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ZONING ORDINANCE

ARTICLE I

GENERAL

1. SHORT TITLE: This Ordinance shall be known and may be cited the Zoning Ordinance Of Continental, Ohio.
2. EXPLANATION AND PURPOSE: It is an ordinance requiring permits for the erection of buildings and structures as well as permits for the uses of land and the buildings located thereon. It divides the village into districts, regulates the uses permitted in such districts, specifies minimum plot or lot sizes, setbacks and side yards; promoting the orderly development of residential, commercial, industrial, recreational and public areas; providing for adequate light, air and convenience of access to property by regulating the use of land and buildings in relationship to surrounding properties. It requires approved water supply and sewage disposal facilities and parking areas and provided for appeals and the imposing or penalties for violation of the ordinance.

Its purpose is to protect the public health, safety and general welfare and to minimize congestion in the public streets and highways.

3. SCOPE OF REGULATIONS: Except as provided by this ordinance and except after obtaining written permission from the Enforcing Officer, it shall hereafter be unlawful in Continental, Ohio:
 - A. To erect any new building or structure or to repair, improve, relocate, enlarge or Substantially alter any existing building or structure, or any change in use, in old, new or additional use made of any tract of land or existing building or structure which shall be for only those principal uses as permitted in the Zoning District where located, including those incidental or accessory uses which are customary and not detrimental to, or incompatible with, the Zoning Character of such district, including the following:
 - B. To establish any use of a building, structure or land, either by itself or in addition to another use.
 - C. To expand, change or re-establish any non-conforming use.
 - D. To erect a new building or structure or part thereof.
 - E. To rebuild, structurally alter, add to or relocate any building or structure or part thereof.

F. To reduce the open space or plot area required for a building, structure, cabins, trailers, tents or parking space or to include any part of such open space or plot area as that required for an adjoining building or structure.

G. To provide or connect onto water supply or sewage disposal facilities.

4. INCIDENTAL USES. Unless otherwise prohibited or restricted, a permitted use also allows uses, buildings and structures incidental thereto, if located on the same site or building plot. However, such incidental uses, buildings, and structures shall not be established or erected prior to the establishment or construction of the principal use or building and shall be strictly compatible with the character of the principal use. A professional office or home occupation, as defined in ARTICLE II, may be conducted in connection with any residence.

ARTICLE II

DEFINITIONS

For the purpose of the Zoning Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be occupied or used." Except where specifically defined, all words used in the Zoning Code shall carry their customary meanings as defined by Webster's Third New International Dictionary, Unabridged, The Great Library of the English Language, which is currently on file in the office of the Mayor and Zoning Board.

Also:

Words used in the present tense include the future.

Words used in the singular number include the plural number.

The word "Shall" is mandatory and not directory

ACCESSORY BUILDING: A subordinate building or portion of the main building, or garage, the use of which is incidental to that of the main building. The accessory building shall not be larger than fifteen hundred (1,500) square feet or 10% percent of the total lot size. (All materials used to build or alter structures shall be new materials, not salvaged building building materials or vehicles or portions thereof.)

In "A" and "B" Residence Districts should vehicles or portions thereof be used as and accessory building, a variance will be required.

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

BASEMENT: A story, all or partly, underground but having at least one-half (1/2) of its height below the average level of adjoining ground.
Any new structures with basements shall have a submersible grinder pump provided,

maintained and operated by the property owner discharging to the Village sanitary sewer system and/or a sump pump provided, maintained and operated by the owner discharging to the Village storm sewer whichever is appropriate. No clean water roof or footing tile drainage shall be discharged to a sanitary sewer or a combined storm and sanitary sewer.

BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or other property, when such structure is completely divided into parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

CORNER LOT: A lot having street frontage on two or more sides.

DISTRICTS & ZONING DISTRICTS: A section or sections of the Village for which the regulations governing the legal use of land or building are uniform. Boundaries of the districts are shown on the District Map, which is a part of this Zoning Code.

DWELLING: A separate building designed for and occupied exclusively as a residence; but excluding house trailers or mobile homes attached to a permanent foundation upon land, or anything originally built as a house trailer or mobile home.

ENFORCING OFFICER: The Mayor of the Village of Continental shall be designated as the Enforcing Officer and/or his designee. See ARTICLE XXV, ENFORCEMENT & PENALTIES, Page 44.

ERECTED: Set up, raised, built or moved into place.

FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit, and doing their own cooking on the premises. Provided that unless all members of said family are related by blood, adoption or marriage, no such family shall contain more than five (5) persons.

HOME OCCUPATION: An occupation for gain or support conducted only by members of one family within its place or residence, provided, the space used is incidental to the residential use and that no article is sold or offered for sale except such as may be produced in the household by members of the immediate family.

JUNK STORAGE AND SALES (Salvage Operation): Any place where three (3) or more automobiles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation or any building or structure used principally for the wrecking or storage of such automobiles or the parts thereof.

LOT LINES: The lines bounding a lot, as defined therein.

MOBLIE HOME OR DOUBLE WIDE: Any non-self-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use or occupancy thereof for human habitation, when connected to utilities, whether resting

on wheels, jacks, blocks or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways.

MOBLIE HOME PARK: Any site, or tract of land under single ownership, upon which three (3) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure or enclosure used or intended for use as part of the facilities of such park.

MODULAR HOME: A modular home is a structure which is drawn by a vehicle to a site where it is to be connected to a like structure, by removing from one side a covering temporarily used during transit, then connecting that side to the exposed side of the like structure and making both units weather-tight. A modular home shall be exclusive from a mobile home. A modular home shall not rest on wheels, jacks, blocks or other temporary foundation. A modular home shall be permanently attached to a foundation and shall become a part of the real estate. A modular home ceases to be a “good” as defined by Chapter 1302, Ohio Revised Code.

NON-CONFORMING USE: A building, structure or land used or existing which does not conform with the regulations of the district in which it is situated, or other regulations of this ordinance.

PRIVATE GARAGE: An accessory building shall not be larger than fifteen hundred (1,500) square feet or 10% of the lot size (anything larger will be commercial.)

PROFESSIONAL OFFICES: When in “A,” “B,” or “C” Residence Districts, a professional office shall be clearly incidental to the residential use of the premises, and the business activity shall be conducted entirely within the residential building by the permanent residents thereof, and shall include only the office of doctors, or practitioners, ministers, architects, lawyers, authors, artists, musicians and other professional occupations customarily conducted with the residences. The person or persons (professional) shall be licensed by the State of Ohio.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building structure, such as bearing walls, columns, beams or girder. “Substantially alter” shall mean any alteration amounting to “Two Hundred Dollars (\$200.00) or more.

STRUCTURES: Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

ARTICLE III

APPLICATIONS AND PERMITS

1. Before and change in use or use is established or erecting, relocating, enlarging or substantially altering any buildings, structure, wall, solid fence, or excavating for any building foundation, sewer, water conduit, or other underground utility serving a particular use, a written Zoning Permit Certificate shall be obtained from the Enforcing

Officer in the Village. “Substantially altering” shall mean any new construction, Alteration or repair exceeding Two Hundred Dollars (\$200.00.)

2. Applications for permits shall be filed in written form, in duplicate, on blanks furnished by the Enforcing Officer and shall give such information as may be required by this ordinance for its proper enforcement.
3. All applications shall be accompanied by dimensioned drawings of the building, a plot plan showing the location of buildings and structures, lot areas to be used, water supply, sewage disposal facilities and parking areas. (See ARTICLE III, Paragraph 16.)
4. Plans and estimated costs and specifications for all buildings used by the public such as multiple dwellings, educational, commercial and industrial buildings, and places of amusement, shall comply with the provisions of the State Building Code and shall bear seal of approval of the Division of Factory and Building Inspection. In no event shall a permit be issued for the erection of a new structure or the alteration of an existing structure where the type and cost of the proposed structure shall lessen or depreciate the value of the surrounding properties in the district where said new improvement or alteration is to be located.
5. Any application for a use whose wastes may pollute any water course, lake or underground water supply shall include plans for the construction of facilities for the safe treatment or disposal of such wastes or sewage which plans must be approved by the use or Ohio Environmental Protection Agency (EPA).
6. Advertising signs, posters, billboards shall require permits. (Refer to Sign Code ARTICLE III, 15F).
7. Fences and planting screens in the “A”, “B”, and “C” Residential Districts:
 - A. Concrete, stone, masonry, wood, chain link, plastic and hedge fences are not permitted in the front yard setback. Fences and screening (planting material) are permitted up to six (6) feet in height in the side yards and rear yards up to within five (5) feet of right-of-way’s and within three (3) feet of side and rear property lines unless the adjoining property owner, in writing, agrees to allow the fence or screening to be placed closer to, or on, the property line. If the fence or screening is placed on the property line, the fence or screening must be maintained by agreement. Fences shall be constructed in such a way that the finished side faces the adjoining properties and public right of way. To the extent practicable, storage sheds, storage tanks, and miscellaneous materials shall be within the appearance of the landowner and the slightly appearance to the adjoining landowner.
 - B. Injurious materials, such as barbed wire or spike fences, are not permitted in any residential area unless the same are used to protect a public or essential facility for the public health, safety and welfare and then the same shall not be lower than six (6) feet.

