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ARTICLE 11

SPECIAL REGULATIONS

1100 GENERAL.

It is the purpose of these special regulations to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

1101 REGULATION OF SATELLITE DISH ANTENNAS.

Sections 1101 to 1106, inclusive, shall apply to the location and construction of dish-type satellite signal receiving antennas as defined in Article 2.

1102 PURPOSE.

It is the purpose of Sections 1101 to 1106 inclusive to regulate the location and construction of dish-type satellite signal-receiving antennas within the Village in order to protect the public health, safety, and welfare of the residents, particularly with respect to the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with windloads, and reasonable accommodation of the aesthetic concerns of neighboring property owners.

1103 ZONING PERMIT REQUIRED.

No person, firm or corporation shall undertake the construction, erection, or installation of any satellite dish antenna, over twenty-four (24) inches in diameter, without a zoning permit issued in accordance with the provisions of this Ordinance, the application for such permit shall include the following:

1. A description of the type of earth station proposed;
2. A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon;
3. Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;

4. Details of the method of assembly and construction of the proposed earth station; and
5. A fee, as required according to Section 1414, for the review of plans, specifications, and the inspection of construction.

1104 GROUND-MOUNTED SATELLITE DISH ANTENNAS.

Ground-mounted satellite dish antennas, greater than twenty-four (24) inches, are considered as accessory structures, and are permitted as accessory uses in all districts. In addition to the provisions of this Ordinance pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

1. The maximum diameter of any ground-mounted satellite dish shall not exceed twelve (12) feet; and
2. The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade.

1105 ROOF - MOUNTED SATELLITE DISH ANTENNAS.

Structure mounted satellite dish antennas are considered as accessories, and are permitted as accessory uses in all districts. In addition to the provisions of this Ordinance pertaining to accessory structures, the following provisions shall apply to structure-mounted satellite dishes.

1106 VARIANCES ON LOCATIONAL CHARACTERISTICS.

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Article 4 of this Ordinance. In addition to all requirements of these sections, the applicant shall submit clear and convincing evidence that the requested variance is necessary in order for the satellite dish antenna to have a direct line of sight or unobstructed view to the satellite. In any case where this provision applies, the variance granted by the Board of Zoning Appeals shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna can properly function.

1107 REGULATION OF COMMUNICATION ANTENNAS AND TOWERS.

Sections 1107-1111, inclusive, shall apply to the location and construction of communication antennas and towers as defined in Article 2.

1108 PURPOSE.

The purpose of this section is to provide a process for permitting the construction and subsequent maintenance of communication systems, including towers and antennas. This process is directed at maintaining a balance between the Village's right to preserve its land use policies for the health, safety, and welfare of the residents of the Village.

1109 LOCATION.

New communication towers may be located only in nonresidential zoning districts, and shall be subject to the regulations set forth in this chapter and the regulations of the particular zoning district in which the antenna and/or tower is proposed to be located, but only to the extent that such regulations do not conflict with the regulations set forth in this section:

1. A communication antenna and/or tower shall not be constructed or erected, except upon the issuance of a permit by the Zoning Inspector/Administrator, after a public hearing, with advance notice by certified mail to all abutting property owners to the parcel on which the antenna and/or tower is to be located.

1110 ZONING REQUIREMENTS.

Only the following types of communication antenna and/or tower installations may be permitted under this chapter:

1. Communication Antennas attached to a permitted institutional, recreational, public utility, office, industrial, or commercial building or structure, provided that the antenna and/or tower does not exceed ten (10) feet above the highest point of the structure and that the transmission and receiving equipment, where feasible, is stored inside the existing building or structure or on the roof in an enclosure.
2. Communication monopole or lattice towers constructed up to, but not exceeding, one-hundred (100) feet in height, unless a lesser height is technically feasible to service the geographical service area of the applicant, and provided that the transmission and receiving equipment is stored inside a building constructed for that purpose. All applicants shall be required to construct or locate on a base tower structure and structure foundation that is designed to be built up to, but not exceeding, one-hundred (100) feet above the finished grade.
3. No dwelling units shall be located within two-hundred (200) of the communication antenna and/or tower.

