

ORDINANCE NUMBER 5 - 1955

VILLAGE OF CENTERVILLE, OHIO

AMENDED ZONING ORDINANCE

An Ordinance, to Amend Ordinance No. 5-1943, the Zoning Ordinance of the Village of Centerville, passed August 15, 1946, for the purposes of "Regulating, Restricting, and Limiting, in the Interest of the Public Health, Safety, Convenience, Comfort, Prosperity, and General Welfare, the Uses and the Location of Buildings and Other Structures and of Premises to be Used for Trade, Industry, Residence or Other Specified Uses, the Height, Bulk and Location of Buildings and Other Structures, Hereafter Erected or Altered, Including Minimum Lot Areas, Setback Building Lines and the Area of Yards, Courts, and Other Open Spaces, and for Said Purposes to Divide the City into Zones or Districts of Such Number, Shape, and Area as are Deemed Best Suited to Carry out the Said Purposes, and to provide a Method of Administration and to Prescribe Penalties for the Violations of the Within Provisions.

BE IT ORDAINED by the Council of the Village of Centerville, State of Ohio:

ARTICLE I: That the Zoning Ordinance of the Village of Centerville, Ohio, passed August 15, 1946, is hereby amended to read as follows:

ARTICLE II - TITLE

SECTION 1. This Ordinance shall be known as the Zoning Ordinance of 1955.

ARTICLE III - DEFINITIONS

SECTION 1. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. Accessory Buildings and Uses: A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is incidental to the main use of the premises.

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

3. Apartment: A room or suite of rooms intended or designed for use as a residence by a single family.

4. Apartment House: See Dwelling, Multiple.

5. Basement: A story having part but not more than one-half (1/2) of its height above grade and used for storage, garages for use of occupants of the building, janitor or watchman quarters, or other utilities common for the rest of the building. A basement used for the above purpose shall not be counted as a story.

6. Boarding House: A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

7. Building: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.

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

9. Clinic: A clinic is an establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

10. Club: Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

11. District: Any section of the Village of Centerville for which the zoning regulations governing the use of buildings and premises, the height of building, the size of yards, and the intensity of use are uniform.

12. Dwelling: Any building or portion thereof which is designed for or used for residential purposes.

13. Dwelling, Single-Family: A building designed for or occupied exclusively by one (1) family.

14. Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families.

15. Dwelling, Multiple: A building designed for or occupied exclusively by three (3) or more families.

16. Family: One or more persons occupying a dwelling and living as a single house-keeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

17. Filling Station: Any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

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

19. Garage, Private: An Accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.

20. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

21. Garage, Storage: A building or portion thereof designed or used for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.

22. Grade: (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Where no sidewalk exists the grade shall be established by the City Engineer.

23. Home Occupation: Any occupation or activity carried on by a member of the family residing on the premises, in connection with which there is no group instruction, assembly or activity and no sign is used other than a name plate not more than one (1) square foot in area attached to a part of the building, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

24. Hotel: A building in which lodging or boarding and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contra-distinction to a boarding house, a lodging house, or an apartment which are herein separately defined.

25. Institution: A non-profit corporation or a non-profit establishment for public use.

26. Lane: A public or private thoroughfare permanently reserved as the principal means of access to abutting property.

27. Lodging House: A building other than a hotel where lodging for not more than twenty (20) persons is provided for definite periods for compensation pursuant to previous arrangement.

28. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one(1) main building together with its accessory buildings, the yard areas and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

29. Lot of Record: A lot which is part of a sub-division, the map of which has been recorded in the office of the County Recorder of Montgomery County or a parcel of land, the deed of which was recorded in the office of the County Recorder of Montgomery County.

30. Motor Court or Motel: A building or group of buildings on the same lot, usually around a court, containing sleeping accommodations but no facilities for cooking.

31. Non-Conforming Use: Any building or land lawfully occupied by a use at the time of passage of the Ordinance or amendment thereto which does not conform after the passage of this Ordinance or amendment thereto with the use regulations of the district in which it is situated.

32. Nursing Home: A home for the aged, chronically ill or incurable persons in which three(3) or more persons not of the immediate family are received, kept or provided with food or shelter and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

33. Parking Space: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

34. Place: An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

35. Rooming House: See Lodging House.

36. Residential Floor Area: The gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements and open porches, measured from the exterior faces of the exterior walls of a dwelling.

37. Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

38. Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

39. Street: A public or private thoroughfare which affords the principal means of access to abutting property.

40. Structure: Anything constructed or 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, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas.

41. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

42. Tourist Home: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

43. Trailer: (Including Automobile Trailer and Trailer Coach.) Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

44. Trailer Camp: Any lot or portion of the lot which is used or offered as a location for one (1) or more trailers or tents which is being used for individual sleeping and living units for the accommodations of transient guests and not for permanent residents.

45. Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

46. Yard, Front: A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

47. Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

48. Yard, Side: A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

ARTICLE IV

DISTRICTS AND GENERAL REGULATIONS THEREIN

SECTION 1. In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes; to regulate and restrict the height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces, the amount of parking spaces and the density of population, the Village of Centerville, Ohio, is hereby divided into districts, of which there shall be eight (8) in number, known as:

"A-1" Agriculture District	"R-4" Multiple Dwelling District
"R-1" Single Family District	"B-1" Neighborhood Business District
"R-2" Single Family District	"B-2" General Business District
"R-3" Single Family District	"M-1" Industrial District

SECTION 2. The boundaries of the districts are shown upon the map which is made a part of this Ordinance, which map is designated as the "District Map". The district map and all the notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which district map is properly attested and is on file with the Village Clerk.