- C. No electric fences are permitted in the Village.
 - D. All fences located nearer than five (5) feet to a right-of-way line or property line will require said lines to be located by an Ohio Licensed Land Surveyor.
8. Each permit issued for a main building shall also cover any accessory structures or buildings constructed at the same time on the same premises.
 - A. Storage buildings as an accessory use shall not exceed an area of one hundred forty-four (144) square feet and shall be allowed in the rear or side yard. The height of the building shall not exceed twelve (12) feet. Any such building shall meet setback line requirements for the rear, and/or side yard. Each accessory building shall be anchored to its foundation. (See Article V, Paragraph 9).
 - B. Pole buildings if erected, shall not exceed an area of fifteen hundred (1500) square feet and shall be built on a concrete foundation. The outside of the pole building shall be finished at eaves, soffits, rakes, etc., and covered with a residential type siding. No loose or sliding doors shall be allowed. Overhead doors are recommended. The pole building when finished shall match the surrounding setting.
 9. Any work or change in use authorized by a permit but not completed within six (6) months shall require a new permit.
 10. A permit shall be revoked by the Enforcing Officer when or if it is found, from inspection or from competent evidence, that the rules or regulations under which the permit was issued are being violated.
 11. All applications for permits including supporting documents and a copy of all permits issued, shall be systematically filed and kept by the Enforcing Officer for ready reference.
 12. It shall be unlawful in “A”, “B”, and “C” Residential Districts to leave the outside walls of any building in an unfinished condition for a longer time than a year after date of issuance of a permit. In such event, the Enforcing Officer shall issue an order for the completion within a specified time. Failure to comply with such order shall result in the penalty hereinafter provided.
 13. To aid in defraying expenses, a fee of Fifty (\$50.00) for a “Remodel” of a building and Fifty Dollars (\$50.00) for a “New” building shall be charged for each permit. The Enforcing Officer shall collect said fee and account for the same to the Village of Continental.
 14. Any building, business, industry, activity or uses of land or buildings in any of the following districts as defined in ARTICLE IV of this ordinance, lawfully in existence at the time of the adoption of this or any former ordinance now in force, which is not in conformity with the classification in such district, shall be known and is hereby designated as

nonconforming. Immediately upon passage of this ordinance, the Enforcing Officer shall compile a complete record of all nonconforming uses in all districts. Such records shall be kept up to date as changes occur and such changes and records shall be indicated on the zoning maps, also the date of such change shall be indicated thereon. (See page 4 for definition of Enforcing Officer).

15. The following building standards are adopted as part hereof and compliance with said standards shall be enforced as provided in applicable sections of this ordinance.
 - A. A building declared unsafe by the Enforcing Officer may be restored to safe condition; provided the damage or cost of construction or restoration is not in excess of fifty per cent (50%) of the value of the building or structure exclusively of foundations. Such building or structure, if reconstructed or restored, shall conform, with respect to materials and the type of construction, to the requirements for buildings and structures hereafter erected; but no change of use or occupancy shall be compelled by reason of such reconstruction or restoration.
 - B. All workmanship and building materials shall be of good quality, and shall conform to specifications which the building official prescribed. The more generally accepted standard specifications for quality of materials are those of the American Society of Testing Materials.
 - C. Every building or structure hereafter erected and all new construction in the alteration of an existing building or structure shall be so designed and constructed that the working tresses permitted by the Ohio Basic Building Code, (OBBC) State of Ohio, and/or Ohio Builders Officials Association (OBOA) 1-2-3 Family Dwelling Code shall be adhered to for all residential construction.
 - D. No roofing or siding on an existing building shall be renewed or repaired to a greater extent than one percent (1%) of the surface area due to wind damage, except in conformity with the requirements of this section. A minimum 5/12 roof pitch required on new construction.
 - E. All electrical wiring, apparatus, or appliances for furnishing light, heat or power shall be in strict conformity with approved methods and practices for safety to life and property. Compliance with the National Electrical Code, as published by the National Board of Fire Underwriters, shall be prima facie evidence of such approved methods.
 - F. No outdoor sign or display structure shall hereafter be erected, or attached to, suspended from or supported on a building or structure until a Zoning Permit for same has been issued by the Enforcing Officer. No freestanding sign shall be closer than forty (40) feet to another and must be backlit. The sign must be thirty-two (32) square feet. This shall not apply to the following:
 - i) Churches

- ii) A sign of ten (10) square feet or less in area, announcing without display or elaboration, only the name of the proprietor and the nature of his business.
 - iii) A wall sign not exceeding two (2) square feet of display space, on a residence building stating merely the name and profession of an occupant.
 - iv) A sign exceeding ten (10) square feet of display surface, on a public building giving the name and nature of the occupancy and information as to the condition of use or admission.
 - v) A ground sign, advertising in either case the sale or rental of the premises up which it is maintained.
 - vi) Street signs erected by the municipality.
 - vii) Temporary signs or banners authorized by the local municipal legislative authority.
 - viii) A portable sign of thirty-two (32) square feet or less that is displayed three (3) days or less, once per month.
- G. No mobile home, trailer or similar portable residence structures shall be permitted to be located in the Village except in a mobile home park in a “C” Residence District. Exception to the rule is: Established residence may be replaced within a 30 day period. The park shall contain a minimum of five (5) acres. Mobile homes, modular homes and /or house trailers shall be placed on slabs, runners or piers complying with the current standards of the Ohio Department of Health for Mobile Home Parks. Slabs or runners shall be not less than six (6) inches in thickness, Class “C” concrete 6 1/2 sack mix containing not less than 1.5 pounds of “fiber mesh” per cubic yard. Slabs/runners shall be reinforced with one-half (1/2) inch diameter reinforcing steel with three (3) bars spaced at nine (9) inches running under and parallel with each mobile main beam running the length of the unit. One-half (1/2) inch cross bars shall be spaced at intervals of not more than twenty-four (24) inches. The minimum width of slabs shall be the width of the unit less three (3) feet and the minimum width of runners shall be (30) inches. The length of the slab/runners shall not be less than the unit length less (6) six feet.
16. Hereafter, all Zoning Permit applications for new housing shall contain plans reflecting sufficient off-street right-of-way parking for two (2) automobiles exclusive of the garage.

Prior to receiving a Zoning Permit, each new proposed living unit shall provide two (2) stone or paved off-street right-of-way (i.e. on lot) parking spaces in addition to any garage parking. Each parking space shall have an area of not less

than (9 x 20) on hundred eighty (180) square feet.

ZONING OR USE DISTRICTS

The zoning or use districts in this Ordinance shall be designated as follows:

1. "A" Residence Districts
2. "B" Residence Districts
3. "C" Residence Districts
4. Commercial Districts
5. "A" Industrial Districts
6. "B" Industrial Districts
7. There shall be adopted at the same time of the final adoption of this amended ordinance a map which shall be known as Zoning Map No. 4, on which shall be indicated the different districts, which map is attached hereto and made a part hereof marked "Exhibit A" and which map shall be filed and kept in the Office of the Village Clerk.

ARTICLE V

"A" RESIDENCE DISTRICTS

In any "A" Residence District, except as hereinafter provided, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

1. Dwelling for one family
2. Accessory buildings and uses customarily incident to the above use, including private garages and other outbuildings, when located on the same lot or tract of land not involving the conduct of a business or industry.
3. A private garage shall be located at rear of residence, but in no case less than thirty (30) feet from the right-of-way line, unless attached to the dwelling.
4. Electric Power Sub-Stations
5. Plans for the erection of electric power sub-stations mentioned in Paragraph 4 of this ARTICLE shall first be submitted to the Planning Commission and approved by them before a permit is issued. Said approval shall be evidenced by the written signatures on said plans of a majority of the members of said Commission, the

original of which shall be permanently on file with the Mayor.

