SPECIAL ISSUE - COMPLETE TEXT OF NEW ZONING ORDINANCE INSIDE

The Perchie Press 35cents

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The following items are a brief description of stories to be reported on in the next edition of **The Perchie Press**

Island Tax Unconstitutional

Tax Levy Proposed as Replacement

The Supreme Court of Ohio handed down a verdict in a case brought by a Put-in-Bay businessman that declared the Island Excise tax unconstitutional. As a result, Kelleys Island could lose as much as $80,000 in revenues for 1993.

To overcome this unexpected shortfall the Village Council has authorized the calling of a special election for passage of a 7 mill general tax increase. In addition, meetings have been held between various Island Officials and State Officials and politicians to find a substitute means of raising revenues. Council also authorized the engagement of a professional lobbyist to intecede on behalf of the Island

Dubious Duplex Dilemma Deepens

The lawsuit brought by Jake Martin against Village Officials over the duplex he built on Woodford road took an unexpected turn when a group of Island citizens filed a motion to intervene in the suit. The Village Council had authorized the Solicitor to enter into an out of court settlement with Martin.

The motion by the 19 Islanders coincided with the court appearance to have the out-of-court agreement ratified by the court and the case dismissed.

The motion to intervene rested on a portion of the Ohio Revised Code that requires the municipal corporation to be a party to any suit challenging the validity of one of its ordinances. The Martin lawsuit named numerous Village Officials but not the Village itself. The intervention action also contended that the State

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Ron Myers gives Santa the "A-OK" sign while Chief Elf Moore looks on - at the VFW's Community Christmas Party

Public Hearing On Zoning Ordinance Set For Feb 13

A major restructuring of the Island zoning codes will be the subject of a public hearing on Saturday February 13, 1993 at the Municipal Building. Some members of Council are hopeful this dramatic change can be passed as an emergency measure at the meeting and be in place prior to the construction season in 1993.

Chuck Herndon, Chairman of the Planning Commission and member of Council, said at the January Council meeting that even though the new ordinance is a lot more complicated, he hopes it will cure a lot of the problems in the existing regulations.

The public hearing, and any subsequent vote by Council, will only consider the text of the new ordinance and not the changes to the zoning map to implement the many new zoning districts. As of late in the afternoon on Tuesday January 26, the new zoning map rendition had not arrived on the Island. Any changes to the zoning ordinance, either text or graphical, must be available for public inspection 30 days prior to the public hearing to consider the change.

This rewrite of the previous ordinance was accomplished at a pace seldom seen in such matters. Multiple marathon sessions by the Planning Commission, aided by the professional assistance of Randy Mielnik of Poggemeyer Design Group and Village Solicitor Strickler, have shaped a sharp departure from the previous structure of zoning on the Island.

The number of zoning classification and "overlay

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Publishing Notes

The normal publishing schedule of The Perchie has been interrupted by several events, some of which were unforeseen. The time press from the holidays, the weather, the little vacation, and the changing of the day job all eroded from the time needed to work on the Perchie. The one unforeseen event was the failure of some hardware essential to the production of the Perchie. The overall shortage of PC equipment in the market, exacerbated by the end-of-the-year tax and budget buying frenzy, extended the delivery of the new equipment to three weeks. The integration of the new equipment also took longer than expected. But things seem to be working once again, and the next issue of the Perchie, full of news, will be available February 19.

This issue of the Perchie Press contains the entire text of the new zoning ordinance for the Island. For the sake of conserving space, one diagram and three tables have been

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ARTICLE I
TITLE, AUTHORIZATION, PURPOSE

101 NOTICE OR PROPOSAL TO RE-ZONE

AN ORDINANCE TO PROVIDE FOR THE COMPREHENSIVE ZONING OF THE VILLAGE OF KELLEYS ISLAND, ERIE COUNTY, OHIO; ESTABLISH USE DISTRICTS, HEIGHTS AND AREA REGULATIONS; CONTROL NON-CONFORMING USES; PROVIDE FOR OFF-STREET PARKING; AUTHORIZE CONDITIONAL ZONING CERTIFICATES; ESTABLISH A BOARD OF ZONING APPEALS; PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE; ESTABLISH A ZONING DISTRICTS MAP; ESTABLISH PROCEDURES FOR AMENDMENTS THERETO; AND TO REPEAL EXISTING ZONING ORDINANCES AND RESOLUTIONS OF THE VILLAGE OF KELLEYS ISLAND.

101.1 SHORT TITLE

THIS ORDINANCE SHALL BE KNOWN AS THE "ZONING ORDINANCE OF THE VILLAGE OF KELLEYS ISLAND, OHIO.

101.2 AUTHORIZATION

THIS ORDINANCE IS AUTHORIZED BY THE CONSTITUTION AND THE REVISED CODE OF THE STATE OF OHIO.

ARTICLE II
DEFINITIONS

"ACCESSORY STRUCTURE" is a structure such as a garage, storage shed, barn which is customarily incidental to, and subordinate to, a principal structure on a property.

"ACCESSORY USE" is a use customarily incidental and subordinate to the principle use of the building located on the same lot as the principle use or building.

"ALLEY" is any public space or thoroughfare which has been dedicated or deeded to the public travel and which affords a secondary means of access to abutting property.

"ALTERATION" as applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

"APARTMENT HOUSE" is a multi-family dwelling for three or more families, living independently of each other, with cooking and toilet facilities in each unit.

"BASEMENT" is a story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two foot below the average grade, it will be rated as the first story or ground floor.

"BUFFER AREAS" are landscaped areas with no structures or facilities located thereon, provided to protect the integrity of residential property when abutted by less restrictive zoning activities and located totally within the confines of said less restrictive properties.

"BUILDING HEIGHT" is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the ridge of a gambrel roof.

"BUILDING LINE" is a line defining the minimum front, side and rear yard requirements.

"BUILDING, PRINCIPAL" is the building housing the principal activity performed on any lot.

"DWELLING" is any building or structure typically consisting of living rooms, dining rooms, bedrooms, closets, kitchens, and bathrooms, used by only one family. This definition includes industrialized units but does not include manufactured homes as defined herein.