SECTION 3. All territory which may hereafter be annexed to the Village of Centerville shall be automatically classified in the "R-1" Single-Family District until otherwise changed by ordinance, after public hearing.

SECTION 4. Whenever any street, alley, or other public way is vacated by official action of the Council of the Village of Centerville, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

SECTION 5. Except as hereinafter provided:

1. No land may be used except for a purpose permitted in the district in which it is located.

2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

3. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.

4. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.

5. The minimum yards, parking space, open spaces, including lot area per family, required by this Ordinance, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance unless otherwise provided in this Ordinance.

6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot.

ARTICLE V

"A-1" AGRICULTURAL DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the district regulations in the Agricultural Districts.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Farms.
2. Single Family Dwellings.
3. Specialized raising poultry, pigeon, rabbit, and other similar animals.
4. Dog kennels and veterinary establishments, but not nearer than two hundred (200) feet to any zoned residential district, or dwelling other than the dwelling of the lessee or owner of the site.
5. Removal of dirt or topsoil.
6. Public and private forests and wild life reservations.
7. Roadside stands offering for sale only products grown on the premises from any of the above uses, except that the establishment of roadside stands along major highways shall be subject to permit issued by the village council. Roadside stands shall be removed during any season or period when they are not being used.
8. Private clubs, lodges, recreational buildings, community buildings and community fire houses, including such structures and uses as are necessary for their operation, except those the chief activity of which is a service customarily carried on as a business.
9. Public Schools, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools.
10. Public parks, playgrounds, libraries and similar community facilities.
11. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, provided, however, that such buildings shall not be located upon sites containing an area of less than five (5) acres, may occupy not over ten (10) percent of the total area of the lot, that the building shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height.
12. Riding stables.
13. Grain elevators and the usual accessory structures including buildings for seasonal or temporary storage of grain whenever such elevator and temporary storage are located upon or adjacent to a railroad right-of-way.
14. Pumping or booster stations along a pipe line or substations along an electric transmission line.
15. Accessory buildings and uses customarily incident to any of the above uses, including home occupations and professional offices of one who lives in the main building where no name plate is used in connection with the professional use which exceeds two (2) square feet in area.

SECTION 3. Parking Regulations: Off-Street parking space shall be provided as follows:

1. Single-family Dwelling: One (1) parking space for each dwelling unit.
2. Church and Religious: One (1) parking space for each five (5) seats in the main auditorium.
3. School and Public Building: One (1) parking space for every ten (10) seats in the main auditorium, stadium or other place of public assembly.

SECTION 4. Height Regulations: No building shall exceed two and one-half (2-1/2) stories nor shall it exceed thirty-five (35) feet in height.

SECTION 5. Area Regulations:

1. Front Yard: (a) There shall be a front yard having a depth of not less than fifty (50) feet, unless forty (40) percent or more of the frontage of one side of the street between two intersecting streets or within three hundred (300) feet is improved with buildings that have a front yard that is greater or less than fifty (50) feet in which case no building shall project beyond the average front yard so established.

2. Side Yard: (a) There shall be two side yards, one on each side of the main building, having a combined width of not less than fifty (50) feet provided that no side yard shall have a width of less than twenty (20) feet. (b) Where a lot is located at the intersection of two (2) or more streets and has a common rear lot line with the adjacent lot bordering the same side street, the side yard shall not be less than forty (40) feet. Where one or more lots front on the side street, the width of the side yard along the side street shall conform to the front yard requirements for the lot or lots fronting on the side street. No accessory building shall project beyond the yard line on either street.

3. Rear Yard: There shall be a rear yard having a depth of not less than fifty (50) feet.

4. Lot Area per Family: Every lot shall have an area of not less than one (1) acre and an average width of not less than one hundred-fifty (150) feet, except that if a lot has less area of width than herein required and was on record on the effective date of this Ordinance, that lot may be used for purposes permitted in this district.

SECTION 6. Residential Floor Area Regulations: The main residential structure erected upon any lot shall have a ground residential floor area of not less than one thousand (1000) square feet.

ARTICLE VI

"R-1" SINGLE-FAMILY DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this article or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "R-1" Single-Family District.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Single family dwelling.
2. Park, playground and community building owned or operated by a public agency.
3. Public school, elementary and high, or private school having a curriculum the same as ordinarily given in a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.
4. Church and Religious Temple.
5. Golf course, except miniature course or practice driving tee operated for a commercial purpose.
6. Agriculture, horticulture, and truck gardening provided, however, that no agricultural buildings shall be located nearer than one hundred (100) feet to any side lot line or rear lot line and provided that produce is not offered for sale on the premises.
7. Home occupation.
8. Accessory uses or building including a private garage customarily incident to the above uses, but not involving the conduct of a business. Any accessory building that is not a part of the main structure shall be located in the rear yard not less than ten (10) feet from any portion of the main building nor less than three (3) feet from any lot line. An accessory bulletin board and a temporary sign appertaining to the lease, hire or sale of a building or premises which shall not exceed twelve (12) square feet in area.

SECTION 3. Parking Regulations: Off-street parking space shall be provided as follows:

1. Single-family Dwelling: One (1) parking space for each dwelling unit.
2. Church and Temple: One (1) parking space for each eight (8) seats in the main auditorium.
3. School and Public Building: One (1) parking space for every ten (10) seats in the main auditorium, stadium or other place of public assembly.

SECTION 4. Height Regulations: No building shall exceed two and one-half (2-1/2) stories nor shall it exceed thirty-five (35) feet in height.