4. All communication facilities shall also be designated to show that the applicant has enough space on its site plan for an equipment building large enough to accommodate at least two (2) users.
5. Screen fencing shall be provided for public safety reasons. A fence at least six (6) feet in height will be erected completely around the antenna and/or tower and any related support facilities. "No Trespassing" signs shall be posted around the communication facility with the telephone number of a person to contact in the event of an emergency.
6. Antennas and/or towers shall be designated to withstand sustained winds of at least eighty (80) miles per hour with one-half ($\frac{1}{2}$) inch of ice.
7. A landscaped buffer area, of not less than ten (10) feet in depth, shall be placed between the wireless communication facilities and the public right - of - way, residential zoning districts, and any adjacent residential uses. The ten (10) foot landscape buffer shall consist of a tight screen fence of hardy evergreen shrubbery, not less than six (6) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.
8. The owner and/or operator of the antenna and/or tower shall agree to remove any non-functioning facility within six (6) months of ceasing its use.
9. Outdoor storage of any supplies, vehicles, or equipment related to the use of the facility is prohibited.
10. The applicant must provide written certification from a registered engineer that the antenna and/or tower are to be constructed in compliance with all applicable Federal, State, and local regulations pertaining to the construction.
11. A proposed new antenna and/or tower in the industrial or commercial districts shall not be located within five hundred (500) feet from any residential zoning district.
12. No advertising shall be permitted on the communication facility.
13. There shall be a separation of at least one-quarter ($\frac{1}{4}$) mile between new wireless communication towers.

1111 TIME LIMITATION FOR BEGINNING OF CONSTRUCTION.

After issuance of a permit to construct a communication facility, the permittee shall begin construction within one-hundred-and-eighty (180) days and shall complete construction within one (1) year or the permit and approval shall expire.

1112 REGULATION OF AMUSEMENT ARCADES.

The following regulations shall apply to amusement arcades as defined in Article 2.

1113 PURPOSE.

The purpose of Sections 1112 to 1120 inclusive of this Ordinance, is to promote the public health, safety, and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained.

1114 CONDITIONAL USE PERMIT REQUIRED.

1. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.
2. Amusement arcades shall have an adult who is eighteen (18) years of age or over on the premises and supervision the amusement arcade at all times during hours of operation;
3. Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises;
4. The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side, plus an area of four (4) feet in front of the device;
5. Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes;
6. If the place of business or premises for which an amusement arcade is proposed is a free-standing building, the application for the conditional use permit shall include an approval exterior lighting plan;
7. In establishment which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises;
8. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within five-hundred (500) feet of any adult entertainment business;
9. The application for the conditional use permit shall be accompanied by a copy of the applicants license to operate and exhibit amusement devices, and a notarized statement stating the applicant shall not permit any

person fourteen (14) years of age or younger to operate any devices on the premises before 4:00p.m. on days when school is in sessions.

1115 ZONING OF AMUSEMENT ARCADES.

Amusement arcades shall be conditionally permitted uses only in the Commercial District.

1116 MAINTENANCE OF A NUISANCE PROHIBITED.

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet, and order, in and about the premises. Failure to do so shall constitute a nuisance which shall be a minor misdemeanor.

1117 RESTRICTED ACCESS TO CERTAIN MINORS.

No amusement arcade exhibitor shall permit, on days when school is in session, any person fourteen (14) years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade, before 4:00p.m. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement devices, designed to be ridden, such as mechanical horses, automobiles, and carrousel. Violation of this provision shall be a minor misdemeanor.

1118 COMPLAINTS REGARDING AMUSEMENT ARCADES.

Any resident of the Village may submit a written notice of complaint regarding the operation of any amusement arcade to the Zoning Administrator. The notice of complaint shall include the name and address of the complainant, the address of the location of the amusement arcade, and the specific reasons why the individual is complaining.

If the Zoning Inspector/Administrator determines, after interviewing both the complainant and the amusement arcade exhibitor, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation of the conditional use permit, he shall refer the matter to the Board of Zoning Appeals.

1119 REVOCATION OF CONDITIONAL USE PERMIT.

The Zoning Inspector/Administrator shall revoke the conditional use permit for any amusement arcade in the event that the license to operate such amusement arcade is revoked. In addition, the Zoning Inspector/Administrator shall revoke the conditional use permit for any amusement arcade if so determined if

it is pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Village Council, according to the provisions of 1115.

1120 PROCEDURE FOR REVOCATION.

The Zoning Inspector/Administrator shall notify, in writing, the Board of Zoning Appeals whenever he has reason to believe that the operation of an amusement arcade has resulted in a violation of any provision of this Ordinance. Within ten (10) days from said notification, the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the amusement arcade exhibitor and, if the Zoning Inspector/Administrator referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complaint at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notices as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five (5) days after the hearing and shall notify the amusement arcade exhibitor and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to Village Council within ten (10) days of its issuance of said decision. The Village Council shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing in a newspaper of general circulation at least five (5) days prior to the date of the hearing and shall make a final determination on the revocation of the conditional use permit within a reasonable time.

