant of a dwelling as an accessory use, in connection with, there are more than two (2) non-residents employed and provided that:
- a. Such occupation is, conducted wholly within the dwelling or an accessory building.
  - b. Floor area devoted to such use does not exceed twenty five percent (25%) of the total floor area of all the structures on the property.
  - c. Such use is not objectionable due to noise, hours of operation, traffic generation or ~~has no~~ hazardous and/or noxious processes used.
  - d. No traffic shall be generated by such home occupation, in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such activity, shall not be located in a required front, side or rear yard or in a required open space.



- 314 **Lot:** A parcel of land, of sufficient size to meet the minimum-zoning requirements and provide such minimum yards and other open spaces as are herein required. Such lots shall have frontage on an improved public street may include;
- a. A single lot of record.
  - b. A portion of a lot of record.
  - c. A combination of complete lots of record, and portions of lots of record, or portions of lots of record;
    - A. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting a current street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135 degrees;
    - B. **Interior Lot:** A lot other than a corner lot.
    - C. **Reversed Corner Lot:** A Corner Lot of which the side street line is substantially a continuation of the front lot line of the lot to it's rear;
    - D. **Through Lot:** An Interior Lot having frontage on two (2) or more streets.
- 315 **Lot Area:** The total horizontal area within the lot lines of a piece of property.
- 316 **Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.
- 317 **Lot Lines:** The lines bounding a lot as defined herein.
- 318 **Lot Width:** The horizontal distance between the side lot lines measured at right angles to the lot depth, at the building setback line.
- 319 **Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, which are usually conducted in controlled operations, that are relatively clean, quite and free of objectionable and/or hazardous elements, such as smoke, noise, odor and/or dust; that take place in enclosed structures, generating little industrial traffic and no nuisances.
- 320 **Mobile Home Park:** Any site, or tract of land under single ownership, upon which three or more mobile homes, used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such park.
- 321 **Nonconforming Building:** A building or a portion thereof lawfully existing, at the time this Ordinance is adopted, which was designed, erected or structurally altered for a use that does not conform to the permitted uses of the District Classification, in which it is located.
- 322 **Nonconforming Use:** A use which, lawfully occupied a building or land at the time of adoption of this Ordinance, and which does not conform with the regulations of the District Classification in which it is located.
- 323 **Performance Bond:** An agreement between the sub-divider and the Village of Bailey lakes, Ohio, for the estimated amount of construction costs of improvements, guaranteeing the completion of the improvements according to plans and specifications, within the time period established in the agreement.

- 324 **Personal Services:** Any enterprise conducted for gain, which primarily offers services to the general public, such as, but not limited to, electricians, plumbers, welding and repair, etc. These enterprises shall be limited to a maximum of five employees.
- 325 **Professional Services:** The use of offices and related spaces for such services as, but not limited to, medical practitioners, veterinarians, lawyers, architects, dentists, engineers, etc.
- 326 **Public Use:** Public parks, schools and administrative, cultural and service buildings devoted solely to the storage and maintenance of equipment and material.
- 327 **Recreational Facilities:**
- a. **Commercial Recreational Facilities:** Recreational facilities established for profit, such as but not limited to, commercial golf courses, swimming pools, ice skating rinks, riding stables, race tracks, etc.
  - b. **Noncommercial Recreational Facilities:** Private and semi-private recreational facilities, which are not operated for commercial gain, including, but not limited to, country clubs, riding clubs, private golf courses, game preserves, community swimming pools, etc. Noncommercial recreational facilities may be leased to outside groups or organizations, provided the fees for such purposes, are limited to incidental maintenance and custodial expenses.
- 328 **Rezoning:** An amendment to, or a change in the Zoning Ordinance, rezoning can take three (3) forms:
- A. A comprehensive revision or modification of the Zoning text and map.
  - B. A text change in Zoning Requirements.
  - C. A change in the Zoning map.
- 329 **Roadside Stands:** Small structures (a maximum of 100 square feet) for the sale of agricultural and plant nursery products, a minimum of fifty percent of the produce shall be raised on the premises.
- 330 **Semi-Public Use:** Churches and other places of worship, Sunday Schools, Parochial Schools, Colleges, Hospitals and other institutions of an educational, religious, charitable or philanthropic nature.
- 331 **Storage Trailers:** A small trailer (maximum 2000 cubic feet) owned by an individual and parked on property owned by the individual, used for temporary storage purposes.
- 332 **Structures:** Any thing constructed or erected with a fixed location on the ground. Among other things, structures include signs, poles, and similar constructions.
- 333 **Temporary Structures:** A structure without any foundation or footings and which shall be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