SECTION 5. Area Regulations:

1. Front Yard: (a) There shall be a front yard having a depth of not less than thirty-five (35) feet, unless forty (40) percent or more of the frontage of one side of the street between two intersecting streets is improved with buildings that have a front yard that is greater or less than thirty-five (35) feet in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet.

2. Side Yard: (a) There shall be two side yards, one on each side of the main building, having a combined width of not less than thirty (30) feet provided that no side yard shall have a width of less than twelve (12) feet. (b) Where a lot is located at the intersection of two (2) or more streets and has a common rear lot line with the adjacent lot bordering the same side street the side yard shall not be less than twenty-five (25) feet. Where one or more lots front on the side street, the width of the side yard along the side street shall conform to the front yard requirements for the lot or lots fronting on the side street. No accessory building shall project beyond the yard line on either street.

3. Rear Yard: There shall be a rear yard having a depth of not less than forty (40) feet.

4. Lot Area Per Family: Every lot shall have an area of not less than twenty thousand (20,000) square feet and an average width of not less than one hundred (100) feet, except that if a lot has less area or width than herein required and was on record on the effective date of this Ordinance, that lot may be used for purposes permitted in this district.

SECTION 6. Residential Floor Area Regulations: The main residential structure erected upon any lot shall have:

1. A ground residential floor area of not less than twelve hundred (1,200) square feet if less than two (2) stories in height.

2. A ground floor area of not less than nine hundred (900) square feet and a total floor area of not less than thirteen hundred and fifty (1,350) square feet if two (2) stories or more in height.

ARTICLE VII

"R-2" SINGLE-FAMILY DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "R-2" Single-Family District.

SECTION 2. Use Regulations: The use regulations are the same as the use regulations for the "R-1" Single-Family District.

SECTION 3. Parking Regulations: The parking regulations are the same as the parking regulations in the "R-1" Single-Family District.

SECTION 4. Height Regulations: No building shall exceed two and one-half (2-1/2) stories nor shall it exceed thirty-five (35) feet in height.

SECTION 5. Area Regulations:

1. Front Yard: There shall be a front yard having a depth of not less than thirty (30) feet.

2. Side Yard: (a) There shall be two side yards, one on each side of the main building, having a combined width of not less than twenty-five (25) feet, provided that no side yard shall have a width of less than ten (10) feet. (b) Where a lot is located at the intersection of two (2) or more streets and has a common rear lot line with the adjacent lot bordering the same side street, the width of the yard along the side street shall not be less than fifteen (15) feet. Where one or more lots front the side street, the width of the side yard along the side street shall conform to the front yard requirements for the lots or lot fronting on the side street. No accessory building shall project beyond the yard line on either street.

3. Rear Yard: There shall be a rear yard having a depth of not less than forty (40) feet.

4. Lot Area Per Family: Every lot shall have an area of not less than twelve thousand and five hundred (12,500) square feet and an average width of not less than ninety (90) feet, except that if a lot has less area or width than herein required and was of record on the effective date of this Ordinance, that lot may be used for purposes permitted in this district.

SECTION 6. Residential Floor Area Regulations: The main residential structure erected upon any lot shall have:

1. A ground floor area of not less than one thousand (1,000) square feet if less than two (2) stories in height.

2. A ground floor area of not less than eight hundred (800) square feet if two (2) stories or more in height.

ARTICLE VIII

"R-3" SINGLE-FAMILY DISTRICT REGULATIONS

SECTION 1. The regulations set forth in the Article or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "R-3" Single-Family District.

SECTION 2. Use Regulations: The user regulations are the same as the regulations for the "R-3" Single-Family District.

SECTION 3. Parking Regulations: The parking regulations are the same as the parking regulations in the "R-1" Single-Family District.

SECTION 4. Height Regulations: No building shall exceed two and one-half (2-1/2) stories nor shall it exceed thirty-five (35) feet in height.

SECTION 5. Area Regulations:

1. Front Yard: There shall be a front yard having a depth of not less than twenty-five (25) feet.

2. Side Yard: (a) There shall be two side yards, one on each side of the main building, having a combined width of not less than eighteen (18) feet, provided that no side yard shall have a width of less than eight (8) feet. (b) Where a lot is located at the intersection of two (2) or more streets and has a common rear lot line with the adjacent lot bordering the same side street, the width of the yard along the side street shall not be less than eighteen (18) feet. Where one or more lots front on the side street, the width of the side yard along the side street shall conform to the front yard requirements for the lot or lots fronting on the side street. No accessory building shall project beyond the yard line on

3. Rear Yard: There shall be a rear yard having a depth of not less than thirty-five (35) feet.

4. Lot Area Per Family: Every lot shall have an area of not less than seven thousand five hundred (7,500) square feet and an average width of not less than sixty-five (65) feet, except that if a lot has less area or width than herein required and was of record on the effective date of this Ordinance, that lot may be used for purposes permitted in this district.

SECTION 6. Residential Floor Area Regulations: The main residential structure erected upon any lot shall have a ground residential floor area of not less than seven hundred and twenty (720) square feet.

ARTICLE IX

"R-4" MULTIPLE DWELLING DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "R-4" Multiple-Dwelling District.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-1" Single-Family Dwelling.
2. Multiple-Dwelling.
3. Rooming and Boarding House.
4. Institutions of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions.
5. Hospital, except a criminal, mental or animal hospital.
6. Private club, fraternity, sorority and lodge, excepting those the chief activity of which is a service customarily carried on as a business.
7. Tourist Home, but only when fronting upon a marked state or federal highway.
8. The office of a physician, dentist, artist, musician, lawyer, architect or teacher, for individual treatment or instruction in his place of abode, provided that not more than one-fourth (1/4) of the area of the individual's living unit shall be used for such purpose.
9. Accessory use of building and uses customarily incidental to any of the above uses, including storage garages, on a lot occupied by a multiple dwelling, rooming house, hospital or institutional building, or any private or storage garage or accessory building that is not part of the main structure shall be located in the rear yard not less than ten (10) feet from the main building or less than three (3) feet from any lot line.