1121 REGULATION OF ADULT ENTERTAINMENT BUSINESS.

The following regulations shall apply to adult entertainment business as defined in Article 2.

1122 PURPOSE.

The purpose of Sections 1121 to 1128 inclusive of this Ordinance is to promote the public health, safety, and welfare through the regulation of adult entertainment business. It is the intent of these sections to regulate entertainment businesses, as defined in Article 2, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks, and playgrounds with the Village.

1123 CONDITIONAL USE PERMIT REQUIRED.

No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, and/or arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 6 of this Ordinance. In addition to these provisions, an adult entertainment business shall comply with the following conditional use criteria:

1. Adult entertainment business shall comply with the district regulations applicable to all properties in the commercial district in which they are located;
2. No adult entertainment business shall be permitted in a location which is within fifteen-hundred (1,500) feet of another adult entertainment business;
3. No adult entertainment business shall be permitted in a location which is within fifteen-hundred (1,500) feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood;
4. No adult entertainment business shall be permitted in a location which is within one-thousand (1,000) feet of any residence or boundary of any residential district;
5. No adult entertainment business shall be permitted in a location which is within five-hundred (500) feet of any boundary of any residential district in a local unit of government abutting the Village.
6. Signage and window display items of any adult material and/or of a sexually explicit nature are prohibited.

1124 ZONING OF ADULT ENTERTAINMENT BUSINESS.

Adult entertainment business shall be conditionally permitted in accordance with the following schedule:

<u>CONDITIONALLY PERMITTED USE</u>	<u>DISTRICTS PERMITTED</u>
Adult Book Store	Commercial
Adult Motion Picture Theatre	Commercial
Adult Motion Picture Drive-In Theatre	Commercial
Adult Only Entertainment Establishment	Commercial
Adult Rated Video Store	Commercial

1125 MAINTENANCE OF A NUISANCE PROHIBITED.

It shall be the obligation of the adult only establishment to maintain peace, quiet, and/or order in and about the premises. Failure to do so shall constitute a nuisance which shall be deemed a minor misdemeanor.

1126 COMPLAINTS REGARDING ADULT ENTERTAINMENT BUSINESSES.

Any resident of the Village may submit a written notice of complaint regarding the operation of any adult entertainment business to the Zoning Inspector/Administrator. The notice of complaint shall include the name and address of the complainant, the address of the location adult entertainment business, and the specific reasons of the complaint.

If the Zoning Inspector/Administrator determines, after interviewing both the complainant and the adult entertainment business, that the specific reasons in the complaint appear to be proper grounds for suspension, or revocation of the conditional use permit, the Zoning Inspector/Administrator shall refer the matter to the Board of Zoning Appeals.

1127 REVOCATION OF CONDITIONAL USE PERMIT.

The Zoning Inspector/Administrator shall revoke the conditional use permit for any adult entertainment business in the event that the license to operate such adult entertainment business is revoked. In addition, the Zoning Inspector/Administrator shall revoke the conditional use permit for any adult entertainment business if so determined if it is pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Council according to the provisions of Section 1123.

1128 PROCEDURE FOR REVOCATION.

The Zoning Inspector/Administrator shall notify, in writing, the Board of Zoning Appeals, whenever the Zoning Inspector/Administrator has reason to believe that the operation of an adult entertainment business has resulted in a violation of any provision of this Ordinance. Within ten (10) days of the notification, the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the adult entertainment business and, if the Zoning Inspector/Administrator referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days by any resident before the hearing. The Board of Zoning Appeals may also give such other notice, as it deems

appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals may be appealed to the Village Council within ten (10) days of its issuance of the decision. The Village Council shall hold a public hearing within twenty (20) days of its receipt of the appeal, after giving public notice of the hearing in a newspaper of general circulation at least five (5) days prior to the date of the hearing, and shall make a final determination of the revocation of the conditional use permit within thirty days.

1129 REGULATION OF SWIMMING POOLS AS ACCESSORY USES.

Sections 1129 to 1135 inclusive of this Ordinance is to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated, and/or maintained as an accessory use.