- 334 . Variance: A variance is a relaxation of the requirements of the Zoning Ordinance, where such variance, will not be contrary to the public interest and where owing to conditions peculiar to the property in question, and not the result of the actions of the applicant, a literal enforcement of this Ordinance, would result in an unnecessary and undue hardship.
- 335 Yard: An open space or grade between a building an adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upwards, except as otherwise provided for herein;
- a. Front Yard: A yard extending across the full width of the lot between the nearest rear main building and the front lot line; the depth of the required front yard shall be measured horizontally from the nearest point of the main building, towards the nearest point of the front lot line.
  - b. Rear Yard: A yard extending across the full width of the lot between the nearest rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the main building, towards the nearest point of the rear lot line.
  - c. Side Yard: A yard between a main building and the side lot lines, extending horizontally between the front and rear yards. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line, towards the nearest point of the main building.

400 General Agricultural District Classification (A)

1. Permitted Uses: After obtaining a valid Zoning Certificate;
  - a. Agriculture
  - b. Single Family Dwelling
  - c. Two Family dwelling
  - d. Home Occupations
  - e. Mobile Home Parks
  - f. Accessory Use
  - g. Essential Services
  
2. Conditional Uses: After obtaining approval by the Zoning Board of Appeals.
  - a. Public Uses
  - b. Semi-public Uses.
  - c. Kennels and Veterinary clinics
  - d. Television or Radio Station Transmitter or tower
  - e. Mineral Extraction, Storage or Processing
  - f. Cemeteries and/or Mortuaries
  - g. Multi-Family Dwellings
  - h. Noncommercial Recreational Facilities
  
3. Minimum Lot Area: Two Acres, (87,120 square feet), excluding road right of way.
  
4. Minimum Lot Width or Frontage: Two hundred (200) feet.
  
5. Minimum Front Yard: Fifty (50) feet from the edge of the road right-of-way.
  
6. Minimum Rear Yard: Twenty-five (25) feet.
  
7. Minimum Side Yard: Fifteen (15) feet each side.
  
8. Maximum Building Height: Thirty-five (35) feet.
  
9. Minimum Lot Depth: Two hundred (200) feet.
  
10. Minimum Main Building Size: One thousand (1000) square feet, per dwelling unit.

401 Residential District Classification (R)

1. Permitted Uses: After obtaining a valid Zoning Certificate.
  - a. Agriculture
  - b. Single Family Dwelling.
  - c. Two family Dwelling.
  - d. Home Occupations.
  - e. Accessory uses.
  - f. Essential Services.
2. Conditional Uses: After obtaining approval by the Zoning Board of Appeals.
  - a. Multi Family Dwelling.
  - b. Public Uses.
  - c. Semi-Public Uses.
  - d. Television or Radio Station, Transmitter or tower.
3. Minimum Lot Area: Fourteen Thousand (14,000) square feet.
4. Minimum Lot Width: Eighty (80) feet.
5. Minimum Lot Depth: One hundred (100) feet.
6. Minimum Front Yard: Thirty-five (35) feet from the edge of road right-of-way.
7. Minimum Rear Yard: Fifteen (15) feet.
8. Minimum Side Yard: Ten (10) feet each side.
9. Maximum Building Height: Thirty-five (35) feet.
10. Minimum Main Building Size: One Thousand (1000) square feet, per dwelling unit.