SECTION 3. Parking Regulations: Off-street parking space shall be provided in the rear yard or within that portion of the side yard which lies between a main building and the side lot line as follows:

1. Single-family, Two-family and Multiple Dwellings: One (1) parking space for each dwelling unit.
2. Tourist Home: One (1) parking space for each guest room.
3. Rooming and Boarding House: One (1) parking space for every two (2) guest rooms contained in the structure.
4. Private Club or Lodge: One (1) parking space for every ten (10) members.
5. Hospital or Institution: One (1) parking space for every four (4) beds contained in the structure.
6. Professional Office or Studio of a physician, dentist, artist, musician, lawyer, architect or teacher in his place of abode, parking space with adequate ingress and egress from a public way, place or street equal to twice the area within the structure which is devoted to such office or studio, but in no instance less than two (2) parking spaces.
7. Churches and Religious Temples: One (1) parking space for each eight (8) seats in the main auditorium.
8. Schools and Public Buildings: One (1) parking space for every ten (10) seats in the auditorium or similar place of public assembly.

SECTION 4. Height Regulations: No building shall exceed three (3) stories or forty (40) feet.

SECTION 5. Area Regulations:

1. Front Yard: There shall be a front yard having a depth of not less than twenty-five (25) feet.
2. Side Yard: (a) There shall be two side yards, one on each side of the building, having a combined width of not less than eighteen (18) feet; provided, that no side yard shall be less than eight (8) feet in width. (b) Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than eighteen (18) feet. (c) No accessory building shall project beyond the yard line on either street.
3. Rear Yard: There shall be a rear yard having a depth of not less than thirty-five (35) feet.
4. Lot Area Per Family: Every dwelling shall be located upon a lot having an average width of sixty-five (65) feet and containing the following area:

(a) Seven thousand and five hundred (7,500) square feet for a single-family dwelling.

(b) Four thousand (4,000) square feet per family, for a two (2) family dwelling.

(c) Three thousand (3,000) square feet per family for multiple dwellings.

(d) Where a lot has less area or width than herein required and was of record at the time of the effective date of this Ordinance, that lot may be used for a single-family dwelling or for the other non-dwelling uses permitted in this Article.

SECTION 6. Residential Floor Area Regulations: The main residential structure erected upon any lot shall have the following floor area:

1. Any residential structure shall have seven hundred and twenty (720) square feet of ground floor area.

2. A two-family dwelling shall have a floor area of not less than six hundred (600) square feet per family.

3. Each multiple dwelling structure shall have a floor area of not less than four hundred fifty (450) square feet per family.

ARTICLE X

"B-1" NEIGHBORHOOD BUSINESS REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "B-1" Neighborhood Business Districts.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-4" Multiple Dwelling Districts.

2. Amusement place or theater, except open-air drive-in theater; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred (300) feet thereof within this district, a space for off-street parking which contains an area adequate to accommodate one (1) automobile for every five (5) seats in the theater.

3. Bank.

4. Bakery employing not more than five (5) persons when products are sold only at retail on the premises.

5. Barber shop, beauty parlor, chiropody, massage or similar personal service shop.

6. Bicycle sales and repair shop.

7. Business or commercial schools or dancing or music academies.

8. Catering and delicatessen business.

9. Custom dressmaking, millinery, tailoring, or similar retail trade, employing not more than five (5) persons on the premises.

10. Filling Stations.

11. Garage, Public. Except that the repair portion of such building shall occupy not more than fifty (50) percent of the total floor area and no lot or portion thereof shall be used for the display of used cars.

12. Garage, Storage.

13. Laundromats.

14. Locksmith Shop.

15. Medical and Dental Clinic.

16. Messenger and Telegraph Service Stations.

17. Offices.

18. Parking space and lots for the parking of automobiles.

19. Photographer's studio.

20. Receiving store for wet, dry or steam cleaning, which cleaning shall be done elsewhere.

21. Restaurant.

22. Shoe repairing shop, employing not more than five (5) persons.

23. Shop for the repair of electrical and radio equipment and other similar commodities employing not more than five (5) persons on the premises, and not involving the conduct of any manufacturing on the premises.

24. Store or shop for the conduct of retail business.

25. Undertaking establishment; provided, however, that no undertaking establishment shall be erected or reconstructed unless there is provided on the same lot, or within three hundred (300) feet thereof within this district, a space for off-street parking which contains an area adequate to accommodate one (1) car for every one hundred (100) square feet of floor space in the chapel or parlor.

26. Accessory buildings and uses customarily incident to the above listed uses, including a sign or a bulletin board relating only to services, articles and products offered within the building to which the sign is attached.

Any building used primarily for any of the above enumerated purposes may have not more than twenty-five (25) percent of the floor area devoted to storage purposes incidental to such primary use.

SECTION 3. Parking and Loading Regulations:

1. The parking regulations for dwellings, schools, institutions, and similar uses are the same as those in the "R-4" Multiple Dwelling District.