6. In the event any applicant for permit feels aggrieved by failure of the Commission to approve plans submitted as required in Paragraph 5 of this ARTICLE, said applicant may appeal said decision to any court of record following the procedure and requirements outlined in Paragraphs 7, 8, 9, 10, and 11 under ARTICLE XXIII, APPEAL AND REVIEW of this ORDINANCE.
7. The office or studio of a physician, dentist, musician or other professional person or agent or any customary home occupations such as milliner, dressmaking, hairdressing, upholstering or repairing may be located in the dwelling used by such persons as his/her residence provided there is no visible display of goods or services and provided there shall be no external evidence of such occupations except a small announcement or professional sign not over two (2) square feet in area. The use of accessory buildings for such home occupations shall be permitted provided that such accessory building does not reduce the area of the yard below the minimum requirements required by this ordinance or any other ordinance of the Village of Continental, Ohio; and further that the use of such accessory buildings does not create a public disturbance or nuisance such as excess smoke, obnoxious vapors or odors, dust, excessive noise; and still further that the use of such accessory building for home occupation shall not continue past the hour of 10:00 pm.
8. The placement of and use of “double wide” trailers shall not be permitted in “A” Residence Districts.
9. No “pole” buildings shall be permitted in “A” Residence Districts unless erected following the requirements outlined in ARTICLE III, APPLICATIONS AND PERMITS, 8, B, Page 7. All buildings shall be on foundation except temporary buildings one hundred forty-four (144) square feet or less, and not more than one (1) temporary building per lot or residence will be permitted.

ARTICLE VI

“B” RESIDENCE DISTRICT

In any “B” residence District except as hereinafter provided, no building or premises shall be used and no buildings shall be erected or altered except for one of more of the following uses:

1. Use permitted in the “A” Residence District.
2. Apartment houses and multiple dwellings.
3. Rooming houses serving not more than ten persons.
4. Boarding houses serving not more than ten persons.

5. Professional offices (as herein defined).
6. Clubs, lodges, social and community buildings.
7. Publicly owned or leased parks, playgrounds, forest preserves, golf courses and athletic fields.
8. General educational schools and colleges.
9. Churches, convents and monasteries.
10. Libraries, museums and community or municipal buildings.
11. Private clubs and fraternal lodge halls (excluding halls where services customarily carried on as a business are rendered or dances are conducted).
12. Mortuaries.
13. Signs pertaining to the lease, sale or use of a lot, or building, may be placed thereon, provided the total area of all such signs does not exceed eight (8) square feet; and provided further that on a lot occupied by a dwelling, the total area of signs placed on the lot or dwelling and pertaining to the use thereof, or bearing the name or occupation of an occupant shall not exceed ten (10) square feet for each family of houses. A sign or bulletin board not exceeding twelve (12) square feet in area may be erected upon the premises of a church or other institution for the purpose of displaying the name and activities or services therein provided.
14. The placement of and use of mobile homes or “double wides” trailers shall not be permitted in “B” Residence Districts.
15. No “pole” buildings shall be permitted in “B” Residence Districts unless erected following the requirements outlined in ARTICLE III, APPLICATIONS AND PERMITS, 8. B., Page 7. All buildings shall have foundations except temporary buildings one hundred forty-four (144) square feet or less. Apartment houses and multiple dwellings are required to have all accessory buildings to be constructed on pavement foundations. Not more than one (1) temporary building per lot will be permitted.

ARTICLE VII

“C” RESIDENCE DISTRICTS

1. Any use permitted in the “A” Residence District and “B” Residence District.

2. No mobile homes, trailers, or double wide trailers or similar portable residential structures shall be located in the Village except in a mobile home park in a “C” Residence District.
3. Mobile Home Park: Intent and Purpose: It is the intent and purpose of this ARTICLE to regulate the location and to encourage, stabilize and protect the development of well planned mobile home parks.
 - A. Shall contain a minimum of five (5) acres.
 - B. Shall provide a clearly defined minimum lot size of four thousand eight hundred (4800) square feet.
 - C. Mobile home park to be in accordance with the Ohio Revised Code 3733.01 through 3733.99 and the Ohio Building Code, Chapter BB77, 7-1-74, and shall comply with the provisions of 3701-27 through 3701-31 of the Administrative Code, Ohio Department of Health.
 - D. The mobile home park shall conform to the “State of Ohio, Department of Health, Public Health Council-House Trailer Parks”, regulations HE 27-01 through HE 27-31, dated July 1, 1971 or subsequent revisions or additions.
 - E. Mobile home parks shall be effectively screened on all sides by means of walls, fences or plantings, except where the area is sufficiently removed from other urban uses, as determined by the Board. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon. In lieu of such a wall or fence, a strip of land not less than ten (10) feet in width (contained evergreen hedge or dense planting of evergreen scrubs not less than four (4) feet in height, may be substituted.
 - F. All mobile homes shall have a minimum of four hundred (400) square feet of floor area per family.

ARTICLE VIII

COMMERCIAL DISTRICTS

The uses permitted in the Commercial District are as follows:

1. Ambulance Service.
2. Automobile Sales and Service Stations.
3. Animal Hospitals.
4. Bakeries.

5. Banks.
6. Barber Shops or Beauty Parlors.
7. Bus Stations.
8. Cemetery Monument Works.
9. Day Care Facilities
10. Dry Cleaning Establishments not using explosive materials.
11. Electric Power Sub-Station, Telephone Repeater Station, Cable TV Towers.
12. Frozen Food Processing and Storage.
13. Hotels and Motels
14. Laundries and Dyeing Establishments not employing more than ten (10) persons.
15. Music, Dancing, Trade or Technical Schools.
16. Newspaper and Printing Establishments.
17. Office Buildings.
18. Poultry Sales.
19. Public Garages.
20. Restaurants and other eating and drinking establishments.
21. Recreation rooms, such as bowling alleys, pool rooms, skating rinks, etc.
22. Service repair, and maintenance for clothing, shoes and household appliances.
23. Store buildings, retail and wholesale, for storing, displaying and merchandising consumer goods of all kinds, unless deemed undesirable by the Enforcing Officer.
24. Telephone Exchange.
25. Theaters and places of public entertainment.

ARTICLE IX

“A” INDUSTRIAL DISTRICT

In “A” Industrial District, no building or premises shall be erected or used except for one (1) or more of the following specified trades, industries or uses:

1. Any use permitted under ARTICLES IV, “A” and “B” RESIDENCE DISTRICTS.
2. Aluminum, brass, copper, iron, steel or plastic factory or works.
3. Blacksmith or horseshoeing shop.
4. Bleaching, dry cleaning or dyeing at wholesale.
5. Bottling works.
6. Brewing or distilling of liquor or spirits.
7. Carpet or bag cleaning.
8. Cement products manufacture.
9. Clay and Glass products.
10. Coal, coke or wood yards.
11. Contractors or builders supply yard.
12. Flour or grain mill or elevators.
13. Forge or foundry works.
14. Gasoline and fuel oil storage in wholesale.
15. Ice manufacture or storage at wholesale.
16. Incinerators or reduction works if not noxious or offensive by reason of emission of odor, dust, smoke or gas.
17. Lumber yard.
18. Sewage treatment works.
19. Food processing, where the same does not emit obnoxious odors or dust.

ARTICLE X

“B” INDUSTRIAL DISTRICT

1. Any use permitted under ARTICLES IV TO VI inclusive.
2. Acetylene gas, acid manufacture.
3. Ammonia, bleaching powder or chlorine manufacture.
4. Asphalt manufacturing or refining.
5. Blast furnace.
6. Boiler works, forge works, iron or steel foundry.
7. Celluloid manufacture, treatment or storage.
8. Creosote manufacture or treatment.
9. Disinfectant or insecticide manufacture.
10. Dyestuff manufacture and use oat wholesale.
11. Fat rendering at wholesale.
12. Gas Manufacture.
13. Glue, gelatin or size manufacture.
14. Lime, cement or plaster manufacture.
15. Match manufacture.
16. Oilcloth or linoleum manufacture.
17. Paint, oil, varnish or turpentine manufacture.
18. Refining of petroleum or other inflammable liquids.
19. Rolling mills.
20. Rubber manufacture from crude materials.
21. Soda ash, caustic ash, soap and washing compound manufacture.

22. Slaughtering animals, stock yards.
23. Tanking or storing of leather, raw hides or skins.
24. Tar distillation and manufacture of tar products.
25. Any other trade, industry or use that is injurious, noxious, or offensive by reason of emission of odor, dust, fumes, smoke, noise or vibration.

ARTICLE XI

TOURIST CAMPS, ETC.