"DWELLING, ONE FAMILY" is a detached building designed for, or occupied exclusively by, one family.

"DWELLING, TWO FAMILY" is a detached building designed for, or converted or occupied exclusively by two families, living independently of each other.

"DWELLING, MULTI FAMILY" - (See "Apartment House")

"FAMILY" is one (1) or more persons related by marriage or immediate blood relationship occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house, club fraternity or hotel.

"GARAGE, PRIVATE" is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

"GARAGE, PUBLIC OR STORAGE" is a building or part thereof other than a private garage for the storage of motor vehicles or boats an in which service station activities may be carried on.

"GASOLINE SERVICE STATION" is any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of vehicles or boats. For the purposes of this Ordinance there shall also be deemed to be included in this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

"HOME OCCUPATION" is any use customarily conducted entirely with a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

"INDUSTRIALIZED UNITS" are an assembly of materials, components, or products comprising all or part of a structure, which when constructed, is self-sufficient and constitutes a dwelling unit, except for necessary preparations for its placement. Such units are also known as "pre-engineered" or "pre-fabricated" dwellings, or modular or sectional dwellings. All industrialized units are assembled so as to be a permanent part of the land upon which the dwelling is located.

"INOPERABLE MOTOR VEHICLE" is a motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power upon a public street, or from which the wheels, or engine, or transmission, or any substantial part thereof has been removed, and which lawfully may have affixed thereto an unexpired license plate.

"JUNK" is old or scrap copper, brass, rope, rags, trash, batteries, paper, rubber, lumber, pipe, used building materials, roofing, old scrap iron, steel, or other ferrous or nonferrous materials which are not held for sale for remelting purposes by an establishment having facilities for processing these materials located in an appropriate business zone pursuant to this Ordinance.

"JUNK MOTOR VEHICLE" is any motor vehicle that is: three years old or older; is extensively damaged, such damage including but not limited to missing wheels, tires, motor or transmission; apparently inoperable; and having a fair market value of two hundred dollars or less.

"JUNK YARD" is the use of more than twenty-five (25) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of a lot that joins any street, for the storage, keeping or abandonment of junk.

"HISTORICAL MOTOR VEHICLE" is any motor vehicle of the age of 25 years or more which, is defined pursuant to Ohio Revised Code Section 4501.01 (G) and eligible for a collector's license pursuant to Section 4503.45.

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

"LOT" is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Ordinance.

"LOT, CORNER" is a lot at the point of intersection of an abutting two or more intersecting streets.

"LOT, DEPTH OF" is the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot where the right-of-way is not established. The road right-of-way shall be assumed to be *fifty (50) feet.*

"LOT, INTERIOR" is a lot other than a corner lot.

"LOT LINES" are the lines defining the limits of a lot.

"LOT OF RECORD" is a lot which is part of a subdivision, the plot of which has been recorded in the Office of the Recorder of Erie County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Recorder of Erie County.

"LOT, WIDTH OF" is the width measured along the minimum setback line.

"MANUFACTURED HOME" is (as defined in ORC 4501.01) any nonself-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

"MANUFACTURED HOME PARK" is any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure, used or intended for use as a part of the facilities of such a park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park even though three or more manufactured homes are parked thereon if the roadways are dedicated to a local government authority. A manufactured home park does not include any tract of land used solely for storage or display or sale of manufactured homes or solely as a temporary park-camp.

"MINIMUM BUILDING SETBACK LINE" is a line in the back of and parallel to, the street right-of-way line, at a distance from the street right-of-way line equal to the required minimum front yard depth in the zoning district in which it is located. Where the street right-of-way line is not established it shall be assumed to be fifty (50) feet.

"MINIMUM LIVING FLOOR AREA" Living floor area shall consist of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library and family rooms, but shall not include areas such as open porches breezeways, *terraces, garages,* and basements.

"MOTEL, AUTO COURT" is a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term "Motel" includes buildings designed as tourist courts, motor courts, motels and similar structures which are designed as integrated units of individual rooms under common ownership.

"NON-CONFORMING USE" is a building, structure or use of land existing at the time of enactment of this Ordinance, and which does not conform to the use regulations of the district on which it is located.

"NURSING OR CONVALESCENT HOME" is any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

"OPEN SPACE" is an area of land which is in its natural state or is developed only for the raising of agricultural crops, lawns or gardens, or for public outdoor recreation (exclusive of active recreational activities such as tennis courts, ball fields, playgrounds, etc...).

"PARKING" is temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

"QUARRYING" is defined as the removal of more than 50 cubic yards of stone for the sole purpose of sale, gift or barter.

"RECREATIONAL VEHICLE PARK OR RECREATION CAMP" is any tract of land upon which recreational vehicles, tents, portable sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or transient dwelling purposes.

"RECREATIONAL VEHICLE" is (as defined in ORC 4501.01) a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and being classed as follows: (1) "Travel Trailer" is a nonself-propelled recreational vehicle not exceeding an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division (S) of section 4517.01 of the Revised Code: (2) "Motor Home" is a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping: (3) "Truck Camper" is a nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.

"REQUIRED YARD" is the unoccupied space between a front, side or rear lot line and a principal structure on the same lot.

"ROOMING HOUSE" is a building where lodging only is provided for compensation.

"SHORELINE" is that point where the general land contour of Kelleys Island meets the water's edge of Lake Erie.

"STORY, HEIGHT OF" the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

"STREET" Unless otherwise indicated street shall mean either a public or a private street.

"STREET, PRIVATE" is a thoroughfare which affords principal means of access to property, but which has not been dedicated to public use.

"STREET, PUBLIC" is a public thoroughfare which has been dedicated or deeded to the

public for public use and accepted by the Village Council, and which affords principal means of access to abutting property.

"STRUCTURAL ALTERATIONS" is any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

"STRUCTURE" is anything constructed or erected which requires location on the ground, including signs and billboards, but not including fences or wall used as fences.

"WIDTH, SIDE YARD" the perpendicular distance between the established side lot line and any portion of any principal structure existing or to be constructed on said lot.