402 Commercial District Classification (C)

1. Permitted Uses: After obtaining a valid Zoning Certificate
  - a. Agriculture
  - b. Single Family Dwelling.
  - c. Two Family Dwelling.
  - d. Local Business.
  - e. Professional Services.
  - f. Personal Services.
  - g. Accessory Uses.
  - h. Essential Uses.
  - i. Public Uses.
  - j. Semi-Public Uses.
  - k. Home Occupations.
  - l. Banks.
  - m. Lodges and Fraternal Organizations.
2. Conditional Uses: After obtaining approval by the Zoning Board of Appeals.
  - a. Automobile Service Station.
  - b. Multi-Family Dwelling.
  - c. Cemeteries and Mortuaries.
  - d. Commercial Recreational Facilities.
  - e. Theaters.
3. Minimum Lot Area: One Acre (43,560) square feet, excluding road right-of-way.
4. Minimum Lot Width: One hundred (100) feet.
5. Minimum Lot Depth: Two hundred (200) feet.
6. Minimum Front Yard: Thirty-five (35) feet from the edge of the road right-of-way.
7. Minimum Rear Yard: Fifteen (15) feet.
8. Minimum Side Yard: Twenty (20) feet each side.
9. Maximum Building Height: Thirty-five (35) feet.
10. Minimum Main Building Size: One thousand (1000) square feet per dwelling unit.

403 Manufacturing District Classification (I)

1. Permitted Uses: After obtaining a valid Zoning Certification.
  - a. Agricultural.
  - b. Accessory Uses.
  - c. Public Uses.
  - d. Semi-Public Uses.
  - e. Commercial Recreational Facilities.
  - f. Noncommercial Recreational Facilities.
  - g. Essential Services
  - h. Local Business
  - i. Service Stations.
  - j. Cemeteries and/or Mortuaries.
  - k. Manufacturing, sale and storage of building supplies.
  - l. Equipment Storage and Sales.
  - m. Wholesale and Warehouse facilities.
  - n. Grain Elevators and Feed Mills.
  - o. Professional Services.
  - p. Personal Services.
  - q. Banks.
  - r. Research and testing Laboratories.
  - s. Food Processing.
  - t. Kennels and Veterinary Clinics.
  - u. Lodge and Fraternal Organizations.
2. Conditional uses: After obtaining approval from the Zoning Board of Appeals.
  - a. Mineral Extraction, Storage and Processing.
  - b. Television or Radio Station, Transmitter or Tower.
3. Minimum Lot Area: One Acre (43,560) square feet, excluding the road right-of-way.
4. Minimum Lot Width: One hundred fifty (150) feet.
5. Minimum Lot Depth: Two hundred (200) feet.
6. Minimum Front Yard: Fifty (50) feet from the edge of the road right-of-way.
7. Minimum Rear Yard: Forty (40) feet.
8. Minimum Side Yard: Twenty-five (25) feet each side.
9. Maximum Building Height: Sixty-five (65) feet.