Tourist and Auto Camps, Cabins, Trailers, Tents, or other shelters shall be set back from the road or street line the required distance in compliance with the Village Setback Ordinance, ARTICLE XIV, LOT COVERAGE SETBACK LINES & FOUNDATIONS, Page 20. Each unit shall be allotted a space not less than twenty (20) feet by sixty (60) feet. Each camp shall have separate toilet facilities for each sex. Each camp shall provide one (1) toilet for every fifteen (15) persons of each sex. The water supply and sewage disposal facilities shall be constructed according to approved standards of the State Department of Public Health and County or Village Health Board, and no permit shall be issued where the ground does not slope so that water which may fall thereon will promptly flow off it and not stand thereon, or where the ground is located as it will probably be flooded in times of high water. (See ARTICLE VII, "C" RESIDENCE DISTRICT, MOBILE HOME PARK.)

ARTICLE XII

BUILDING HEIGHTS NEAR AIRPORTS AND LANDING FIELDS

Within five thousand (5000) feet of the boundaries of and existing airport or airplane landing field or one hereafter established, which meets the requirements of ARTICLE XIV, the height of any building, structure or part thereof hereafter erected shall not be greater than twenty (20) feet, plus five (5) feet for each one hundred (100) feet of distance from the nearest boundary of such airport or landing field.

ARTICLE XIII

NON-CONFORMING USES

1. Any use of building, structure or land lawfully existing at the adoption date of this, or a former ordinance now in force, or of a later amendment hereto, which does not conform to the provisions of said ordinance or amendments, shall be know as non-conforming. Such non-conforming use may be extended throughout the building

or structure, or such a use may be changed to one of the same or higher classification, provided no structural alterations are made therein. A non-conforming use of land shall not be extended.

2. Whenever a non-conforming use has been changed to a use of higher classification or to a conforming use, such a use cannot thereafter be changed to one of a lower classification. If a non-conforming use is discontinued for a period of eight (8) months, any future use thereof shall be in conformity with the provisions of the ordinance.
3. Any building or structure devoted to a non-conforming use, which may be destroyed or damaged by fire or otherwise to the extent of fifty per cent (50%) or more of its value shall not be repaired or rebuilt, nor shall another building or structure be erected on the premises except in conformity with the provisions of this ordinance.
4. A complete record of the location, nature and extent of all non-conforming uses shall be made and kept by the Enforcing Officer. When such non-conforming use is know, the Enforcing Officer shall so notify the Appeal Board, who shall by resolution enter same in its records as such.

ARTICLE XIV

LOT COVERAGE SET BACK LINES AND FOUNDATIONS

1. In “A”, “B”, and “C” Residence Districts the total area of buildings shall not exceed forty per cent (40%) of the lot area. No building shall be nearer than twenty-five (25) feet from the side street of a corner lot, or fifteen (15) feet from an adjoining lot line. The front of a building including garage shall conform to established set back lines, but in no case shall be less than twenty-five (25) feet from the front lot line. Garage vehicle entrance doors shall be twenty-five (25) feet from a right-of-way line for vehicle parking. (See “SCHEDULE OF AREA, DEPTH YARD & HEIGHT REGULATIONS”.)
2. In Commercial and industrial Districts buildings shall set back from the street to conform to the present building line as established by commercial buildings now erected thereon. The minimum front yard set back shall be twenty-five (25) feet in these areas without an established set back. Side and rear yard set backs shall be not less than fifteen (15) feet. (See “SCHEDULE OF AREA, DEPTH, YARD & HEIGHT REGULATIONS”.)
3. “A” and “B” Industrial Districts coverage shall conform to the State Building Code, But allowance shall be made for parking of employee’s automobiles off the street and highway right-of-way.
4. All “A”, “B”, and “C” Residence buildings with an area greater than one hundred forty-four (144) square feet shall be constructed on a reinforced concrete footing located below frost line at at building wal finish grade. No “pole” buildings shall

be permitted in “A”, “B”, and “C”, Residence Districts unless erected following the requirements outlined in ARTICLE III, APPLICATIONS AND PERMITS, 8. B).

5. Buildings under one hundred forty-four (144) square feet shall conform to required setbacks for “A”, “B”, and “C” Residential Districts; A building permit is required.

SCHEDULE OF AREA, DEPTH, YARD & HEIGHT REGULATIONS

Residence Districts	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Lot Depth (Ft.)	Minimum Width of Lot (Ft.)	Minimum Yard Dimensions Front Yard Depth (Ft.)	Minimum Yard Dimensions Side Yard (Ft.)	Minimum Yard Dimensions Rear Yard Depth (Ft.)	Maximum Height Main Building (Stories)
“A” Residence	9,600	120	80	25	15	30	2
“B” Residence	8,400	120	70	25	15	25	2
“C” Residence	4,800			25			
Commercial		120		25	15	15	2
“A” Industrial		120		25	15	15	2
“B” Industrial		120		25	15	15	2

ARTICLE XV

WATER SUPPLY AND SEWAGE DISPOSAL

Every residence, business, trade or industry hereafter established and requiring water supply and sewage disposal facilities shall provide such facilities conforming to approved standards of the Ohio Environmental Protection Agency (EPA) and Village Ordinances. No well shall be permitted for human consumption in dwelling use.

ARTICLE XVI

SIDEWALK CONSTRUCTION & RECONSTRUCTION

1. No person may remove existing sidewalks without replacing the sidewalks with new sidewalks in conformity with the specifications herein.
2. No owner of land with the Village shall fail to keep his sidewalks and tree lawn in a state of repair consistent with the standards set forth herein or keep sidewalks free from ice, snow or other obstructions.
3. The Enforcing Officer may cause inspection of sidewalks within the Village to determine

their conformance with the standards set forth herein.

PERMIT TO CONSTRUCT / RECONSTRUCT SIDEWALK

All construction or reconstruction shall require a permit to assure compliance of such construction or reconstruction with the specifications as prescribed herein; however there will not be a cost for just a sidewalk permit.

1. No person shall commence construction or reconstruction without first obtaining a permit from the enforcing officer.
2. Application for permit shall be available from the Enforcing Officer.
3. The Enforcing Officer may inspect properties where construction or reconstruction is taking place under the following conditions:
 - A. When requested by the owner for the purpose of determining whether or not the owner's plans and specifications match the standards for construction and reconstruction set forth herein.
 - B. At such time as the Enforcing Officer deems necessary or appropriate.

STANDARDS FOR CONSTRUCTION / RECONSTRUCTION:

LOCATION: Sidewalks shall be placed on the street right-of-way as near as practicable to the edge of the right-of-way running parallel with the centerline of the adjacent street.

LAYOUT: The arrangement, plan, or structuring of the sidewalk plan-the overall picture or form.

WIDTH AND THICKNESS: Sidewalks in all residential areas shall be a minimum of four (4) feet wide and three and one-half (3 ½) inches thick, except at drive approaches.

SLOPE: Sidewalks shall slope toward the street one-quarter inch per foot, e.g., the edge closest to the street shall be one inch lower where possible than the edge adjacent to the property line.

SUBGRADE: All soft or spongy material shall be removed and replaced with suitable material and compacted until it is firm. Prior to forms being set, grass and other plant material must be removed. The subgrade should be wet down the night before the concrete is poured and shall be damp at the time of pouring.

SURVEY: To determine the boundaries, area, or the elevations of the land by means of measuring angles and distances for use in the layout of the construction of sidewalks or the reconstruction of existing sidewalks.

FORMS: Forms shall be of wood or metal and extend sufficient depth to contain the concrete and shall be of sufficient strength to resist the pressure of the concrete without springing.

CONCRETE: Concrete shall test 3000 psi at twenty-eight (28) days with not less than six (6) sacks of cement per cubic yard of concrete regardless of strength obtained.

GRADE: Sidewalks shall be installed at such a grade of elevation so as to prevent water from pooling upon the sidewalk area.

FINISHING: The concrete shall be deposited in a single layer. It shall be struck off with a template and smoothed with a float so that the wearing surface shall be uniform and even throughout its length and width. Final finish shall be a “sandy” or “broomed” texture. No plastering will be permitted. All outside edges and troweled joints shall be edged with a one-quarter inch radius edging tool.

JOINTS: Sawed or troweled joint shall be placed at intervals of five (5) feet and shall be perpendicular to the outside edges of the walks.

JOINTS AT ABUTTING PROPERTY: When construction or reconstruction abuts other sidewalks of nonconforming size, the abutting sidewalk shall be flared to meet new construction.