2. Where any building is erected, reconstructed or converted for any of the business purposes permitted in this Article, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor space in the building which is used for commercial purposes, except that any recreation or amusement building or any restaurant or establishment whose primary use is to serve meals, lunches or drinks to patrons in the building, shall provide parking spaces on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor space in the building. Such parking space may be located within the required front yard. Two or more owners of buildings may join together in providing this parking space.

3. Any building hereafter erected or converted for any of the commercial uses permitted in this District shall provide one (1) space, with minimum dimensions of ten (10) by twenty-five (25) feet, for the loading or unloading of trucks, either within the building or upon the lot for every building containing ten thousand (10,000) square feet or less. One additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

SECTION 4. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or shall it exceed thirty-five (35) feet in height, except as hereinafter provided.

SECTION 5. Area Regulations:

1. Front Yard: No front yard shall be required unless forty (40) percent or more of the frontage on the same side of the street between two (2) intersecting streets is improved with buildings that have provided a front yard, in which case no building shall project beyond the average of the established front yards, but this regulation shall not be interpreted to require a front yard of more than twenty (20) feet.

2. Side Yard: The side yard regulations for dwellings are the same as those in the "R-4" Multiple Family Dwelling District. When a lot is used for any of the commercial purposes permitted in this district, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: The rear yard regulations for dwellings are the same as those in the "R-4" Multiple Family Dwelling District. In all other cases a rear yard of ten (10) feet is required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than twenty (20) feet in depth.

4. Lot Area Per Family: When a lot is improved with single-family dwellings, two-family dwellings, or a multiple dwelling, or when living facilities are erected above other uses, the lot area per family regulations are the same as those required in the "R-4" Multiple Family District.

SECTION 6. Residential Floor Area Regulations: The residential floor area regulations are the same as those for the "R-4" Multiple Dwelling District.

ARTICLE XI

"B-2" GENERAL BUSINESS DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to in this Article are the regulations in the "B-2" General Business District.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the "B-1" Neighborhood Business District.
2. Amusement place or theatre, except open-air drive-in theatre.
3. Dyeing and cleaning works and laundries employing not more than ten (10) persons on the premises (exclusive of owners or drivers or employees who spend the greater part of their time outside rather than on the premises) and using a cleaning fluid whose base is of a material other than petroleum or one of its derivatives.
4. Garage, public and storage.
5. Motel and Hotel.
6. Plumbing, printing and tinsmithing shop employing not more than ten (10) persons on the premises.
7. Recreational facilities including bowling alley and pool halls.
8. Shop for the repair of electrical and radio equipment and other commodities employing not more than ten (10) persons on the premises, and not involving the conduct of any manufacturing on the premises.
9. General service and repair establishments similar in character to those enumerated in this Article but employing not more than ten (10) persons on the premises.

10. Accessory buildings and uses customarily incident to the above listed uses. Any buildings used primarily for any of the above enumerated purposes may have not more than twenty-five (25) percent of the floor area devoted to storage purposes incidental to such

SECTION 3. Parking and Loading Regulations:

1. The parking regulations for dwellings, schools, institutions and similar uses are the same as those in the "R-4" Multiple Dwelling District.
2. Off-street parking spaces for any building hereinafter erected or converted for any of the commercial uses permitted in this District shall be provided in the same ratios as those specified for the "B-1" Neighborhood Business District.
3. Loading and unloading space regulations for any building hereinafter erected or converted for any of the commercial uses permitted in this District shall be provided in the same ratios as those specified for the "B-1" Neighborhood Business District.

SECTION 4. Height Regulations: No building shall exceed three (3) stories nor shall it exceed forty-five (45) feet in height, except as hereinafter provided.

SECTION 5. Area Regulations:

1. Front Yard: No front yard is required.
2. Side Yard: The side yard regulations for dwelling uses are the same as those in the "R-4" Multiple Dwelling District. In all other cases a side yard is not required except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five (5) feet.
3. Rear Yard: The rear yard regulations for dwellings are the same as those in the "R-4" Multiple Dwelling District. In all other cases a rear yard of ten (10) feet is required.
4. Lot Area Per Family: When a lot is improved with single-family dwelling, two-family dwelling, or multiple dwelling, or when living facilities are erected above other uses, the lot area per family regulations are the same as those required in the "R-4" Multiple Dwelling District.

SECTION 6. Residential Floor Area Regulations: The residential floor area regulations are the same as those for the "R-4" Multiple Dwelling District.

ARTICLE XII

"M-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to in this Article, are the District regulations in the "M-1" Light Industrial District.

SECTION 2. Use Regulations: A building or premises may be used only for the following purposes:

1. Any use permitted in the "B-2" General Business District, except residences.
2. Blacksmith shop.
3. Bottling works.
4. Contractor's storage yard.
5. Dyeing and cleaning establishments.
6. Junk yard, but only when the area of such lot or tract devoted to such use is covered by a building in conformity with the Building Code requirements of the Village of Centerville.
7. Laundry.
8. Lumber yard.
9. Milk distributing station.
10. Printing plant.
11. Plumbing shop.
12. Public utility substations and facilities.
13. Warehouses and storage plants.
14. Wholesale establishments.
15. Feed and coal yards.
16. Industrial and manufacturing plants where the scale of operations and the process of manufacturing or treatment of materials is such that the amount of dust, odor, gas, smoke or noise resulting therefrom will not result in a lowering of taxable values of property, and otherwise will not be objectionable to surrounding residence districts, where the operations are conducted in one or more buildings and not more than ten (10) percent of the lot or tract is used for the open storage of products, materials or equipment.