1130 PRIVATE SWIMMING POOLS.

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

1. The pool is intended to be used and is solely for the enjoyment of the occupants of the property on which it is located and their guests;
2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than ten (10) feet to any side-yard property line or easement, ten (10) feet to the rear of the main building to which the pool is accessory, and twenty-five (25) feet to the rear lot line;
3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height, and it shall be maintained in good condition with a gate and lock.

1131 COMMUNITY OR CLUB SWIMMING POOLS.

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended sole for, and is used solely for, the enjoyment of the members and families and guests of members of the association or club under whose ownership and/or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement;
3. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and/or trees, and maintained in good condition;
4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties;
5. Such pool facilities shall not be operated prior to 9:00a.m. in the morning or after 10:00p.m.

1132 DRAINAGE.

All swimming pools shall be drained into a storm sewer, ditch, or other adequate drain opening. All drain water must be conducted to its proper discharge point by means of tightly sealed tile, pipe, or hose. Under no circumstances shall any water from the pool, or from its use, be permitted to drain toward or into any adjoining properties.

1133 PERMITS.

No swimming pool, regulated by this Ordinance, shall be hereafter constructed or established unless a permit to do so is first obtained from the Zoning Inspector/Administrator. Pools with a diameter of less than twelve (12) feet will not require a permit but must adhere to the lot line distance requirements of this Article.

1134 PLANS REQUIRED.

Any person, firm, and/or corporation desiring to locate, construct, and/or maintain any pool regulated by this Article shall first be submitted to the Zoning Inspector/Administrator plans therefore, showing the size, depth, and type of construction, and a drawing to scale showing the location of the barrier and gates, and location of the pool with reference to any house or building situated on the pool lot, and on adjoining lots. If the plans and location of the pool conform to the requirements of this Ordinance and all other regulations of

the Village, the Zoning Inspector/Administrator shall issue a permit upon the payment of the fee provided in Article 1414 of this Ordinance.

1135 UNNECESSARY NOISE.

No person shall make, and/or cause to be made, at any pool, any loud or unnecessary noise which annoys or disturbs the comfort, health, peace, and/or safety of others. The use of any radio, musical instrument, phonograph, and/or other machine or device for the producing of sound in a manner as to disturb the peace, quiet, and/or comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for the convenient hearing of the persons who are in the swimming pool premises, shall be unlawful.

1136 REGULATION OF LONG-TERM PARKING FACILITIES AS ACCESSORY USES.

Sections 1136 to 1140, inclusive of this Ordinance, shall apply to the location and operation of any long-term parking facility as an accessory use.

1137 PURPOSE.

It is the purpose of Sections 1136 to 1140, inclusive, to regulate long-term parking facilities constructed, operated, and/or maintained as accessory uses in order to promote the public health, safety, and welfare.

1138 CONDITIONAL USE PERMIT REQUIRED.

No person shall establish, operate, and/or maintain on any premises, as an accessory use, a parking facility where any vehicle, as described in Article 2 of this Ordinance, are to be parked for a continuous period exceeding six (6) days without obtaining a conditional use permit of such accessory use.

1139 PERMIT REQUIREMENTS.

In addition to complying with all other provisions of this Ordinance, particularly the requirements of Article 6 and 12, the applicant for the conditional use permit, shall give evidence that the premises proposed for such use complies with the following conditions:

1. That no boundary of the proposed parking area is within fifty (50) feet of any residential district boundary;
2. That the proposed parking area will not prevent access to adjacent properties by safety equipment;
3. That the proposed parking area will be screened in such a manner that the vehicles, thereon parked, will not be visible from the ground level of any adjacent residential properties;

4. That fencing and lighting of the facility will be sufficient to provide for its reasonable security; and
5. That no service work, maintenance work, require work, painting work, and/or other vehicle work shall take place on the premises.

1140 REGULATION OF HOME OCCUPATIONS.

Sections 1140 to 1144, inclusive, shall apply to the location, operation, and maintenance of home occupation.

1141 PURPOSE.

It is the purpose of Sections 1140 to 1144, inclusive of this Ordinance, to promote the public health, safety, and welfare through the regulation of home occupations. It is further the intent of these sections to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

1142 HOME OCCUPATION AS A PERMITTED USE.

A home occupation shall be a permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one sign, no larger than six (6) square feet shall be mounted flush to a wall of the structure;
2. External alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted;
3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street;
4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use;
5. No equipment, process, materials, or chemicals shall be used which create offensive noise, vibrations, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
6. No more than two (2) additional parking places may be proposed in conjunction with the home occupation which shall not be located in a required front yard."