DRIVEWAYS IN RESIDENTIAL AREAS: Where there is an existing concrete or asphalted Drive in reasonably good condition, the sidewalk may terminate at the edge of such a drive. Where stone or dirt driveways exist or the drive in the area of the sidewalks is not in good condition, then the sidewalk shall be constructed across the driveway and shall be six (6) inches thick. The Enforcing officer will make the final determination with regard to the condition of a driveway.

TREE ROOTS: If a property owner believes that tree roots are or may cause difficulties with the Construction or reconstruction, the property owner shall contact the Enforcing Officer, who shall Recommend a course of action to be taken.

COMMERCIAL AND INDUSTRIAL: Sidewalks in commercial or industrial districts shall conform to standards as determined by the Enforcing Officer on an individual basis.

NOTICE TO OWNER

When the Enforcing Officer determines that it is necessary for construction or reconstruction within the Village in accordance with standards and specifications prescribed herein, a statement shall be prepared showing the location of the sidewalk, the nature of the construction or reconstruction required to conform to the standards and specifications prescribed herein, and the time period within which said construction or reconstruction must be completed. The statement and notice shall be served on the owner of the property either personally or by regular U.S. Mail addressed to the tax mailing address as set forth on the records of the County Auditor. In the event that the owner cannot be notified by personal service or by mail, the notice shall be served by publishing such notice on two separate occasions in a newspaper of general circulation within the Village. This notice shall state a time within which such construction or reconstruction must be completed.

SIDEWALK VARIANCE

An owner of a lot or parcel of land in the Village engaged in construction or reconstruction may petition to the Enforcing Officer for a variance to the specifications herein. Said petition shall be in writing and state the reasons necessary for said variance. The authority to grant any variance shall rest with the sound discretion of the Enforcing Officer after consideration is given to the conditions for granting of variance set forth below.

The Enforcing Officer determination shall be given to the property owner in writing either by Personally delivering a copy to the property owner or by mailing a copy to the property owner by regular U.S. Mail.

Conditions for granting of variance:

- A. Special condition and circumstances must exist which are peculiar to the proposed construction or reconstruction of sidewalks; and
- B. The special conditions and circumstances must exist which are not created solely by the applicant; and
- C. Granting of the variance will not be materially detrimental to the public welfare or injurious to the neighborhood in which the property is located or in conflict with the general intent of this ARTICLE

INSTALLATION OF NEW SIDEWALKS

From time to time, the Enforcing Officer may require sidewalks to be constructed or reconstructed. Determination of properties which will require the construction or reconstruction of sidewalks shall be Made based on the following criteria:

- (1) Vehicular traffic volume;
- (2) Proximity to school, parks, recreational areas and public buildings;
- (3) Pedestrian traffic volume.

Construction or reconstruction pursuant to this section shall be completed within two (2) years after receipt of the notification provided in "NOTICE TO OWNER".

A property owner must complete construction within two (2) years after receipt of notice as Provided in "NOTICE TO OWNER", when the lot or land is located or situated in such a manner that construction will complete the pattern of sidewalks created by existing sidewalks and any of the following circumstances exist:

- (1) The block in which lot or land is located contains sidewalks fronting on 50% or more of the real estate on one or both side of the street; or

- (2) The Enforcing Officer determines that the block in which said lot or land is located is situated in such a manner that new sidewalks are necessary in order to complete the pattern of sidewalks created by adjacent or nearby blocks having sidewalks; or to complete the pattern of sidewalks necessary to join existing sidewalk patterns with local pedestrian generating facilities; or
- (3) The Enforcing Officer determines that it is necessary and advisable to provide a sidewalk pattern between corner intersections having existing sidewalks.
- (4) Owners of unimproved lots located in subdivisions platted after enactment of this ARTICLE shall be required to install sidewalks at such time as 50% of the lots within said subdivisions are occupied. Said sidewalks must be installed with six (6) months after said date.

Exemptions may be granted to property owners who own land in certain undeveloped areas. Exemptions shall only be granted by the Enforcing Officer. Exemptions shall be granted when sidewalk construction is not necessary to connect sidewalks of one developed area to another.

COST DISTRIBUTION

Land owners shall be responsible for the total cost of construction or reconstruction abutting their property. Handicapped ramps connection sidewalks to crosswalks shall be constructed at Village expense where required by federal, state or local statute or where in the opinion of the Enforcing Officer, it is deemed necessary.

ASSESSMENT OF INSTALLATION OF SIDEWALKS

In the event the Village constructs or reconstructs the sidewalks, the costs shall be certified to the property owner's tax duplicate to be repaid over a period of time not to exceed five (5) years pursuant to the procedure set forth in the Ohio Revised Code.

INSPECTION

It is the intent of the ARTICLE to provide for inspection of existing sidewalks in one or both of the following manners:

- A. Upon a complaint setting forth the location of a defective sidewalk, the Enforcing Officer shall schedule and inspection of that sidewalk.
- B. By an established routine inspection program of sidewalks within the Village.

APPEAL

The lot owner may appeal any decision of the Enforcing Officer to the Board of Appeals in the following manner:

- A. Said appeal shall be filed with the Enforcing Officer in writing within seven (7) days of the date of the date in which the Enforcing Officer notified the owner.

- B. The Board of Appeals shall conduct a hearing within thirty (30) days on the matters set forth in the appeal.
- C. The Board of Appeals shall render a decision within five (5) business days of the hearing.
- D. Said decision shall be communicated to the owner by regular U.S. Mail.

PENALTY

Whoever violates any provision of this ARTICLE shall be subject to a fine of not more than two hundred dollars (\$200.00) for each offense. If repairs or new construction are made contrary to this ARTICLE each twenty-four (24) hours that such construction or repair continues shall constitute a separate offense.

ARTICLE XVII

SWIMMING POOLS

No swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any "A", "B", or "C" Residence Districts, except as an accessory use and in compliance with the following conditions and requirements:

1. APPLICATION: The application for a permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plat plan and location of adjacent buildings, fencing, gates and other detailed information affecting construction and safety measures as may be deemed necessary by the Enforcing Officer.
2. POOL LOCATION: Minimum side and rear yard setbacks shall comply with the setback requirements established in the Ordinance.
3. FENCE: All swimming pools now or hereafter constructed outside of a building, shall be enclosed by a fence extending from the ground to a point at least four (4) feet above any ground, or at least four (4) feet above any climbable stationary object within three (3) feet of the fence; gates shall meet the requirements for fence construction, shall be self-closing, self-latching and equipped with a latch capable of securely holding the gate closed and mounted on the inside of the gate, not readily available for the children to open. Such fence shall be one of the following types:
 - A. Chain link fences with mesh, not exceeding two & one-quarter (2 ¼) inches;
 - B. Vertical board or pole fences with boards or poles space not greater than two (2) inches and all horizontal members shall be on the pool side of the fence;
 - C. Solid fences having a flush exterior.

This shall not apply to above ground pools having a four (4) solid non-climbable wall if such pool has fold-away or detachable steps, provided such steps are raised or removed when the pool is not in actual use.

4. SANITATION: Any swimming pool shall not be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used therein shall be filtered and sterilized by chlorination. Sanitation standards are now or any time adopted by the State Department of Health of the County Health Department to protect the public health are adopted and made part of the Zoning Ordinance.

Any hot tub or spa included within the definition of “swimming pool” and having a diameter of twelve feet or less, or having an area of one hundred (100) square feet or less, shall be securely covered when not in use.

ARTICLE XVIII

MAILBOX STANDARDS

Installation of curbside mailboxes must meet specific construction standards, which can be obtained from the local Post Office facility for United States Postal Service STD-7, Mailboxes, City and Rural Curbside.

Regulations that apply when installing a curbside mailbox:

- * Important: Before installing, moving, or replacing your mailbox or mailbox support you will need to contact your local post office.
- * All mailboxes must be approved by the U.S. Postal Service.
- * Custom made mailboxes will be approved by the Postmaster if they meet established standards.
- * Name put on box should be at least one inch high.
- * Generally, the boxes should be installed with the bottom of the box at a vertical height of between 41-45 inches from the road surface.
Because of varying road and curb conditions and other factors, you should contact the postmaster or mailperson before setting up or replacing your mailboxes and supports. The face of the mailbox dimension facing the road varies with the type of road.
Gravel road equals 2 feet from edge of gravel.
With guard rail, mailbox face equal to back of guard rail.
Curbed road mailbox face equals 8” from face of curb.
- * Mailbox on premises also must meet U.S. Postal guidelines.

PLATS

A plat may be officially filed with the acknowledgement by the Secretary of the Village Council.