"WRECKED MOTOR VEHICLE" is any motor vehicle which does not have lawfully affixed thereto an unexpired license plate, and the condition of which is wrecked, dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission, or any substantial part thereof has been removed.

"YARD DEPTH, FRONT" is the perpendicular distance between street right-of-way and the nearest portion of any principal structure existing or to be constructed. Where the street right-of-way is not established it shall be assume to be sixty feet.

"YARD DEPTH, REAR" is an open unoccupied space on the same lot with any principal structure between the rear line of the building and the rear line of the lot and extending the full width of the lot.

"YARD DEPTH, SIDE" is an open unoccupied space on the same lot with any principal structure between the side lines of the building and the side lot line of the lot.

ARTICLE III
GENERAL PROVISIONS

301 Establishment of Districts

For the purposes of promoting the public health, safety, morals, convenience and the general welfare of the community, the Village of Kelleys Island is hereby divided into districts, as enumerated in Sec. 302 each being of such number, shape, kind, and area and of such common unity of purpose, and adaptability of use that are deemed most suitable to carry out the purposes of this Ordinance.

302 Type of Districts

Primary Zoning Districts

AG	Agricultural District
R-1	Low Density Single Family Residential District
R-2	Medium Density Single Family Residential District
R-3	High Density Residential District
C-1 (T)	Central Business Transitional District
C-1	Central Business District
C-2 (T)	General Commercial Transitional District
C-2	General Commercial District
P-R	Park & Recreation District
I	Manufacturing, Processing and Wholesale District
Q	Quarrying District
PUD	Planned Unit Development District

Overlay & Special Zoning Districts

HD	Historic District Overlay District
EP	Environmental Protection Overlay District
SD	Shore District

303 Zoning District Map

These districts so established are bounded, defined and shown on a map entitled "Zoning Districts Map of the Village of Kelleys Island, Ohio" and said map, (which is herein also referred to as "zoning map"), with all the notations, references and other pertinent material shown thereon, is hereby made a part of this Ordinance.

304 Interpretation of District Boundaries

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

304.1 Where Boundaries Approximately Follow Streets, Alleys, or Highways:
Where zoning district boundaries are indicated as approximately following the center line of alleys, or the center line of right-of-way lines of highways, such lines shall be construed to be such district boundaries.

304.2 Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines:
Where zoning district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

304.3 Where Boundaries Approximately Follow Lot Lines:
Where zoning district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

304.4 Vacation of Public Ways:
Whenever any street, alleys, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated public way, and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

305 Application of Regulations

305.1 Zoning Permits Required
No building or other structure shall be erected, moved, demolished, added to, structurally altered, nor shall any building, structure, or land change in use without a permit therefore, issued by the Zoning Inspector in accordance with the requirements of this Ordinance. The term "change in use" refers to any change in the use of a structure or parcel of land. The terms "buildings or other structures" are intended to include (but are not necessarily limited to): fences, swimming pools, temporary free standing signs, along with any structure considered "temporary".

305.2 Required Yards and Other Open Spaces
No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

305.3 Structures in Yards
No structure shall be erected in any required yard except those which are an integral part of off-street parking facilities.

306 Supplementary Regulations

306.1 Health Department Approval Required
Due to unique soil conditions and in order to protect the health and safety of area residents, all applicants for a zoning permit involving structures with sewer facilities, must show evidence that an application to the Erie County Health Department, or Ohio EPA (as the case may be in terms of jurisdiction) has been made for a sewage disposal system approval. Prior to the issuance of a zoning permit, satisfactory evidence that a proposed sewage disposal system has been approved by the Ohio EPA, or Erie County Health Department, must be shown.

306.2 Minimum Lot Sizes
Unless otherwise specified within a particular zoning district, the minimum lot area shall be 15,000 square feet and the minimum lot width at the minimum setback line shall not be less than 100 feet.

306.3 Additional Yard and Buffering Requirements

306.31 Yard Requirements and Buffering Between Residential and Commercial or Park and Recreational Land Uses
To secure a desirable transition between residential and commercial land uses, additional requirements shall apply to side and/or rear yards beyond those requirements specified in the zoning districts. For parcels of land which are zoned General Commercial (C-2), or Park and Recreational (PR), and which abut a residential or agricultural zoning district, the minimum side and/or rear yards abutting such residentially zoned land shall be a minimum of 100 feet. For parcels of land which are zoned Central Business (C-1), and which abut a residential or agricultural zoning district, the minimum side and/or rear yards abutting such residentially zoned land shall be a minimum of 25 feet. These side and/or rear yards shall not contain any signs or parking areas of any kind, and shall have plantings of trees and/or shrubs which will have a minimum height of 4 1/2 feet and will provide an opacity of 100 percent in the summer and 50 percent in the winter within 3 years. Existing vegetation shall be used to fulfill this requirement where feasible and all plant material shall be maintained in an attractive condition.

306.32 Other Yard Requirements and Buffering Requirements
To secure a desirable transition between residential and land uses permitted in Industrial or Quarrying Zoning Districts, additional requirements shall apply to side and/or rear yards beyond those requirements specified in the zoning districts. For parcels of land which are zoned Industrial or Quarrying (I or Q), and which abut a residential zoning district, the minimum side and/or rear yards abutting such residentially zoned land shall be a minimum of 100 feet. These side and/or rear yards shall not contain any signs or parking areas of any kind, and shall have plantings of trees and/or shrubs which will have a minimum height of 4 1/2 feet and will provide an opacity of 100 percent in the summer and 50 percent in the winter within 3 years. Existing vegetation shall be used to fulfill this requirement where feasible and all plant material shall be maintained in an attractive condition.

306.33 Adjustments to Front Yard Requirements
Whenever 50 percent or more of the lots along any one street have been developed prior to the adoption of this Ordinance, the minimum front yard requirement may be reduced to an average setback for all structures located along the subject street within a distance of 400 feet on either side of the property in question.

306.34 Adjustments to Side Yard Requirements For Corner Lots
Regardless of side setback line requirements and minimum side yard requirements set forth in other parts of this code, when a lot is located on a corner of intersecting streets, all yards abutting a public street shall be considered to be a front yard, and shall be required to have front yard setbacks and front yard requirements for all such yards abutting a public street.