- 500 Temporary structures: Temporary structures used in conjunction with the construction activity shall be permitted only during the period of construction. A permit for the location of the temporary structure, must be obtained, before the structure is placed on the site. This permit shall be obtained from the Zoning Inspector. Said permit shall be valid for a maximum of three (3) months.
- 501 Deteriorated or Abandoned Structures: Deteriorated or abandoned structures such as dwellings, barns, silos, sheds, oil storage tanks or any other structures in a similar condition, which create potential health and/or safety hazards, shall be demolished and removed by the owner of said property where the structures exist.
- 502 Accessory Buildings:
1. Accessory Buildings shall be located in the rear yard.
  2. Accessory Buildings shall be no closer than three (3) feet of any property line.
- 503 Mineral Extraction, Storage and Processing:
1. Mineral Extraction and related activities shall occur where permitted by the Ordinance and only after a valid Zoning Certificate has been obtained.
  2. Mineral extraction and related activities shall occur no closer than five hundred (500) feet from any structure, intended for human occupancy.
  3. The operator of any such facility, used for mineral extraction, shall submit to the Zoning Inspector, a map, showing the areas to be mined and/or excavated, and identifying adjacent property owners, roads, natural features and any additional information deemed by the Inspector and the Board.
  4. The operator of any facility used for mineral extraction, shall submit to the Zoning Inspector, a plan outlining how the area shall be reclaimed. The plan shall include the anticipated future use of the property, final topography indicated by contour lines of intervals of not more than five (5) foot increments, the type of trees and shrubs, including the number of each per acre, type and quality of grasses to be spread, type and location of drainage courses, plus any additional information deemed necessary by the Zoning Inspector and the Board.
  5. In most cases, a performance bond, payable to the Village of Bailey Lakes, Ohio; shall be filed by the operator of the Mineral Extraction and related activities. This bond, shall be held in trust, to guarantee satisfactory compliance by the operator with the specific requirements of this Ordinance. The rate per acre of property to be mined/excavated, shall be fixed by the Village. Said bond, shall be released by the Village, upon written certification of compliance with this Ordinance, and satisfactory completion of the restoration plan.
- 504 Home Occupation: Home Occupations, as defined, may be permitted in the District Classifications as identified in this Ordinance, after a valid Zoning Certificate has been obtained. The operator of a home occupation, shall submit an application to the Zoning Inspector, along with a fee established by the Village of Bailey Lakes, Ohio; to receive such certificate. The structure used for the home occupation, shall be inspected every twelve (12) months, to ensure continued compliance with this ordinance.



- 505 Correction Period: All Zoning violations, shall be corrected within fifteen (15) days of receipt of a written notice of said violation, by the owner of the property in question. Any violation not corrected within the prescribed period of time, shall be reported to the Village Solicitor for legal proceedings and actions.
- 506 Yard Requirements:
1. Interior lots, having frontage on two streets, shall provide the required front yard on both streets.
  2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along both right-of-ways.
  3. In situations where forty (40) percent or more of the frontage on the same side of a street between the two (2) intersecting streets is developed with structures, the new buildings shall be erected no closer, or farther, to the right-of-way, than the average distance as established by the existing buildings.
- 507 Public Nuisances and Hazards: No land, building or use shall, be used or occupied, so as to be a nuisance or hazard to adjoining property owners or adversely affect neighboring areas. Any and all noxious or hazardous substances shall be stored, transported or used and disposed of in such a manner, as to not be hazardous to adjoining property owners and uses. Adequate precautions and measures shall be taken to ensure the safety and well being of adjoining property owners and uses.
- 508 Signs:
1. All signs located in the Village of Bailey Lakes, Ohio, shall follow the requirements of this Ordinance.
  2. The following signs shall be permitted in any District Classification. No permit shall be required.
    - a. Real estate, rental or sale signs of less than ten (10) square feet in area.
    - b. Signs advertising Home Occupations of not more than six (6) square feet in area.
    - c. Signs listing the name and address of occupants of a structure, not exceeding four (4) square feet in area.
    - d. Signs or bulletin boards related to places of worship, public buildings, social clubs or societies not to exceed twenty (20) square feet in area.
    - e. Entrance exit or directional signs.
    - f. Temporary signs advertising special events or the construction of buildings or similar purpose, such signs shall be removed within two (2) weeks of the completion of the advertised activity.
    - g. Political signs not exceeding four (4) square feet, these signs must be removed within one (1) week of election.
    - h. Signs erected by governmental agencies.
    - i. Signs on the premises of commercial or industrial uses; the leading edge of such sign, shall not be closer than fifteen (15) feet to the right-of-way.
    - j. Signs advertising roadside stands, not exceeding four (4) square feet in area.