CONFORMANCE WITH PRELIMINARY DRAWING

The plat must substantially conform to an approved preliminary drawing previously submitted, or must provide adequate data to permit proper review of any proposal which has not been approved in a preliminary drawing.

CERTIFICATION REQUIRED

Prior to approval of a plat, the Village Council shall obtain certificates from the proper Village and/or County Departments that the required improvements have been made or assured in conformance with these Subdivision Regulations.

ENDORSEMENT BY VILLAGE COUNCIL

The Village Council, by endorsement of the plat, shall approve or disapprove the plat within thirty days after official filing of the plat, otherwise it is deemed approved.

RECORDING AFTER APPROVAL

Upon approval by the Village Council and necessary County agencies, the plat may be recorded with the County Recorder within six (6) months. If not recorded within this time, the approval of the Village Council shall be void.

BUILDING PERMITS

Before any building permits can be issued for lots in the plat, the plat must be recorded in the office of the County Recorder.

REQUIRED CONTENTS

The plat shall contain the following:

1. Identification:
 - A. Name of subdivision.
 - B. Location by township, section, town, and range, and other legal description as necessary.
 - C. Names of owners, and signature and seal of registered surveyor.
 - D. Scale shown graphically.
 - E. Date.
 - F. North point.

2. Delineation:
 - A. boundary of plat, based on an accurate traverse, with angular and lineal dimensions in the conformance with the legal description, shall be indicated with a heavy dashed

- line to indicate the limits of the plat.
- B. True angles and distances to at least three (3) of the nearest established street lines or official monuments which shall be accurately described on the plat.
 - C. Municipal, Township, County and/or Section lines accurately ties to the lines of the subdivision by distances and angles.
 - D. Accurate locations of all monuments. One such monument shall be placed at each change in direction of the boundary of the plat; and one such monument shall be placed at one corner of each street intersection on one (1) side of the street right of way, and at the beginning and end of all street curves.
 - E. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalk ways. The name of a street shall not duplicate that of any existing street.
 - F. Exact location and width of all easements for rights-of way provided for public services, utilities or other purposes.
 - G. All lot or parcel numbers and lines with accurate dimensions in feet and hundredths of feet.
 - H. Accurate designation of any areas to be dedicated or reserved for public use with the purpose indicated thereon.
 - I. Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
 - J. Building setback lines accurately shown with dimensions.

CERTIFICATION AND SIGNATURES

OWNER CERTIFICATION: I (we), the undersigned, owners of the property hereon described, do hereby adopt the subdivision as shown on this plat, establish setback lines as shown, and dedicate to public use the streets and rights-of-way as shown. I (we) do hereby establish easements as shown hereon, for the purpose of permitting the construction, installation, relocation and maintenance of public or quasi-public utility facilities thereon. Maintenance shall include the right to remove any branches or other growth or obstructions that might interfere with the construction, maintenance or safe operation of utility lines or drainage facilities. I (we) further certify that I (we) will improve this subdivision with the following installations (statement of the specific sewer, water, pavement and other improvements to be installed, if appropriate).

WITNESSES:

OWNERS:

NOTARY (for Owner's signature (s):

State of Ohio County of: _____

On this _____ day of _____, 20____, before me personally appeared _____, and acknowledged the signing of this plat to be his (her, their) free act and deed for the purposes herein mentioned. Witness my hand and seal the day and year written above.

Notary Signature

My commission Expires

SURVEYOR'S CERTIFICATION: I hereby certify that during _____, 20____ I surveyed the property hereon described subdividing same into lots numbered consecutively from _____ to _____, both inclusive, and lettered thereof. Concrete monuments have been set at each change in direction of the boundary _____, are to be set after the street improvements have been made.

Registered Surveyor No. _____

VILLAGE OF CONTINENTAL VILLAGE COUNCIL: We hereby certify that this plat is approved by the Village of Continental Village Council and is in accordance with subdivision rules and regulations as approved by the Village Council of Continental.

Signed this _____ day of _____, 20____.

Chairman, Continental Village Council

OFFICE OF THE PUTNAM COUNTY AUDITOR:

Transferred this _____ day of _____, 20____.

Putnam County Auditor

OFFICE OF THE PUTNAM COUNTY RECORDER:

Filed for record this _____ day of _____, 20____, at _____. __ M.

Putnam County Recorder

ARTICLE XIX

PLANNED UNIT DEVELOPMENT (PUD)

PURPOSE: The restrictions of the ARTICLE may be modified by the Village Council in the case of a plan utilizing an unusual concept of development. The Planned Unit Development (PUD) provision is intended to encourage original, flexible, and imaginative development and subdivision design which preserves the natural amenities of the site and provides for the general welfare of the Village of Continental. This classification is intended to accommodate integrated and well-designed developments in accordance with approved development plans. The Village of Continental intends to offer flexibility of design and to encourage imaginative, functional, high quality land planning which is compatible with adjacent and nearby lands and activities. It also seeks a greater variety in design and development. In order to carry out the intent of this ARTICLE, a Planned Unit Development shall meet the following objectives:

1. More usable open space, land and recreational uses:
2. The preservation of trees, outstanding natural topography and geological features and preservation of soil erosion;
3. A creative use of land related to physical development which allows an orderly transition of land from rural to urban uses;
4. An efficient use of land resulting in smaller networks of utilities and streets;

LAND REQUIREMENT

A minimum of four acres is required for Planned Unit Development, except for housing designed for and/or restricted to the elderly, in which case a minimum of two acres shall be required.

STANDARDS

In its analysis of the petition to rezone, and the proposed development plan, and prior to official action recommending in favor of or approving the petition and plan, the Board of Appeals shall insure that the following standards and conditions are met and shall deny the request if the following standards are not met:

1. Land uses within the PUD shall be appropriate in their proposed location in their

- relationships to each other and in their relationships with uses and activities on adjacent properties.
2. The PUD shall comply with applicable village plans and planning policies, and shall have a beneficial effect both upon the area of the village in which it is proposed to be established and upon the village as a whole.
 3. The total land area within the PUD, and the area devoted to each functional portion of the development, shall be adequate to serve its intended purpose.
 4. Streets, utilities, drainage facilities, recreation areas, building heights, and vehicular parking and loading facilities shall be appropriate for the particular use or uses involved, and should approximate the level of design, aesthetics and construction quality required of similar land development elsewhere in the Village.
 5. Visual character and community amenities shall be equal or better in quality than that required by standard zoning districts for similar developments.
 6. Open space and population density shall maintain a ratio appropriate for the type of development.
 6. Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.
 7. Areas proposed for common ownership shall be subject to a reliable and continuing Maintenance guarantee.
 8. In the case of developments which are to be constructed in several units, all proposed units shall be shown on the overall development plan, The proposed construction units shall be individual with the standards wet forth in this ARTICLE in order that, in for any reason construction ceases prior to the completion of the entire planned unit development, the resulting partial complete project will adequately serve its purchasers and occupants and will not cause a general public problem.

EFFECT OF THE PUD CLASSIFICATION

1. Upon the approval of land to PUD classification, the approved development plan, along with such requirements, safeguards, modifications or stipulations as may have been included by the Village Council in their approval process, shall be substantially complied with relative to the issuance of all building permits and zoning clearance by the Village of Continental. Deviation from the approved development plan or imposed by the Village o\at the time of approval of the PUD classification shall constitute a violation of the Zoning Ordinance.
2. The Village Council shall have the right to require a performance bond in an amount the Board of Appeals deems necessary to insure compliance with provisions of this ARTICLE.

CHANGES IN THE DEVELOPMENT PLAN

Any proposed significant change of an approved development plan shall be submitted in the same manner as and original application for establishment of a PUD classification.

APPLICATION PROCEDURES

The owner of a parcel of land shall apply to the Village Council for approval of the PUD by submitting a tentative sketch plan. The sketch plan shall contain the following information:

1. Proposed units, accessory structures and uses;
2. Proposed vehicular circulation;
3. General location of open spaces;
4. General location of utilities, easements and other service facilities;
5. If the development is to be in stages, an indication as to the order and time of development.

PRELIMINARY REVIEW AND APPROVAL PROCEDURES

The Board of appeals shall be the reviewing agency of the Village of Continental. Following the submission of the sketch plan, the Board of Appeals shall review the proposal and advise the applicant in writing as to the following:

1. That the proposal fails to meet the standards or objectives set forth in the ARTICLE;
2. An identification of those standards or objectives to which the plan does not conform together with any recommendations pursuant to the standards and objectives;
3. Any additional data or information deemed necessary;
4. Approve the preliminary sketch as generally conforming.