306.35 Visibility at Intersections
On any corner lot in the Village of Kelleys Island no building, structure, fence or landscaping of any nature shall be erected, placed, planted or allowed to grow in such a manner as to impede vision three (3) feet above the centerline grades or the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

306.36 Fences, Walls and Hedges
Notwithstanding other provision of this Ordinance, fences, walls and hedges may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge along the sides of front edge or any front yard shall be over four and one half (4 1/2) feet in height. Storage of materials of any sort, or the placement of buildings along the lot line does in no way constitute a fence or a wall. Residents are strongly encouraged to speak with neighbors regarding plans to build a fence prior to application for a zoning permit.

306.37 Private Swimming Pools
A private swimming pool shall be any pool, pond, lake or open tank, where swimming is normally permitted, not located within a completely enclosed building, and containing or, normally capable of containing water, to a depth of at any point greater than one and one-half (1-1/2) feet and having a surface area of two hundred (200) square feet or more. No such swimming pool shall be allowed in any Agricultural or Residential District except as an accessory use and unless it complies with the following conditions and requirements:

+ The pool is intended for the use of the occupants of the property on which the pool is located.
+ The pool and accessory structures such as walks, paved areas, and fences shall not be located closer than fifteen (15) feet to any property line and shall be a minimum of ten (10) feet from the principle building.
+ The swimming pool, or the entire property on which it is located shall be so walled or fenced so as to prevent uncontrolled access from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition, with a gate and lock. Such walls or fences are similarly required regardless of whether the pool is an above ground pool.

306.38 Outdoor Lighting
Outdoor lighting, when used for security, landscaping, or signage shall be so designed and directed so as not to adversely impact adjacent property.

306.39 Yard Requirements For Accessory Structures

Accessory structures (when not attached to a principal structure) may be located within 5 feet of any property line; provided however, that an unattached accessory structure may not be located in an area that would place it closer to the street than the principal structure.

307 Advertising Signs and Structures

307.1 For Sale, Rent or Lease Signs
Signs advertising a property for sale, rent or lease upon which the signs are located are permitted in any district, providing that such signs do not exceed twenty-five (25) square feet of total display surface.

307.2 General Sign Requirements
Requirements for signs which identify a location or advertise goods or services related to the property upon which they are located, are specified with respect to size, type and location in each zoning district.

307.3 Requirements for Zoning Permits
Zoning permits are required for all types of new signs as well as for any existing sign modification such as size, structural components, illumination, or location.

307.4 Modification of Existing Signs & Repair of Damaged Signs
Except for routine maintenance, no existing sign of any type may be modified, changed or altered in any way except in conformity with the provisions of this Ordinance. Whenever a non-conforming sign is damaged or partially destroyed for any reason, such that more than half of the value is lost, then such a sign may not be reconstructed and place in the same location without being made to be in conformance with the provisions of this Ordinance.

307.5 Provisions for Optional Increases in Minimum Sign Area
Within any zoning district, the minimum allowed sign area may be increased by up to one and one half times provided that the Kelleys Island Design Review Board determines that the characteristics of a proposed sign are in keeping with the historic and architectural characteristics of the Village. Such characteristics include the proposed type styles, colors, associated pictures or images, materials from which the sign is made, and proposed location of such sign. The Kelleys Island Design Review Board shall prepare and make available guidelines for desired sign characteristics.

307.6 Exempted Signs
The following types of signs do not require a zoning permit and are exempt from these regulations:

+ The flag, pennant or insignia of any nation, state, city or political unit, or any duly constituted government body.
+ Cornerstones or official historical signs.
+ Traffic directional signs, or any sign placed in a location by a duly constituted government body.
+ Residential identification signs under two (2) square feet in size.
+ Political signs which are removed within 30 days following a given election.

307.7 Prohibited Signs
Trailer mounted mobile signs are prohibited in any zoning district on Kelleys Island. These signs are mounted on a trailer, and which typically have flashing lights and an interior light source which illuminates an area upon which letters and/or numbers are affixed. Additionally, any sign which is illuminated by a light source which flashes, rotates, or otherwise moves is prohibited, as are any signs which, because of glare or reflection, are found to cause a traffic hazard or nuisance.

307.8 Maximum Sign Height
The maximum height of any free standing sign in any Zoning District shall be ten (10) feet.

308 Manufactured Housing and Associated Facilities

308.1 Manufactured Home Parks, Recreational Vehicle Parks, Recreation Camps.
Pursuant to ORC 3733.02, manufactured home parks, recreational vehicle parks, recreation camps and temporary park-camps are regulated with respect to specific development standards by the Ohio Department of Health. Said uses however, must be listed as a permitted use within the zoning district within which such use is proposed to located.

308.2 Placement of Manufactured Homes on Individual Lots
All manufactured homes, shall be located within Manufactured Home Parks, except as provided in Section 301.74 and 301.75 below.

308.3 Placement of Industrialized Units on Individual Lots
All industrialized units, also known as modular, sectional or pre-constructed housing units, are permitted in any zoning district which permits residential uses. Such units are to be permanently affixed to the land upon which they are located.

308.4 Sales, Display and Storage of Manufactured Homes, Industrialized Units, Recreational Vehicles, and Portable Camping Units,
All sales, display and storage of manufactured homes, industrialized units, recreational vehicles and portable camping units are deemed commercial uses and shall be located in appropriate commercial zoning districts.

308.5 Temporary Use of a Manufactured Home Unit
A manufactured home may be used as a temporary office or building incidental to construction of a building or development on the premises on which the manufactured home is located, only during the time that the construction or development is actively underway, and for a period not to exceed eighteen (18) months. Such starting date shall be determined with the issuance date of a building permit for the permanent structure.

308.6 Replacement of Manufactured Homes
Any lawfully existing manufactured home on an individual lot, and outside of an established manufactured home park, may not be replaced with another manufactured home.

309 Junk Yards, Junk Motor Vehicle Storage, and Inoperable Motor Vehicle Storage

Junk yards, as defined in Article II are not permitted in any zoning district. Junk motor vehicle storage and inoperable motor vehicle storage are also not permitted within any zoning district. Vehicles meeting the definition of a historical motor vehicle are not included in the same category as junk or inoperable vehicles.