SECTION 3. Parking and Loading Regulations: (a) The parking and loading regulations for uses permitted in the "B-2" General Business District shall apply to such uses when located in the "M-1" Light Industrial District. (b) For the industrial uses permitted in this district, parking space shall be provided on the lot or in a building on the lot adequate to accommodate one (1) car for every three (3) employees on any one working shift, as well as the trucks and other vehicles owned by or in the custody of the industry. (c) For the industrial uses permitted in this district, one space for the loading or unloading of trucks, either within the building or upon the lot, with a minimum dimension of ten (10) by twenty-five (25) feet and having a vertical clearance of fourteen (14) feet, shall be provided for every ten thousand (10,000) square feet of gross floor area or fraction thereof.

SECTION 4. Height Regulations: No building shall exceed three (3) stories or fifty (50) feet in height unless it is set back one (1) foot from all required yard lines for each foot of additional height above fifty (50) feet but in no event shall it exceed six (6) stories or seventy-five (75) feet.

SECTION 5. Area Regulations:

1. Front Yard: There shall be a minimum front yard having a depth of not less than twenty (20) feet. Where the frontage on the opposite sides of the street is occupied by a residential district, the front yard requirements of the residential district shall apply to the "M-1" Light Industrial District. Where the frontage on one side of the street between two intersecting streets is located partly in the "M-1" Light Industrial District and a dwelling or any business district, the front yard requirements of the dwelling or business district shall apply to the "M-1" Light Industrial District.

2. Side Yard: The side yard regulations for uses permitted in the "R-4" Multiple Dwelling District shall apply to such uses when located in the "M-1" Light Industrial District. No side yard is required except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: The rear yard requirements for uses permitted in the "R-4" Multiple Dwelling District shall apply to such uses when located in the "M-1" Light Industrial District. In all other cases a rear yard is not required except on a lot abutting on a dwelling district in which instance there shall be a rear yard of not less than fifteen (15) feet in depth.

ARTICLE XIII

NON-CONFORMING USES

SECTION 1. Non-Conforming Uses of Land: The non-conforming use of land existing on the effective date of this Ordinance may be continued for a period of not more than five (5) years; provided, however, that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property. If such non-conforming use of land or any portion thereof is discontinued or changed, and future use of such land shall be in conformity with the provisions of this Ordinance.

SECTION 2. Non-Conforming Buildings:

1. Continuation of Existing Uses: The lawful use of a building existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be hereafter extended throughout these parts of a building which were manifestly arranged or designed for such use at the time of the enactment of this Ordinance.

2. Non-Conforming Use Created by Changes in Ordinance: Whenever the use of a building becomes a non-conforming use through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.

SECTION 3. Discontinuance of Non-Conforming Buildings and Uses: A non-conforming use of land or of a building or portion thereof which is hereafter discontinued for a continuous period of two (2) years, shall not again be used except in conformity with the regulations of the district in which such building or land is situated.

SECTION 4. Damaged Non-Conforming Buildings: No building which has been damaged by fire, explosions, act of God or the public enemy to the extent of more than seventy-five (75) percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations in this Ordinance. If a building is damaged by less than seventy-five (75) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstructions are completed within twelve (12) months of the date of such damage.

SECTION 5. A non-conforming use in violation of the provisions of the Ordinance which this Ordinance amends shall not be validated by the adoption of this Ordinance.

ARTICLE XIV

ADDITIONAL USE REGULATIONS

SECTION 1. The Mayor and the Council of the Village of Centerville, by special permit may authorize the following uses in any district from which they are otherwise prohibited or limited by this Ordinance and may impose appropriate conditions and safeguards, which may include a specified time period for the permit to preserve the comprehensive plan and protect the character of the neighborhood provided:

(a) A public hearing has been held in relation thereto before the Village planning commission and publication for which hearing shall conform to the procedure prescribed in Article XXI for hearings on changes and amendments.

(b) A report has been received from the Village planning commission regarding the effect of any proposed action on the comprehensive plan and on the present character and future development of the neighborhood. If no report is received from the planning commission within thirty (30) days of notification, the commission shall be assumed to have approved the proposed action.

(c) Such proposed use shall otherwise comply with all of the regulations herein set forth for the district in which it shall be located, except that the Mayor and the Council may permit hospitals and institutions to exceed the height limitations of the district.

1. Any public building erected, leased, or used by any department of a Municipal, County, State, or Federal government.

2. Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools.

3. Hospitals, clinics and institutions, except institutions for criminals; provided, however, that such buildings may occupy not over fifty (50) percent of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property; and provided further that the buildings shall be set back from all yard lines heretofore established an additional distance of not less than one (1) foot for every foot of building height, and that adequate off-street parking space will be provided.

4. Airport, landing field, or landing strip for aircraft.

5. Greenhouse, provided that any such structure shall not be less than one hundred (100) feet from all property lines.

6. Nursery and truck garden.

7. Cemetery and mauseum.

8. Roadside stand, commercial amusement or recreational development for temporary or seasonal periods.

9. Extraction of sand, gravel, topsoil and other natural resources.

10. Parking lot within three hundred (300) feet of the boundary of any business or industrial district, under such conditions as will protect the surrounding property.

11. Trailer or tourist camp in the "M-1" Industrial District.

12. Drive-in theaters.

13. Radio or television broadcasting tower and station.

14. Motel.

ARTICLE XV

EXCEPTIONS AND MODIFICATIONS

SECTION 1. The regulations hereinafter set forth in this Article qualify or supplement the district regulations appearing elsewhere in this Ordinance.

SECTION 2. Height Regulations:

1. The height regulations as prescribed in this Ordinance shall not apply to the following named structures or other structures that project in the air, except where the height of such structure will constitute a hazard to the safe landing and take-off of military, public and commercial aircraft.