FINAL REVIEW AND APPROVAL PROCEDURES

Upon receipt of written notification, the applicant may file for the final approval of the PUD. This application shall include the following:

1. A legal description of the property and survey included with the proposed plan, together with a current attorney's opinion showing the state of the title to the land in question;

2. Three complete sets of development plans, one of which shall be blue line reproducible copy showing the following:
 - A. A site plan showing the use relationship of all structures to each other, open space relationships and other facilities intended to serve the development;
 - B. A tabulation of the site plan indication the percentage of the total land area occupied by buildings, streets, driveways, sidewalks, recreation areas and landscaped area, if any;
 - C. Landscape plan shall indicate proposed topographic changes, preferable to two (2) foot contour intervals;
 - D. Vehicular and pedestrian access patterns such as curb cuts, driving lanes, and pedestrian walks;
 - E. Copies of all proposed easements and dedications;
 - F. Schedule of proposed development and construction.

ARTICLE XX

NEW SUBDIVISIONS

Whenever any owner or owners of land classified by the Zoning Ordinance as agricultural, shall have platted the same into lots, or shall thereafter re-plot the same, any part of which shall be for the purpose of residences or to be sold or used for that purpose, said owner or owners shall immediately apply to Board of Appeals to have said land reclassified or rezoned, or if the owner or owners neglect to apply to the Board of Appeals for reclassification, the Board of Appeals may proceed on their own motion, and after due notice of the hearings as provided in this ordinance, the land may be reclassified or rezoned, either higher or lower. The Board of Appeals shall, as soon as possible, report its decision and amendment to the Village Council.

ARTICLE XXI

SUBDIVISION REGULATIONS

The general purpose of the ARTICLE shall be to guide and regulate the planning, subdividing and development of land in order to promote and protect the public health, safety and general welfare. It is intended that the provisions of these Subdivision Regulations shall be applied to achieve the following objectives:

1. Orderly development of the land to obtain harmonious and stable neighborhoods.

2. Safe and convenient vehicular and pedestrian circulation.
3. Designs to allow ample public open spaces for schools, traffic, utilities, access for fire Fighting equipment, adequate light and air, recreational and other public purposes.
4. Accurate surveying of land, preparation and recording of plats.
5. The assurance the subdivision improvements are properly installed and completed in compliance with the regulations herein.
6. Insure the adequate provision of water, drainage, sanitary sewer facilities, and other health requirements.
7. Discouraging of premature, or scattered subdivisions.
8. Coordination of land development in accordance with zoning codes.

INTERPRETATION, CONFLICT AND SEPARABILITY

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.

These regulations are not intended to repeal, abrogate, annul or in any manner interfere with any existing laws, covenants or rules provided. However, where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

The provisions of this ordinance are separable. If a section, sentence, clause, phrase or other part of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this ordinance.

MODIFICATION AND VARIANCE OF REGULATIONS

Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements of these Regulations would result in real difficulties, substantial hardship, or injustice, such requirements may be varied or modified so that the sub divider may subdivide his property in a reasonable manner; but, at the same time, the public welfare and interest of the municipality and the surrounding area are thoroughly protected and the general intent and spirit of these Regulations are enforced.

GENERAL PROCEDURE PRIOR TO SUBMISSION

It is suggested that before any extensive work is done on any subdivision that the owner, or his representative, discuss his plans with the Village Council, who will give assistance concerning requirements and further procedures, the purpose being to determine whether the proposed subdivision will fit into the neighborhood development of the area. The following steps may be taken to secure approval of a plat.

SKETCH DRAWING

A sketch drawing may be submitted, in duplicate, to the Village Council for review and recommendations. The drawing shall contain enough information so that an accurate analysis can be made. The Village Council shall advise and aid the developer, or owner, in obtaining the best possible layout for all concerned. After a proper solution has been worked out, the developer or owner may proceed with his preliminary drawing.

PRELIMINARY DRAWING

A preliminary drawing hereinafter referred to in this ARTICLE as “drawing”, containing all the information required by these Subdivision Regulations, may be submitted to the Village Council for processing. The drawing shall be prepared by a registered surveyor of civil engineer.

1. The drawing shall be analyzed by the Village Council for conformance with these Subdivision Regulations. If the drawing does not conform with these Regulations, the developer and surveyor or engineer, shall be notified so that the drawing may be revised.
2. If the drawing is acceptable, it shall be sent to the appropriate public agencies for their review and recommendations.
3. When the recommendations of the public agencies are received they are reviewed, and if the drawing is not acceptable to any public agency, the developer and surveyor or engineer is notified so that the drawing may be revised. If the drawing is acceptable an/or subject to certain modifications, the drawing is presented to the Village Council for consideration.
4. If the subdivision lot areas or uses do not conform with the existing zoning classification, a petition to rezone such area must be submitted by the property owner and acted upon by the Village Council prior to consideration of a drawing.
5. The Village Council may introduce such changes, or revisions, to the drawing as are deemed necessary to the interest and needs of the community provided such changes are not in violation of the within rules and regulations. Any changes agreed to by the subdivider, or his representative, shall be marked in red on the approved drawing. The surveyor or engineer will then furnish the Village Council with six (6) copies of the revised drawing

containing such agreements.

6. Any changes agreed to by the subdivider, or his representative, shall be marked in red on the approved drawing. The surveyor or engineer will then furnish the Village Council with six (6) copies of the revised drawing containing such agreements.
7. Approval of the drawing is valid for one (1) year and allows the developer to proceed with the preparation of the improvement plans required by the various public agencies. It also allows the developer to proceed with construction of the improvements as soon as the required plans are reviewed and approved by the appropriate public agencies.
8. The Village Council shall disapprove the drawing if it does not contain the necessary information, is not in accordance with the provisions of these Regulations, or if the proposed improvements are not approved by the appropriate public agencies.
9. The sub divider and surveyor or engineer shall be notified in writing of the Village Council's action, and the notification of their action will also be given to the appropriate public agencies.
10. After approval of the drawing by the Village Council, a plat may be filed as provided for in ARTICLE XVIII, PLATS, Page 28.
11. Six (6) copies of the drawing shall be submitted at least twenty (20) days before a meeting of the Village Council.
12. The drawing shall not be accepted for processing unless the following data is contained therein.

A. Identification noted as follows:

- i) The title "Preliminary Drawings".
- ii) Proposed name of the subdivision.
- iii) Location by township, section, town and range, or by other legal description.
- iv) Names and addresses of developers and registered surveyor or civil engineer who designed the subdivision.
- v) Scale of drawing (one inch = 100 feet preferred.)
- vi) Date, North point.
- vii) Approximate acreage.
- viii) Key location shall be shown on the preliminary drawing.
- ix) Delineation shall include, but is not limited to the following:
 - a. Boundary line of the proposed subdivision indicated by a dashed heavy line.
 - b. Location, widths and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way and easements, parks and other public open spaces, permanent buildings and structures, and section and corporation lines, within or adjacent to the tract.

- c. Existing sewers, water mains, culverts or other underground facilities and open drainage ditches in and within close proximity to the tract, indicating size, depth, direction of flow and location.
- d. Boundary lines of all tracts of unsubsidized and subdivided land, abutting to the proposed plat, showing owners of tracts greater than one acre.
- e. Indication of ground forms, preferably contours at two (2) foot intervals, as measured in the field.
- f. Existing zoning of proposed subdivision and abutting tracts in zoned areas.
- g. Layout of proposed streets, their proposed names and widths, and also the widths of proposed alleys, crosswalk ways and easements. proposed street names shall be checked to avoid duplications within the Village.
- h. Layout numbers and dimensions of lots or parcels with appropriate designations.
- i. Suggested locations of proposed water lines, sanitary sewer lines, storm sewer lines and sidewalks shall be indicated by drawings.
- j. Sanitary treatment plant, wells and septic tank locations are to be shown.
- k. Where septic tanks are proposed, results of soil percolation tests are to be indicated and keyed to the results submitted.
- l. Diagram of proposed dreaingae development, including streets and lots, with indication of their outlet into existing facilities, and proposed elevations of drains at critical points.
- m. In critical areas, high water levels are to be indicated, and areas subject to flooding shown.
- n. Screen planting plan, if any.
- o. Proposed building setback lines, showing dimensions.