3. Zoning Certificates shall be required for the following types of signs:
- a. Outdoor advertising not located on the premises of the establishment advertised.
  - b. Such signs shall be setback from the edge of the right-of-way, as required by the following table;
 

<u>Size</u>	<u>Setback</u>
Less than or equal to ten (10) square feet of area	10 feet
11 to 30 square feet of area	20 feet
31 to 50 square feet of area	30 feet
51 square feet or greater in area	50 feet
  - c. Signs shall be separated from each other a minimum of ten (10) times the average size of the signs, signs shall not be less than one hundred (100) feet apart.
  - d. Signs shall not be located less than one hundred (100) feet, to a residential structure.
  - e. No sign shall be greater than one hundred (100) square feet in total surface area per side.
4. The following types of signs are prohibited;
- a. Permanent signs attached to or painted on trees, rocks or natural features.
  - b. Flashing or illuminated signs that distract drivers.
  - c. Signs that resemble devices erected under governmental authority.
  - d. Signs located in dedicated right-of-way.
  - e. Signs deemed to be unsafe or a public hazard.

509 Nonconforming Buildings and Uses:

1. Any lawful uses of buildings or land existing at the time of the adoption of this Ordinance may continue, even though such use does not conform to the District Classification requirements.
2. A non-conforming structure or use may be enlarged a minimum of ten (10) percent of the original floor or ground area.
3. Whenever a building or land use becomes non-conforming, through an amendment to this Ordinance, or to the Zoning Map, such use may continue.
4. Any non-conforming use that is discontinued for a period of one (1) year or more, shall not be started again, except in total compliance with this Ordinance.
5. Any structure under construction at the time of adoption of this Ordinance, designed for a non-conforming use, may be completed and used for its intended purpose.
6. A non-conforming building or structure, damaged by fire, explosion, act of nature, or public enemy to the extent that up to seventy-five (75) percent of the structure must be replaced, it may be restored to the same use within twelve (12) months, provided all reconstructed portions of the structure conform to this Ordinance.

- 510 Fences and Hedges:
1. All Fences and hedges shall not be closer than three (3) feet to the edge of any road right of way. Right of way is figured thirty (30) feet from center of road.
  2. All Fences and Hedges shall not exceed three (3) feet in height within twenty (20) feet of an intersection.
  3. No Fence or Hedge shall be located within ten (10) feet of a fire hydrant.
  4. No Fence or Hedge may be located within one (1) foot of the property line.
- 511 Erosion and Storm Water Runoff:  
All new developments shall conform with the standards established for storm water management and erosion in the most current edition of the Subdivision Regulations of Ashland County.
- 512 Mobile Home Parks:  
All mobile home parks shall meet the requirements of Chapter HE-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code Section 3701.27.
- 513 Conditional Uses:
1. Under special conditions, land uses other than those specifically permitted by this Ordinance may occur in a District Classification. A list of these uses is located in Article 4 of this Ordinance. A special permit must be obtained from the Board of Zoning Appeals before the development of any of these uses may occur. Land uses occurring at the time of adoption of this Ordinance classified as "Conditional Uses" may continue without a permit.
  2. All proposed "Conditional Uses" are subject to the following general standards:
    - a. The uses will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village's Zoning Ordinance.
    - b. Will not be hazardous or disturbing to existing or future neighboring uses.
    - c. Will be served adequately by essential public services (fire, police, highways, sewers, water, schools) or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
    - d. That the proposed use will not create excessive additional public costs or responsibilities for services or facilities and will not be detrimental to the community.
    - e. The proposed uses will not involve activities, processes, materials, or equipment detrimental to persons, property or the general welfare of the community because of excessive noise, smoke, odors, traffic, glare, fumes.
    - f. Adequate access to the use shall be provided that does not interfere with surrounding uses or disrupt current traffic patterns.
    - g. The proposed use will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.
  3. When making its review of the proposed use the Board of Zoning Appeals shall review the proposal on the basis of the above factors and any other criteria deemed pertinent by them. Such review shall follow the requirements established in Article VII of this Ordinance.
- 514 Keeping of Animals, Fowl or Bees: See Amendment dated 06.11.2012
1. Not more than one of the following: Cows, Horses, Swine, Sheep or Goats shall be raised on lots of less than five (5) acres.
  2. Chickens, Fowl or Rabbits shall be provided with suitable shelters and sanitation to avoid disturbing neighbors.
  3. Colonies of Bees shall not be located on lots of less than five (5) acres. A minimum of one thousand square feet (1,000<sup>2</sup>) of area shall be required for each colony. No hive or colony shall be located closer than One Hundred (100) feet to neighboring dwelling.