(a) Church spires

(i) Ornamental towers and spires

(b) Belfries

(j) Chimneys

(c) Monuments

(k) Elevator bulkheads

(d) Tanks

(l) Smoke Stacks

(e) Water Towers

(m) Conveyors

(f) Fire Towers

(n) Flag poles

(g) Stage towers or scenery lofts

(o) Radio and television towers, antennae, or aerials

(h) Cooling towers

2. Where a structure because of its height constitutes a hazard to aviation the property owner shall consult with the Planning Office of the Wright-Patterson Air Force Base Installations or other appropriate authorities so as to bring about general conformity with regulations governing "Aircraft Approach and Airspace Areas" as provided in Air Force Regulation No. AF-86-3, promulgated on March 24, 1949.

3. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

4. Buildings used exclusively for storage purposes may exceed the maximum numbers of stories that are permitted in the district in which they are located; provided, however, such buildings shall not exceed the height permitted in such district.

SECTION 3. Area Regulations:

1. In any district where either a public water supply or public sanitary sewers are not accessible, or where both of these public facilities are not accessible, the area requirements prescribed in this Ordinance are subject to such modification as may be necessary to comply with the regulations of other public agencies governing the installation of sanitation facilities.

2. Where dwelling units are erected above commercial and industrial structures in business, office and industrial districts, no side yards are required except such side yard as may be required in the district regulations for a commercial or industrial building on the side of a lot adjoining a dwelling district.

3. More than one (1) main institutional, public or semi-public, commercial or industrial building may be located on a lot or tract, provided no such building or portion thereof is located outside the buildable area of the lot.

4. When forty (40) percent or more of the frontage of one side of the street between two intersecting streets is improved with buildings that have a front yard that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established.

5. On double frontage lots the required front yard shall be provided on each street.

6. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.

7. Where a corner lot in any business or industrial district abuts upon a lot in any dwelling district, the side yard of the corner lot shall not be less than one-half (1/2) of the required front or side yard on the lot in the dwelling district.

8. In any residence district no fence, structure, or planting shall be maintained within twenty (20) feet of any street intersection.

9. Whenever a lot abuts upon or adjoins an alley, one-half (1/2) the alley width may be considered as a portion of the required rear or side yard.

10. Every part of a required yard shall be open to the sky except where accessory buildings are permitted in a rear or side yard and except for the ordinary projections of sills, belt courses, cornices and ornamental features projecting not to exceed eighteen (18) inches. It is further provided that parking spaces may be provided in the required side and rear yards of any districts but shall not be permitted within the required minimum front yards of any residential districts; namely, "R-1" to "R-4" inclusive.

11. Accessory buildings not exceeding twenty (20) feet in height may occupy not to exceed twenty-five (25) percent of the area of a required rear yard.

12. A porte-cochers or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and shall not be less than five (5) feet from the side lot line.

13. An open, unenclosed porch or paved terrace may project into a required front yard for a distance of not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

14. Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Administrative Officer for a distance of not more than five (5) feet but only where the same are so placed as not to obstruct light and ventilation.

15. Fences may be erected along the boundaries of a lot or yard, but no fence shall be constructed closer than eighteen (18) inches to other fences or other structures.

SECTION 4. Use Regulations: Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress but such temporary buildings shall be removed upon completing of the construction work.

SECTION 5. Community Unit Plan: The owners or agents of any tract of land comprising an area of not less than ten (10) acres may submit to the Mayor and the Council of the Village of Centerville a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the Village Planning Commission for study and report and for public hearings. Notices and publication of such public hearings shall conform to the procedures prescribed in Article XXI for hearings on Changes and Amendments. If the Commission approves the plans, they shall then be submitted to the Mayor and the Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets with the following conditions:

1. The property adjacent to the area included in the plan will not be adversely affected.

2. The plan is consistent with the intent and purposes of this Ordinance to promote public health, safety, morals and general welfare.

3. That the buildings shall be used only for dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including churches.

4. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

If the Mayor and the Council approve the plans, building permits and certificates of occupancy may be issued even though the use of land the location and height of buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

ARTICLE XVI

BOARD OF APPEALS

SECTION 1. Organization and Procedure:

1. Membership: A Board of Appeals is hereby erected. Such Board shall consist of five (5) members, to be appointed by the Mayor and Council. To be eligible for appointment upon said Board, a person shall be a citizen of the United States and a resident of the Village of Centerville and one (1) of these members shall be a member of the Village Planning Commission. One (1) shall be appointed for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; and one (1) for five (5) years; and their successors for five (5) years each. The term of the member of the Village Planning Commission shall expire at the same time as his term on such Commission. A member appointed to fill a vacancy shall serve for the unexpired term.

2. Hearings, Rules, Etc.: The hearings of the Board of Appeals shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The board shall organize annually and elect a President, Vice-President and Secretary. The Board of Appeals shall act by resolution in which three (3) members must concur. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance.

The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest.

3. Witnesses, Oaths, Etc.: The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

SECTION 2. Appeals may be taken to and before the Board of Appeals by any person aggrieved, or by any officer, department, board or bureau of the Village. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Officer shall certify to the Zoning Board of Appeals after the notice of appeal shall have been filed with it, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, 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 agent or by attorney. The Board may reverse or affirm, wholly or partly or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the Administrative Officer from whom the appeal is taken.

SECTION 3. The Board of Appeals shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this Ordinance.

2. In hearing and deciding appeals the Board shall have the power to grant an exception in the following instances:

(a) Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of passage of this Ordinance.