ARTICLE XXII

BOARD OF DISTRICTS

When uncertainty exists with respect to boundaries of the various districts as described herein or as indicated on the Zoning maps, the following rules shall apply:

1. District boundary lines are either the center lines of railroads, highways, streets, alleys, or easements, or boundary lines or sections, quarter sections, tract subdivision lots or such lines extended, unless other wise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strip shall be two hundred (200) feet measured at right angles from the street or highway line and the length of frontage shall be the entire tract of land along such highway, unless otherwise indicated.
3. Where a district boundary line divides a lot of single ownership, the regulations for either portion of the lot may extend to the entire lot, but not more than twenty-five (25) feet beyond the boundary line of the district.

ARTICLE XXIII

CREATION AND MEMBERSHIP

1. A Board of Appeals, hereafter referred to by the word "Board" is hereby authorized to be established. Such Board shall consist of six (6) members who are not members of the Village Council, appointed by the Mayor, and confirmed by the members of the Village Council. The six (6) members of the first Board appointed shall serve, without pay, terms of one, two, three, four, and five years, respectively, or until their successors are appointed. Thereafter, terms shall be for five (5) years or until their successors are appointed, and vacancies shall be filled for the unexpired terms only.
2. The Mayor shall recommend to Council the removal of any member of the Appeal Board for neglect of duty, absence, etc.

CHAIRMAN AND MEETINGS

1. The Board of Appeal shall, within ten (10) days after appointment, meet and organize, electing a chairman and secretary from their membership. All meetings of the Board shall be held at the call of the chairman and at such times and places as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and require the attendance of witnesses. All meetings of the Board shall be open to the public.
2. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Village Clerk and shall be a public record. In the performance of its duties, the Board may incur such expenditures as shall be authorized by the Village Council. The Board shall adopt its own rules of procedure an\\not in conflict with the Statute.

JURISDICTION

1. The Board shall hear and decide appeals from the review any order, requirement decision, or determination made by the Enforcing Officer charged with the enforcement of this ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
2. The concurring vote of four members of the Board shall be necessary to reverse an order, requirement, decision or determination of the Enforcing officer or to decide in favor of the applicant, any matter upon which it is required to pass under this ordinance.

3. Where any application for a variation of any of the regulations of this ordinance is made to the Board in which it is alleged that practical difficulties or particular hardship, not intended or not common to other owners of property in the vicinity, will be imposed in carrying out the strict letter of any such regulations, the Board may vary the application of such regulations in harmony with the general purposes and intent of this ordinance and in accordance with the following rules:
4. No variation in the application of the provisions of this ordinance shall be made concerning the use of land, or the building line, unless after a public hearing as provided for in this section, the Board shall find that such variations will not, (1) impair an adequate supply of light and air to adjacent property, (2) increase the hazard from fire and other dangers to said property, (3) diminish the value of land and buildings in the locality or throughout the Village, (4) increase the congestion of traffic hazards in the public streets and highways, and (5) otherwise impair the public health, safety, comfort, morals and general welfare of the inhabitants of said Village.
5. The Board shall also have the power (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Enforcing Officer, (2) to permit a temporary building for business or industry in the "A" Residence District, or "B" Residence District which is incidental to and necessary for the residential development, such permit to be issued for a period of not more (1) year and (3) to exercise such other powers as are or may be vested in the Board.

APPEAL AND REVIEW

1. Any appeal may be taken by and any person aggrieved or by and officer, department, board or bureau of the village. Such appeal shall be taken within such time as shall be prescribed by the Board by general rule by filing with the officer from whom the appeal is taken and with the Board a "Notice of Appeal", specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
2. Any appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the "Notice of Appeal" has been filed with him by reasons of fact stated in the certificate a stay would in his opinion, cause imminent peril of life or life or property, in which case proceedings shall not be stayed otherwise than by a restraining order by a Court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
3. The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent, or by attorney. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the power of the officer from whom the appeal is taken.

4. The Enforcing Officer shall give at least fifteen (15) days notice of the time and place of such hearing published in a newspaper of general circulation in the Village, describing the particular location, proposed purposes and use to which such rezoning is to be used. Such notice shall also be given to at least one of the adjoining property owners to the north, to the east, to the south, and to the west of such property to be rezoned. If no such owner can be found, the published notice shall be sufficient.
5. In case of written protest, any proposed rezoning signed by the owners of twenty percent (20%) of the frontage proposed to be altered, or by owners of twenty percent (20%) of the frontage immediately adjoining, or across an alley there from, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, such rezoning shall not be passed except by a unanimous favorable vote of all five (5) members of the Appeal Board.
6. To partially defray: Investigating, and considering an appeal for a variation of rezoning, a fee of Fifty Dollars (\$50.00) plus advertising in advance plus expenses for advertising shall be paid in advance by the Village of Continental.
7. Any person or persons jointly or severally aggrieved by a decision of the Board may present to a court of record a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the ground of illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board.
8. Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein to time within which a return thereto shall be made and served upon the Realtor's attorney which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the Court may, on application, or notice to the Board and on due cause shown, grant a restraining order.
9. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
10. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as to direct and report the same to the court with his finding of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm wholly or partly, or may modify the decision brought upon for review.
11. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from; provided however, that in all other cases the Court shall assess costs against the Village of Continental or the appellant.

ARTICLE XXIV

INTERPRETATION, PURPOSES AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance relative to the use of building, structures or land, nor is it intended by this ordinance to interfere with, abrogate or annul any easements, covenants, or other agreements between parties; provided however, that whenever this ordinance imposes a greater restriction upon the use of buildings, structures or land, or requires greater building lines, then the provisions of this ordinance shall control.

ARTICLE XXV

ENFORCEMENT AND PENALTIES

1. This ordinance shall be administered and enforced by the Mayor of Continental, who is hereby designated the Enforcing Officer of the ordinance.
2. Any person, firm, company or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance or who misrepresents any statement of fact to obtain a permit, shall be subject to a fine of not more than Two Hundred Dollars (\$200.00) for each offense. Each twenty-four (24) hours that any violation of this ordinance continues to exist shall constitute and be a separate offense under the terms hereof.

ARTICLE XXVI

AMENDMENTS

No amendment of this ordinance shall be made without a hearing or hearings before the Board. at least fifteen (15) days notice of the time and place of such hearing shall be published in and official paper of a paper of general circulation in such village. Within thirty (30) days after the hearing, the Board shall make a report to the Village Council. In event such report does not recommend passage of the proposed amendment, such amendment such report does not recommend passage of the proposed amendment, such amendment shall not be passed except

by the favorable vote of three fourths (3/4) majority of all the members of the Village Council.

ARTICLE XXVII

VALIDITY

It is the intention to pass this Ordinance, section by section and if a Court of competent jurisdiction should at any time, or from time to time declare invalid and section or sections, or any part of the ordinance such decision shall not affect the remaining sections or parts hereof; it being the intention of the Village Council that said remaining sections or parts hereof shall thereafter constitute the Zoning Ordinance.

ARTICLE XXVIII

EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its due passage and publication according to law.

ARTICLE XXIX

REPEAL OF PRIOR ORDINANCES

This Ordinance repeals Ordinance Nos. 216, 270, and 319, upon the effective date of the ordinance.

PASSED:

ATTEST:

APPROVED:

VILLAGE OF CONTINENTAL

RESOLUTION NO. 2014-19

RESOLUTION INCREASING THE COSTS OF ZONING MEETINGS AND REQUESTS
TO MAKE ZONING CHANGES FOR THE VILLAGE OF CONTINENTAL.

WHEREAS, it is desirous of the Village of Continental to increase the fees for zoning meetings and requests to make zoning changes to partially defray investigating, and considering an appeal for a variation of rezoning, a fee of one hundred twenty-five dollars (\$125.00) plus advertising in advance plus expenses for advertising shall be paid in advance by the appellant by the Enforcing Officer, who shall account for the same to the Village of Continental.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF CONTINENTAL, OHIO:

SECTION I. Effective 8-26-14, the fees for zoning meetings and requests to make zoning changes to partially defray investigating, and considering an appeal for a variation of rezoning, a fee of one hundred twenty-five dollars (\$125.00) plus advertising in advance plus expenses for advertising shall be paid in advance by the appellant by the Enforcing Officer, who shall account for the same to the Village of Continental.

Passed: 8-26-14 after Third reading

Vote: Yeas 6 Nays

Approved: 8-26-14

Michael E. Varner
President of Council

Attest: Susan K. Dauby
Clerk

[Signature]
Mayor

Offered by: Mr. Varner

Seconded by: Mrs. Knipp

THIS INSTRUMENT PREPARED BY:
LEOPOLD, WILDENHAUS, SAHLOFF & WELCH
BY: SCOTT E. WELCH
Attorney-at-Law