1143 HOME OCCUPATION AS A CONDITIONALLY PERMITTED USE.

A person may apply for a conditional use permit for a home occupation, which does not comply with the requirements of Section 1130. The criteria for the issuance of such a permit for a home occupation are as follows:

1. There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed use;
2. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation;
3. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies;
4. Outside storage related to the home occupation may be permitted, if totally screened from adjacent residential lots, provided the application so specifies;
5. Not more than twenty-five (25) percent of the gross floor area of any residence shall be devoted to the proposed home occupation;
6. The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one (1) sign no larger than six (6) square feet shall be mounted flush to the wall of the structure;
7. Minor or moderate alterations in accordance with the Ashtabula County Building Department regulations may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction;
8. No equipment, process, materials, or chemicals shall be used which creates offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
9. No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard; and
10. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance and shall not be located in a required front yard.

1144 INVALIDATION OF HOME OCCUPATION CONDITIONAL USE PERMIT.

For the purposes of this Ordinance, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premise, for which it was issued, is no longer occupied by the holder of such permit. Such conditional use

permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals.

1145 REGULATION OF GROUP RESIDENTIAL FACILITIES.

Sections 1145 to 1149 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

1146 PURPOSE.

It is the purpose of Sections 1145 to 1149 inclusive of this Ordinance to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these Sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.

1147 CONDITIONAL USE PERMIT REQUIRED.

A Class I Type "B" group residential facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained, on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 6 of this Ordinance. In addition to said provision, such group residential facilities shall comply with the following conditional use criteria:

1. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency;
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
3. No more than two (2) additional parking places may be proposed in conjunction with the home occupation. Any additional parking facilities shall be located on side or rear yard requirements.
4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
5. The external appearance of the structure, in which the use is conducted, shall not be altered and not more than one sign, no larger than six (6) square feet shall be mounted flush to a wall of the structure;
6. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood;
7. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a

structured procedure whereby their grievances may be filed and resolved;
and

8. The applicant shall provide, to the Planning Commission, documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

1148 ZONING OF GROUP RESIDENTIAL FACILITIES.

Group residential facilities shall be conditionally permitted uses as follows:

Class I Type "A"	R - 2, R - 3, CG - 1
Class I Type "B"	Permitted without conditional use
Class II Type "A"	R - 2, R - 3, CG - 1
Class II Type "B"	R - 2, R - 3, CG - 1

1149 UNIFORMITY WITH RESPECT TO GRANTING OF CONDITIONAL USE PERMITS.

The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of these regulations.

1150 APPEARANCE AND DESIGN STANDARDS FOR RESIDENTIAL HOUSING.

Sections 1150 through 1153 inclusive of this Ordinance shall apply to the location, construction, and maintenance of all residential housing districts.

1151 PURPOSE.

These standards are created to ensure the health, safety, and general welfare of the Village. They will further the equitable treatment of all housing construction types and provide affordable housing for a larger segment of the village population. Additionally, these regulations will improve the overall appearance of the housing stock and ensure more durable and safer homes for all residents.

1152 STANDARDS.

These regulations apply to all family housing units in all residential districts including Manufactured Homes, Modular Homes, and Site Built Homes.

1. The minimum floor area of a dwelling unit shall be at least 1,200 square feet of living space in the R-1 District, at least 1,000 square feet of living space in the R-2 District, and at least 800 square feet of living space in the R-3 district.

2. The minimum width of all family dwelling units shall be at least twenty (20) feet.
3. All dwelling units shall have a minimum roof overhang of at least twelve (12) inches.
4. All dwelling units shall be double-pitched and have a pitch of at least three (3) in twelve (12).
5. All dwelling units shall have roof material that is generally used in residential construction including: Approved wood, clay, slate, concrete tile, asphalt composition singles, and fiberglass composition shingles, and metal roof materials. Materials that are excluded are corrugated aluminum, corrugated fiberglass, and other materials that are not generally considered as accepted roofing materials. The materials are applicable to all primary buildings, accessory buildings, garages, and carports.
6. Exterior siding of all dwelling units must be residential in appearance, including, but not limited to, clapboards, simulated clapboards (such as conventional vinyl or metal siding, wood shingles, shakes, or similar material), but not excluding smooth, ribbed, or corrugated metal or plastic panels.
7. The hitch, axles, and wheels of any manufactured home must be removed.
8. All housing, including manufactured, shall have a permanent foundation consisting of one of the following: A full poured concrete/masonry foundation with or without a basement, a poured concrete/masonry frost wall, or a reinforced floating concrete pad. All must comply with the BOCA Basic Building Code and be inspected by the Ashtabula County Department of Building Regulations.
9. Any piles of wood used for heating fuel must be stored in orderly stacks in the rear yard of a property.