(b) Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of the Ordinance where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

(c) Permit the erection and use of a building or the use of premises for railroads or public utility purposes.

(d) Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than seventy-five (75) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.

(e) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(f) Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.

(g) To determine whether an industry should be permitted within the "B-2" General Business and the "M-1" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

3. The Board shall have the authority to grant the following variations:

(a) Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.

(b) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

In considering all appeals and all proposed exceptions or variations to this Ordinance, the Board shall, before making any exceptions or variations from the Ordinance in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Village of Centerville.

SECTION 4. A fee of Ten Dollars (\$10.00) shall be paid to the Administrative Officer at the time the notice of appeal is filed, which the Officer shall forthwith pay over to the Village of Centerville Treasurer to the credit of the general revenue fund of the Village of Centerville.

ARTICLE XVII

OCCUPANCY CERTIFICATES

SECTION 1. General: No vacant land shall be occupied or used and no buildings hereafter erected or altered shall be occupied or used until a certificate for occupancy shall have been issued by the Administrative Officer.

SECTION 2. Certificate for Vacant Land: A certificate for occupancy for the use of vacant land except for farming land as herein provided, shall be applied for before any such land shall be occupied or used and a certificate for occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

SECTION 3. Certificate for Building: A certificate for occupancy of a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made in writing to the administrative officer after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate for occupancy may be issued for a period not exceeding six (6) months during the completion of the alterations or during partial occupancy of a building pending completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the Village relating to the use of occupancy of the premises or any other matter covered by this Ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

SECTION 4. A certificate for occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Administrative Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application for a building permit; for all other certificates or for copies of an original certificate there shall be a charge of One Dollar (\$1.00) each.

No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

ARTICLE XVIII

BOUNDARIES OF DISTRICTS

SECTION 1. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Ordinance, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

ARTICLE XIX

INTERPRETATION, PURPOSE AND CONFLICT

SECTION 1. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or required larger open spaces or larger lot areas than are imposed or required by such other ordinances or agreements, the provisions of this Ordinance shall control.

ARTICLE XX

ENFORCEMENT

SECTION 1. It shall be the duty of the Administrative Officer, hereafter appointed by the Mayor and Council to enforce this Ordinance. It shall also be the duty for all officers and employees of the Village and especially of all members of the Police Department to assist the Administrative Officer by reporting to him upon new construction, reconstruction, or land uses, or upon seeming violations.

Appeal from the decision of the Administrative Officer may be made to the Board of Zoning Appeals as provided in Article XVI.

SECTION 2. Nothing herein contained shall require any change in the plans, construction, size or designated use of the building, structure or part thereof, for which a building permit has been granted before the enactment or amendment of this Ordinance by the Village Council, and the construction of which from such plans, shall have been started within ninety (90) days of the date of enactment of this Ordinance. If any of the above requirements shall not have been fulfilled within the same time as stated above or if building operations are discontinued for a period of ninety (90) days, any further construction shall be in conformity with the provisions of this Ordinance.

ARTICLE XXI

CHANGES AND AMENDMENTS

SECTION 1. The regulations imposed and the districts created by this Ordinance may be amended from time to time by the Mayor and Council but no such amendments shall be made without public hearing by the Village Council and a report has been made upon the amendment by the Village Planning Commission, which report shall be made within thirty (30) days after the proposed change has been referred to the Commission. At least thirty (30) days' notice of the time and place of the public hearing shall be published in a publication having general circulation in the Village of Centerville. Such amendment may be requested by one or more property owners, it may be proposed by the Planning Commission, or it may be initiated by the Village Council. In case the Planning Commission does not approve the change or amendment, it shall not become effective unless passed by the favorable vote of three-fourths (3/4) of all the members of the Village Council.

SECTION 2. Before any action is taken upon any application for change as provided in this Article, the applicant shall deposit with the Village Clerk the sum of Fifteen Dollars (\$15.00) to cover the approximate cost of the procedure and the Clerk shall then deposit this amount with the Village Treasurer where it shall be credited to the General Revenue Fund of the Village of Centerville. The failure of either the Planning Commission or the Village Council to approve the change shall not be construed as any reason for refunding the deposit to the applicant.

ARTICLE XXII

VIOLATION AND PENALTY

SECTION 1. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). Each day's continuance of the violation shall be considered a separate offense. The owner of any buildings or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, or person employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense.

ARTICLE XXIII

VALIDITY

SECTION 1. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE XXIV

REPEAL OF CONFLICTING ORDINANCES

SECTION 1. Ordinance Number 5-1943 and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ARTICLE XXV

EFFECTIVE DATE

SECTION 1. This Ordinance shall become effective from and after its passage and approval as provided by law.

PASSED October 3, 1955.

(signed) James L. Kelsey
Mayor, Village of Centerville

(signed) Geo. E. Howe
Clerk, Village of Centerville

C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct copy of an Ordinance passed and adopted by the Council of the Village of Centerville, Ohio, this 3rd day of October, 1955.

(signed) Geo. E. Howe
Village Clerk

I, George E. Howe, Clerk of the Council of Centerville, State of Ohio, do hereby certify that there is no newspaper of general circulation printed in said municipality, and that publication of the foregoing Ordinance was made by posting true copies thereof at five of the most public places in said municipal corporation as determined by the Council as follows:

Shell Oil Station
U. S. Postoffice
Stage Coach Inn
Village Market
Pure Oil Station

EACH for the period of Fifteen (15) Days, commencing on this 3rd day of October, 1955.

(signed) Geo. E. Howe