310 Home Occupations

Where allowed in individual zoning districts where residences are permitted, a home occupation may be allowed provided that the following conditions are met:

+ No more than 2 people are employed in the home occupation other than residents of the home.
+ The space devoted to the home occupation shall not exceed 33 percent of the total floor area of the residence, nor shall it occupy more than 50 percent of a garage or similar accessory building.
+ There shall be no external evidence of the home occupation, except for a single non-illuminated sign made of materials other than plastic, affixed to the residence or accessory building of no more than 10 square feet in total sign area.

311 Bed & Breakfast Establishments

Where allowed as a permitted or conditional use, bed and breakfast establishments must meet the following requirements:

+ No more than 2 people are employed in the bed and breakfast who are not residents of the home.
+ Bed and Breakfast establishments may have accommodations for no more than four guest rooms
+ There shall be no external evidence of the bed and breakfast except for a single non-illuminated sign, made of materials other than plastic, affixed to the residence which has no more than 10 square feet of total sign area. Sign placement may be in a location other than as affixed to the residence provided that the Board of Zoning Appeals finds that such an alternative sign placement will not be detrimental to the neighborhood.
+ Bed and breakfast establishments are to be annually inspected to verify compliance with the conditions described above, as well as any additional requirements placed on a particular property by the Planning Commission as a result of the conditional use approval.

Bed and breakfast establishments which exceed 2 non-resident employees, or four guests rooms, are herein classified as hotels or motels.

312 Parking Area Site Plan Review

Whenever a new parking area containing five or more parking spaces, is constructed in conjunction with a new commercial structure, or as a result of a modification of an existing commercial structure, then a site plan shall be submitted to the Planning Commission for review prior to approval of a zoning permit.

312.1 Site Plan Contents
A site plan shall consist of a scale drawing showing the location of all existing and/or proposed buildings, including building heights and setbacks. Proposed traffic circulation shall be shown, including all parking area entrances and exits, and parking spaces. Parking area landscaping shall be also be shown in detail including a description of proposed plant materials, and such landscaping shall be designed so as to enhance and complement the appearance of the parking area. Other traffic and parking features such as signage and lighting shall also be shown as well as any proposed drainage improvements. A scale drawing of all existing driveways and all parking areas located on all adjacent lots (including those across the street) shall also be provided to illustrate area traffic movement. This site plan shall also contain a place for the signature of the Chairperson of the Planning Commission to indicate approval of the site plan in accordance with the requirements of this section.

312.2 Plan Review
Within thirty-one (31) days following the submission of a site plan which the Zoning Inspector has found to be complete with respect to the requirements herein, the Planning Commission shall hold a public meeting to consider such plan, and act to approve, disapprove or modify such plan. In conducting its review, the Planning Commission shall consider issues such as traffic safety, pedestrian movement, convenience of access, impacts on adjacent land uses, and general public safety and welfare issues, and determine that the standards described in Sec. 601.2 are complied with. The Planning Commission, may if circumstances warrant, further limit the number of driveways into or out of a development to maintain better traffic flow on the public street, require additional buffering, or yard requirements, to maintain a better separation of pedestrian and traffic movement, and may require greater building setbacks to achieve more desirable and safer pedestrian and traffic movement. As a condition of approval, the Planning Commission may, as circumstances warrant, require a bond or letter of credit to guarantee completion of the improvements as shown on the site plan. Alternatively, the occupancy permit(s) for a new building may not be granted until all improvements shown on a site plan are made.

313 Excavation

In areas outside a (Q) Quarry zoning district, whenever any blasting is involved in the excavation of any type of bedrock, or whenever the excavation of more than 50 cubic yards of sand, gravel, rock, or soil is involved as part of a building construction project, multi-structure development project, or a non-structural improvement such as pond construction, a landscaping project, or marina construction, an excavation permit shall first be obtained, in addition to any other zoning permits required in this Ordinance. This 50 cubic yard limitation refers to an annual amount of excavated material being removed from a single property (whether on a single lot or parcel, or two or more contiguous lots or parcels). To obtain an excavation permit, an excavation plan shall be prepared and submitted along with a bond or other acceptable from of financial guarantee to the Village before such work may begin. The plan submitted shall illustrate the area to be excavated, the time frames for such excavation, and plans for the restoration of the property. All non-construction areas excavated and not to be built on, shall be restored to provide a vegetated slope that does not exceed one foot vertical for every three feet horizontal. The amount of the bond or other financial guarantee to the village shall be $500 unless a greater amount is specified by the Zoning Inspector as a result of unusual circumstances.

Within areas which are zoned (Q) Quarrying, excavation activity is regulated in accordance with the standards prescribed therein, and state statutes as applicable.

314 Airport Zoning Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zoning district in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger

or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

ARTICLE IV
USE, HEIGHT, AREA REGULATIONS WITHIN ZONING DISTRICTS

401 AG Agricultural Zoning District

401.1 Purpose
This district is established to provide suitable areas for lower density single family residential land uses and harmonious agricultural activities and structures which are in keeping with a more rural character of the area.

401.2 Permitted Uses
In the AG Zoning District, the following uses are permitted:
+ Single family residential dwellings.
+ Agricultural activities including: raising crops, vineyards, horse stables, orchards, commercial production of vegetables, and greenhouses
+ Animal and livestock raising including, cows, goats, pigs, sheep or similar animals
+ Dairying
+ Golf Courses
+ Schools
+ Nurseries, including sale of plant materials
+ Cemeteries
+ Public recreation facilities.
+ Home Occupations (See Section 310)
+ Accessory uses such as private garages, swimming pools (See Section 306.37), and accessory structures such as storage sheds and barns.
+ Any other use deemed to be similar in accordance with Section 801.5

401.3 Conditional Uses
The following uses may be approved by the Planning Commission in accordance with Section 801.6
+ Bed and Breakfast Establishments (See Section 311)
+ Commercial grain storage
+ Slaughter houses & meat processing
+ Wineries
+ Farm markets and road-side stands
+ Nurseries, including the sale of plants
+ Churches
+ Accessory uses and structures on an individual lot without a principal use or structure.