1153 UNIFORMITY WITH RESPECT TO GRANTING OF VARIANCES.

The granting of variances from the requirements of this Ordinance with respect to the siting of single-family housing, their design or appearance, shall be uniformly and equitably done, irrespective of the fact that the structure proposed for such siting is a site-built structure, modular or manufactured home, and shall be guided by the provisions of Article 5 of this Ordinance.

1154 APPEARANCE AND DESIGN STANDARDS THE HISTORIC OVERLAY DISTRICT.

Sections 1154 through 1158 inclusive of this Ordinance shall apply to the location, construction, and maintenance of all structures that choose to belong to the Historic Overlay.

1155 HISTORIC OVERLAY DISTRICT.

The existing zoning provisions may properly regulate the relevant district, in general, but more specific and targeted provisions may be needed to accomplish pressing land use objectives. Within that context, an overlay zone establishes land use regulations that must be enforced by local authorities under the terms of the law or ordinance adopting the overlay district.

1156 PURPOSE.

The purpose of this overlay zone is to conserve the architectural integrity and realize development objectives of current property within the village without unduly disturbing the expectations created by the zoning ordinance and to promote mixed-use development by utilizing buildings older than forty (40) years for their intended purpose only.

1157 HISTORIC OVERLAY STANDARDS.

These regulations apply to all areas within the village as stated in Article 8.

1. **Applicability:** An owner of a historic building or property within the Village of Rock Creek must request that the subject property be re-zoned to include the Historic Overlay designation. The current underlying zone will remain. Once a property owner has filled out the application and it has been approved by the Planning Commission, a property will be designated within the Historic Overlay district.
2. **Criteria for designating historical properties:**
 - a. The structure(s) be at least 40 years old;
 - b. The structure(s) or lot(s) have a unique historical significance; or
 - c. That remodeling has not covered the original features of the structure(s), or that the structure(s) has been or is in the process of being rehabilitated to its original configuration or design.
3. **New Construction:** The design of all additions to existing structures, including new site improvements, shall take into account the architectural style, general design, arrangement, texture, material and color of other structures and premises within the Historic Overlay District.
 - a. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired. Additions to the least significant and

- least visible of historic properties should be given priority over other designs; and
- b. Nothing in this section shall be construed to prevent measures of construction, alteration, removal, or demolition necessary to correct an unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the Zoning Inspector/Administrator or the fire chief.
4. Maintenance: Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any property within the district it is in, nor shall anything in this Article be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which, in the view of the Zoning Inspector/Administrator, is required for the public safety because of an unsafe, insecure or dangerous condition.
 5. Demolition of Structures: In cases where an applicant applies for a demolition permit to raze a structure within the Historic Overlay District, the Zoning Inspector/Administrator shall grant the permit when at least one of the following conditions exist:
 - a. There is no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition; and
 - b. Deterioration has progressed to the point where it is not economically feasible to restore the structure.
 7. Revocation of designation: The owner shall be entitled to revocation of designation upon the filing of a form and approval from the Planning Commission.

1158 DESIGN REVIEW GUIDELINES.

1. It is the intent of this section to ensure, insofar as possible, that the buildings or structures in the historic district overlay shall be in harmony with other buildings or structures located therein:
 - a. For existing structures, the Zoning Inspector/Administrator shall take into account the proposal's merit with regard to its historic and architectural integrity, the enhancement of the attractiveness and functioning of the district, and the enhancement and protection of public and private investment and the general value of lands and improvements within the district; and
 - b. For new construction, the Planning Commission shall assure that the designs' scale, proportions, and general character are harmonious with the rest of the district.
2. Continuity of the zones:

- a. For residential properties, the Planning Commission shall use any supplements hereto for each historic overlay district, as adopted by Village Council at the time of the designation.
 - b. For non-residential buildings, the Planning Commission shall use non-residential guidelines for that historic district overlay zone as adopted by the Village Council at the time of the designation.
3. Such guidelines shall be used to further the purpose of this chapter and shall serve as a general foundation for determining approval, approval with conditions, or denial of projects within the historic overlay district overlay zone.