4. Animal runs, barns, pens or shelters shall be no closer than One Hundred (100) feet to the front of the property line nor closer than ten feet (10') to any other property line or dwelling.
5. All health and sanitation requirements of the State or County shall be followed.

515 Storage of Trailers:

1. All storage trailers shall be maintained in such a condition so as to be operable on public right-of-ways.
2. All storage trailers shall be fully licensed as a trailer by the State for operation on public right-of-ways.
3. Storage trailers shall be for temporary use only and as such may be located on any portion of the owner's property for a maximum of three (3) months during any one (1) calendar year period.
4. All storage trailers shall be secured so as to prevent unauthorized access.
5. Storage trailers may only be located on property owned by the owner of the trailer.

516 Satellite Dishes:

1. Satellite Dishes or earth stations shall be divided into two (2) categories: (1) Building Mounted, (2) Ground Mounted. For the purposes of this Ordinance, Building Mounted satellite dishes are permitted with no special requirements.
2. Ground Mounted satellite dishes are subject to the following requirements:
  - a. Satellite dishes shall be installed so that no portion of the dish or related equipment is closer than three (3) feet to any property line.
  - b. Satellite dishes shall have a maximum diameter of twelve (12) feet.
  - c. Satellite dishes and related equipment shall have a maximum height of fifteen (15) feet regardless of orientation.
  - d. Materials used to mount the satellite dish shall be designed to withstand normal weather conditions without deterioration and shall be designed to withstand eighty-five (85) mile an hour winds without structural failure.
  - e. All satellite dishes shall be screened and landscaped to provide a pleasing appearance to neighboring property owners.

517 Mobile Homes

Mobile Homes are to be placed in a Mobile Home Park.

- 600 Zoning Permit Required  
No building or structure shall be erected, moved, added to, structurally altered nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or a variance from Village Council as provided by this Ordinance. No permit shall be required when the cost of building is less than One Thousand Dollars (\$1,000.00) within a one (1) year period.
- 601 Application for Zoning Permit  
The application for a zoning permit shall be made on forms supplied by the Zoning Inspector and shall be signed by the owner or applicant attesting to the fact that all information contained is true and accurate.
- 602 Approval of Zoning Permit  
Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application on conformance with the provisions of this Ordinance. One copy of the plans of the proposed structure shall be returned to the applicant indicating the approval or disapproval of the application. A second copy of the proposed plans, similarly marked, shall be retained by the Zoning Inspector for record keeping purposes. Upon approval of the application the Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.
- 603 Submission to the Director of Transportation  
Before any zoning permit is issued affecting any land within three hundred feet (300') of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred feet (500') from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one hundred and twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Permit. If the Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon expiration of the one hundred and twenty (120) days period, or any extension thereof agreed upon by the Director and the property owner, the Zoning Inspector shall, if application is in conformance with all provisions of this Ordinance, issue the zoning permit.
- 604 Expiration of Zoning Permit  
If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit issued for temporary structures shall be valid for a maximum of three (3) months.
- 605 Certificate of Occupancy  
It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part thereof hereafter created erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of occupancy permit shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