401.4 Area Regulations
Minimum Lot Area - One acre (43,560 square feet) for a single family dwelling
Minimum Lot Width at Minimum Building Setback Line - One hundred and fifty (150) feet.
Minimum Front Yard Depth: Seventy-five (75) feet from the edge of the street right-of-way (See Section 306.3 for additional yard requirements).
Minimum Rear Yard Depth: Seventy-five (75) feet (See Section 306.3 for additional yard and buffering requirements).
Minimum Side Yard Width of Each Side Yard: Twenty-five (25) feet. (see section 306.3 for additional yard and buffering requirements).
Minimum Living Floor Area Per Dwelling Unit: A dwelling unit shall have not less than nine hundred sixty (960) square feet of gross floor area measured at the foundation.
Height Regulations: No building shall exceed thirty-five (35) feet in height except for accessory structures including but not limited to radio towers, antennas, flag poles and chimneys. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.
Off-Street Parking: Off Street Parking shall be provided in accordance with Article VI of this Ordinance.
Signs: Signs advertising or displaying the name and activities of services of any non-residential use permitted herein shall not exceed twelve (12) square feet in total sign area. Such signs shall be made of wood and shall be affixed to the principal structure in a place other than on the roof. Signs regulations pertaining to home occupations or bed and breakfast establishments are as specified in Section 310 and 311.

402 R-1 Low Density Single Family Residential Zoning District

402.1 Purpose
This district is established to provide suitable areas for new development of lower density one family residential land uses and other compatible activities in keeping with a more low density residential area.

402.2 Permitted Uses
In the R-1 Zoning District, the following uses are permitted:
+ Single family residential dwellings.
+ Golf Courses
+ Schools
+ Home Occupations (See Section 310)
+ Accessory uses such as private garages, swimming pools (See Section 306.37, and accessory structures such as storage sheds and barns.
+ Any other use deemed to be similar in accordance with Section 801.5

402.3 Conditional Uses
The following uses may be approved by the Planning Commission in accordance with Section 801.6
+ Bed & Breakfast establishments (See Section 311)
+ Cemeteries
+ Public recreational facilities
+ Private recreational facilities (excluding recreational vehicle parks or recreation camps)
+ Accessory uses and structures on an individual lot without a principal use or structure.

402.4 Area Regulations
Minimum Lot Area - 25,000 square feet
Minimum Lot Width at Minimum Building Setback Line - One hundred (100) feet.
Minimum Front Yard Depth: Fifty (50) feet from the edge of the street right-of-way (See Section 306.3 for additional yard requirements).
Minimum Rear Yard Depth: Seventy-five (50) feet (See Section 306.3 for additional yard and buffering requirements).
Minimum Side Yard Width: Fifteen (15) feet (See Section 306.3 for additional yard and buffering requirements).
Minimum Living Floor Area Per Dwelling Unit: A dwelling unit shall have not less than nine hundred sixty (960) square feet of gross floor area measured at the foundation.
Height Regulations: No building shall exceed thirty-five (35) feet in height except for accessory structures including but not limited to radio towers, antennas, flag poles and chimneys. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.
Off-Street Parking: Off Street Parking shall be provided in accordance with Article VI of this Ordinance.
Signs: Signs advertising or displaying the name and activities of services of any non-residential use permitted herein shall not exceed ten (10) square feet in total sign area. Such signs shall be made of wood and shall be affixed to the principal structure in a place other than on the roof. Signs regulations pertaining to home occupations or bed and breakfast establishments are as specified in Section 310 and 311.

403 R-2 Medium Density Single Family Residential Zoning District

403.1 Purpose
This district is established to provide for development of areas already platted for residential development, but to require appropriate density so as to protect the unique character and environment of the Island. This district is also intended to provide for compatible activities in keeping with a medium density residential area.

403.2 Permitted Uses
In the R-2 Zoning District, the following uses are permitted:
+ Single family residential dwellings.
+ Schools
+ Accessory uses such as private garages, swimming pools (See Section 306.37), and accessory structures such as storage sheds and barns.
+ Any other use deemed to be similar in accordance with Section 801.5

403.3 Conditional Uses
The following uses may be approved by the Planning Commission in accordance with Section 801.6
+ Cemeteries
+ Public recreation facilities
+ Private recreational facilities (excluding recreational vehicle parks or recreation camps)
+ Bed & Breakfast establishments (See Section 311)
+ Home Occupations (See Section 310)
+ Golf Courses
+ Accessory uses and structures on an individual lot without a principal use or structure.

403.4 Area Regulations
Minimum Lot Area - 15,000 square feet
Minimum Lot Width at Minimum Building Setback Line - One hundred (100) feet.
Minimum Front Yard Depth: Thirty-five (35) feet from the edge of the street right-of-way (See Section 306.3 for additional yard requirements).
Minimum Rear Yard Depth: Twenty-five (25) feet (See Section 306.3 for additional yard and buffering requirements).
Minimum Side Yard Depth: Ten (10) feet (See Section 306.3 for additional yard and buffering requirements).
Minimum Living Floor Area Per Dwelling Unit: A dwelling unit shall have not less than nine hundred sixty (960) square feet of gross floor area measured at the foundation.
Height Regulations: No building shall exceed thirty-five (35) feet in height except for accessory structures including but not limited to radio towers, antennas, flag poles and chimneys. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.
Off-Street Parking: Off Street Parking shall be provided in accordance with Article VI of this Ordinance.
Signs: Signs advertising or displaying the name and activities of services of any non-residential use permitted herein shall not exceed ten (10) square feet in total sign area. Such signs shall be made of wood and shall be affixed to the principal structure in a place other than on the roof. Signs regulations pertaining to home occupations or bed and breakfast establishments are as specified in Section 310 and 311.

404 R-3 High Density Residence District

404.1 Purpose
A High Density Residence District and its regulations are established in order to achieve, among others, the following purposes:
+ To regulate bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district; and
+ To regulate density and distribution or population in accordance with a plan to avoid congestion and to maintain adequate services; and
+ To protect the desirable characteristics of both existing and planned residential development, to maintain stability; and
+ To promote for public benefit the most desirable and beneficial use of the land without precluding a diverse approach to development consistent with the objectives of an evolving population.