- 606 Record of Zoning Permits and Certificates of Occupancy  
The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and these documents may be reviewed upon request.
- 607 Failure to Obtain a Zoning Permit or Certificate of Occupancy  
Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Ordinance and punishable under Article VI, 610 of this Ordinance.
- 608 Construction and Use to be as provided in application, Plans, Permits and Certificates  
Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this Ordinance and punishable as provided in Article VI, 610 of this Ordinance.
- 609 Complaints regarding Violations  
Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.
- 610 Penalties for Violations  
Violations of the provisions of this Ordinance, or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than one hundred dollars (\$100), or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as it is necessary to prevent or remedy any violation.
- 611 Schedule of Fees, Charges and Expenses  
The Village Council shall establish, by Ordinance, a schedule of fees, charges and expenses and a way of collecting them for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and certificates of occupancy and other such items pertaining to the administration of this Ordinance. In addition, the expenses incurred due to the enforcements of this Ordinance, due to investigations, inspections, advertising, postage and other expenses shall be subject to Village Council collection procedures. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Village Council. All fees, charges or expenses incurred must be paid for in full before any action on an application or appeal is taken.

- 700 Office of the Zoning Inspector Created  
A Zoning Inspector appointed by the Mayor shall administer and enforce this Ordinance. He may be provided with the assistance of such other person as the Mayor may direct.
- 701 Duties of the Zoning Inspector  
For the purposes of this Ordinance, the Zoning Inspector shall have the following duties:
1. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s);
  2. Order discontinuance of illegal uses of land, buildings, or structures;
  3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
  4. Order discontinuance of any illegal work being done;
  5. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance. This may include the issuance of an action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.
- 702 Proceedings of the Planning Commission  
The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.
- 703 Duties of the Planning Commission  
For the purposes of this Ordinance the Commission shall have the following duties:
1. Initiate proposed amendments to this Ordinance;
  2. Review all proposed amendments to this Ordinance and make recommendations to the City Council as specified in Article VIII.
  3. Should meet once a year for organizational purposes.
- 704 Board of Zoning Appeals Created  
A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor, each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the Village zoned. Members of the Board may be removed from office by the Village Council for cause upon written charges and after a public hearing. Vacancies shall be filled by appointment by the Mayor for the unexpired term of the member affected.
- 705 Proceedings of the Board of Zoning Appeals  
The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths to the public. The Board shall keep minutes of its proceedings, showing the vote, indicate such fact and upon each question, or if absent or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.
- 706 Duties of the Board of Zoning Appeals  
In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partially, or modify the order, requirement decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning

Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in the application of this Ordinance. For the purpose of this Ordinance, the Board has the following specific responsibilities;

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

707 Duties of the Zoning Inspector, Board of Appeals, Village Council and Courts on Matters of Appeals

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the boards only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Village Council shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Article and in this Ordinance. Under this Ordinance the Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Article VI, part 611 of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official of the Village appealing a decision of the Board to the courts as provided in Chapter 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

708 Procedure and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Article VII, part 709-716, inclusive, of this Ordinance, the Board of Zoning Appeals has the appellate jurisdiction relative to appeals and variances.

709 Appeals

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

710 Stay of Proceedings

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



- 711 Variations  
The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same districts and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.
- 712 Application and Standards for Variations  
A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals. Such application shall be supplied by the Zoning Inspector. Additional information required by the Zoning Inspector or Board shall be submitted as needed. A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by part 711 of this Article have been met by the applicant.
- 713 Supplementary Conditions and Safeguards  
Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the appeals or variance is granted shall be deemed a violation of this Ordinance and punishable under Article VI, part 610 of this Ordinance.
- 714 Public Hearing by the Board of Zoning Appeals  
The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.
- 715 Notice of Public Hearing in Newspaper  
Before holding the public hearing required in part 714, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
- 716 Notice of Parties of Interest  
Before holding the public hearing required in part 714, written notice of such hearing shall be mailed by first class mail, at least ten (10) days before the date of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in part 715.
- 717 Action of Board of Zoning Appeals  
Within thirty (30) days after the public hearing required in part 714, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in part 713, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decisions shall be made in the manner specified in part 707.
- 718 Procedure and Requirements for Approval of Conditional Use Permits  
Conditional Uses shall conform to the procedures and requirements of parts 719-724 inclusive, of this Ordinance as well as Article V, part 513.

- 719 General  
It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article IV, shall follow the procedures set forth in parts 720-724, inclusive.
- 720 Special Uses  
1. Where there is a disagreement over the exact location of the boundaries of the Flood Plain District, the Board of Zoning Appeals shall direct the person questioning the boundary location to retain at their own expense, a registered surveyor or professional engineer to undertake a flood hazard study to determine the point on the land which corresponds to the profile for the 100 year flood.  
2. If a person desires to utilize the land as permitted by the district with which the Flood Plain District is combined but such utilization is not permitted or conditionally permitted in the Flood Plain District, and it can be shown that such use will not increase flood stages during the 100 year flood or be subject to physical harm, such use may be permitted. Field survey costs and engineering consultant costs must be paid by the person proposing the special use.
- 721 Supplementary Conditions and Safeguards  
In granting any conditional use, the board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Article VI, part 610 of this Ordinance.
- 722 Procedure for Hearing and Notice  
Upon receipt of the application for a conditional use permit specified in Article V, part 513, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in part 715 and 716 of the Article and this Ordinance.
- 723 Action by the Board of Zoning Appeals  
Within thirty (30) days after the public hearing required in part 722, the Board shall either approve, approve with supplementary conditions as specified in part 721, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in part 707 of this Article.
- 724 Expiration of Conditional Use Permit  
A conditional use permit shall be deemed to authorize one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one (1) year.

- 800 Procedure for Amendment or District Classification Changes  
This Ordinance may be amended utilizing the procedures specified in this Article, parts 800-811, inclusive, of this Ordinance.
- 801 General  
Whenever the public necessity, convenience, general welfare or good zoning practices require, Village Council may by Ordinance, after receipt of recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.
- 802 Initiation of Zoning Amendments  
Amendments of this Ordinance may be initiated in one of the following forms;  
  1. By adoption of a motion by the Planning Commission;
  2. By adoption of a resolution by the Village Council;
  3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.
- 803 Application for Zoning Amendment  
Applications for amendments of this Ordinance or Official Map, shall be submitted to the Zoning Inspector. Said applications shall be completed and submitted to the Zoning Inspector along with any additional information deemed necessary.
- 804 Transmittal to Planning Commission  
Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.
- 805 Submission to the Director of Transportation  
Before any Zoning amendment is approved affecting any land within three hundred feet (300') of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred feet (500') from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date of notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that the acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension there of agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.
- 806 Recommendation by the Planning Commission  
Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.
- 807 Public Hearing by the Village Council  
Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall not be more than forty (40) days from the receipt of the recommendation from the Planning Commission.

- 808 Notice of Public Hearing in Newspaper  
Notice of public hearing required in part 807 shall be given by Village Council to at least one (1) publication in one (1) or more newspapers of general circulation in the Village affected. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
- 809 Notice to Property Owners by Village Council  
If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners appearing on the county Auditor's current tax list or the Treasurer's mailing list and to such other list of lists that may be specified by Village Council. The failure to deliver the notification as provided in this part of these regulations shall not invalidate any such amendment. The notice shall contain the same information as required of notices in newspapers as specified in part 808.
- 810 Action by the Village Council  
Within thirty (30) days after the public hearing required by part 807, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modified the recommendation of the Planning Commission, it must do so by not less than three fourths (3/4) of the full membership of Village Council. No such Ordinance shall be passed unless it has been fully and distinctly read on three different days except that such Ordinance may become emergency legislation if three fourths (3/4) of the members of Village Council vote to dispense with this rule
- 811 Effective Date and Referendum  
Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten percent (10%) of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village for approval or rejection at the next election.
- 812 Annexation  
All the land annexed to the Village subsequent to the adoption of this Ordinance shall remain subject to the previous County or Township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article of these regulations. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Section.

- 900 Provisions of this Ordinance Declared to be Minimum Requirements  
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards shall govern.
- 901 Separability Clause  
Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- 902 Repeal on Conflicting Ordinance  
All Ordinances or parts of Ordinances in conflict with the Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- 903 Effective Date  
This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.