404.2 Development Plans
Preliminary and final development plans shall be required for all proposed development in an High Density Residence District.

404.21 Preliminary Plan Requirements:
All preliminary plans shall include the following:
Drawing: A drawing of the property showing boundaries and topography and showing the land owned and proposed for development. Also describe any historic features and prior uses.
Buildings: The locations, size, height and use of all main and accessory buildings and their general design and color.
Streets: The proposed pattern of vehicular circulation, including estimated traffic volumes, service access and relationship to existing streets.

Utilities: Evidence of adequacy of all required utilities and services.
Parking: A parking area site plan as described in Section 312 shall be provided (the review process is incorporated into this overall development plan review process).
Miscellaneous: Other site improvement, including general drainage improvements.

404.22 Presentation of Preliminary Plans.
Presentation of preliminary plans shall be made to the Planning Commission. A non-returnable application fee (as provided for in Section 701.7) shall accompany an application to the Planning Commission. The Planning Commission shall submit plans to the appropriate departments within the Village for their comments, (i.e. Fire, Police and Board of Public Affairs).

404.23 Approval of Preliminary Plans:
The Planning Commission shall act upon any preliminary plan submitted within forty-five (45) days from the date of submittal of all required information. If the preliminary plans are not acceptable to the Planning Commission, based on the requirements and intent of this chapter, a revised preliminary may be presented. If the preliminary or revised preliminary plans are acceptable to the Planning Commission with slight modifications, final plans, including such modification, may be submitted.

404.24 Final Development Plan Requirements
All final development plans shall include the following:
Site Plan: All items submitted for preliminary, with modifications as requested.
Utilities Plan: Detailed drawings of all required utilities, including water, sewers and underground electric and telephone systems.
Fire Protection Plan: Water mains, hydrants and other appurtenances.
Landscape Plan: Landscaping. buffers, drainage and grading.
Miscellaneous: Construction schedule and disposition program and any other information specifically required by the Planning Commission.

404.25 Presentation of Final Development Plans
Presentation of final development plans shall be made to the Planning Commission. The Planning Commission shall submit plans to the appropriate departments within the Village, i.e. Fire, Police, Board of Public Affairs. If the proposed development is to be constructed in two or more phases, final plans shall be submitted separately for each phase.

404.26 Approval of Final Development Plans
The Planning Commission shall act upon any final plan submitted within forty-five (45) days from the date of submittal of all required information. If final plans are not acceptable to the Planning Commission, based upon the requirements and intent of this chapter, revised final plans may be presented. Only when final or revised final plans are acceptable to the Planning Commission without modification, shall final approval be given.

404.27 Modification of Final Development Plans
Final development plans which have been approved pursuant to Section 404.26 above, may, upon written application and subject to the provisions of R.C. Chapter 5311, be modified as follows:

+ Minor modifications may be permitted upon application to the Planning Commission supplemented by appropriate plans describing said modification. Minor modifications shall be deemed as those modifications to the final development plans which deal with matters which do not significantly alter the overall project, such as: landscaping, minor changes in the location and placement of structures within the restrictions of this Ordinance, and small variations in the size of common or private areas. All other modifications shall be deemed major modifications.
+ Major modifications may be permitted only through re-submittal of a final development plan.

404.3 Permitted Uses
In the R-3 Zoning District, the following uses are permitted:

+ Attached residences including two & three family dwellings, townhomes, four-plexes and other multiple dwellings having separate private entrances.
+ Manufactured Home Parks (See Section 301.8. Manufactured home parks are subject to standards prescribed by the Ohio Department of Health, and are exempt from the requirements and procedures hereunder).
+ Churches
+ Cemeteries
+ Schools
+ Golf Courses
+ Accessory uses such as private garages, swimming pools (See Section 306.37, and accessory structures such as storage sheds and barns.
+ Any other use deemed to be similar in accordance with Section 801.5

404.4 Conditional Uses
The following uses may be approved by the Planning Commission in accordance with Section 801.6

+ Nursing or convalescent homes
+ Funeral homes
+ Hospital or clinic
+ Office buildings for professional occupations such as, physicians, dentists, attorneys, architects, and insurance agents
+ Social and Community Center buildings
+ Accessory uses and structures on an individual lot without a principal use or structure.

404.5 Accessory Buildings, Structures and Uses
The following accessory buildings, structures and uses are permitted on a lot in the R-3 District:

+ Automobile storage facilities including enclosed garages.
+ Recreation facilities, such as swimming pools, sauna baths and tennis courts, for the exclusive use of residents and their guests.
+ Landscape features including gardens, fountains, sidewalks, lawns, patios, decorative walls and fences.
+ Master radio and television antenna, air conditioning and ventilation equipment and necessary utility equipment as permitted under this chapter.
+ Any building, structure or use customarily accessory or incidental to a permitted use.

404.6 Area and Height Regulations
Land and buildings in the High Density Residence District shall be designed, erected, altered, moved or maintained in such District in accordance with the following:
Development Area - The minimum development site in an Attached Residence District shall be 2 acres.
Density - The density of development shall not exceed six dwelling units per acre.
Height of Buildings - Attached Residences shall exceed neither two and one-half (2 1/2) stories nor 35 feet in height as measured from grade. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.
Attached Residences Per Building - Eight dwelling units, or a lesser number may be attached one to another by common or adjoining walls and shall be regarded as constituting a single building (but not as a single dwelling unit). All measurements of residences so attached shall be made as a single building. No building shall exceed 240 feet in length. Fire-walls shall be at state standards.
Gross Floor Areas of Dwelling Units - Schedule as follows:

Dwelling Unit	Minimum Area (Sq. Ft.)
2 bedroom unit	1,000
3 bedroom unit	1,200
4 bedroom unit	1,400

Restrictions on Units - One bedroom units are specifically not permitted. The total units shall be divided so that approximately one-third contains two bedrooms, one-third contains three bedrooms, and the remaining one-third may consist of the developer's choice of any mix of approved number of bedrooms.

404.7 Yard and Related Requirements
In the R-3 Zoning District, the following yard and related requirements shall be observed:
Frontage Requirement - Frontage at each entrance to the development shall be at least one hundred feet wide including a minimum buffer of 30 feet on each side of the paved access. except that frontage at pedestrian entrances need not exceed 50 feet in width including minimum buffers of 20 feet on each side of the walk.
Building Line Setbacks - Placement and erection of all buildings shall be 50 feet from property line adjoining a dedicated street.
Minimum Yards - No building or structure, except as provided in (E) below, may be placed or erected within 40 feet of any site boundary, except that when such boundary is a present or planned dedicated street, the 50 feet setback as set forth above shall apply.
Distances Between Building - The minimum distance between any 2 adjacent building shall be determined by the relationships between their respective main walls according to the requirements of Diagram #1, where: B = the combined Base factor of 2 adjacent buildings = 40 feet; H = the combined Height factor = 5 feet per 10 feet of combined building height; L = the combined Length factor of two adjacent buildings = 1 foot per 10 feet of combined wall length.
Distances from Accessory Uses to Main Building or Boundaries.. The minimum distances from any Attached Residence to parking areas, driveways, walks and recreational areas and to lot lines, as set forth below, are intended as desirable criteria and are to be applied in the site planning insofar as possible:

	Minimum Distance (Feet) From Dwelling		
		From	
Accessory Use	Main Wall	End Wall	Lot Lines
Surface Garage	40	30*	20
Open Parking Area	20	20	20
Private Drives	30	10	20
Walks (Public Use)	15	10	20
Recreation Areas (Active Play)	40	30	40

* or attached to building

The minimum distances set forth in the above schedule are intended to be applied to:

+ The main wall, meaning any exterior wall containing the principal windows of a living, dining or sleeping room or rooms.
+ The end wall, meaning any exterior wall, other than a main wall, containing minor windows or a dining or sleeping room, or windows of a dining or sleeping room, or principal or minor windows of a kitchen or bathroom, or a blank surface.
+ Private drives at all locations except at the garage entrance or main entrance of the dwelling served.
+ Walks used by the public at all locations except at the entrance of the dwelling served.
+ Recreation areas, meaning areas used for active play.

Private Areas: Each Attached Residence shall have no less than 48 square feet of enclosed, attached, storage area and shall have a private area of not less than 100 square feet at an entrance and differentiated as such by approved patios, screens, walls and painting.
Projections of Building Features: A projection is that part or feature of a building which extends outside of the enclosing walls and makes the encloses space more usable. It is intended that certain features may project into required yards, but they shall be regulated as herein set forth so that they will not substantially interfere with the reception of sun, light and air on adjacent lots.
Types of Projecting Features: The following definitions shall apply to the terms in the section.
Architectural Feature - A belt course, balcony, bay window, cornice, chimney, solid overhang, or shading device.
Entrance Features - A platform, landing , steps, terrace or other features not extending above the level of the floor of the first floor level of a building.
Shelters Enclosed - An enclosed entry or porch.
Shelters, Unenclosed - An entrance hood or open but roofed porch.
Projection Limitations Building feature may project into required front and side yard of a dwelling, but shall not project more than set forth in the following schedule:

	Maximum Projection Into Required
Projecting Feature	Front or Side Yard (Ft.)
Architectural	4
Entrance	5

	Shelters, enclosed	None
	Shelters, unenclosed	4

404.8 Parking Requirements

The parking of automobiles and other motor vehicles on private or public streets within an R-3 District is prohibited. All proposed parking areas shall be screened from adjoining streets and properties by the planting of shrubbery or the construction of a decorative fence or wall. Parking areas shall be permitted at convenient locations throughout the development except that:

+ No parking area or access drives shall be constructed within 20 feet of any Attached Residence building.
+ No parking area shall be closer than 20 feet from the side or rear property line abutting a street.
+ Landscaped islands and planting areas shall be designed so that no more than eight parking spaces shall be contiguous.
+ Off-street parking shall be provided in the High Density Residence District so as to provide two (2) spaces per unit.
+ In view of the desire to preserve natural open space within the development, off-street parking shall not exceed minimum requirements pursuant to Article VI by more than 20%.

404.8 Street and Access Requirements

All proposed streets and access within the R-3 District shall be in accord with an approved overall plan conducive to the safe and efficient access and circulation of automobiles and safety and service vehicles. All vehicular pavement in an High Density Residence District shall be constructed in accordance with the standards established by the Village of Kelleys Island in the subdivision regulations. Circulation and access shall be designed according to the following criteria:

Dedicated Streets: No dedicated street shall extend more than 1,200 feet without juncture with another dedicated street.

Dedicated Cul-de-Sacs: Dedicated cul-de-sacs shall not exceed 600 feet in length more provide direct or indirect access to no more than 30 units.

Private Drives: Private drives shall be no more than 1200 in length and provide direct or indirect access to no more than 60 units.

Private Cul-de-Sacs: Non-dedicated cul-de-sacs and court arrangements shall not extend more than 1200 feet from a dedicated right-of-way nor provide direct or indirect access to more than 60 units.

A comprehensive walkway system adequately separated from vehicular circulation shall be provided.

404.9 Open Space Requirements

Open space as used in this Section means that portion of the total acreage not devoted to buildings and pavement. Open Space includes the spaces between buildings, required yards and setbacks, landscaped buffers and lawn areas, tennis courts, swimming pool or other recreational improvements. No less than 60% or the total acreage shall be devoted to open space.

404.10 Landscape Planting and Design

All development within an R-3 District shall be landscaped according to a landscape plan accepted as part of the Final Development Plan. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances. Natural wooded areas shall be preserved wherever possible.

404.11 Other Site Improvements

In a High Density Residence District the following other site improvements shall be required:

Water Supply - An adequate source of potable water shall be brought to the High Density Residence District and must be approved by the Village of Kelleys Island, and the Erie County Health Department.

Sewer System - The developer shall at his or her sole expense construct a sanitary sewage system meeting all requirements of the Village of Kelleys Island, Ohio, as well as the Ohio EPA and other relevant authorities.

Electric and Telephone Systems - Plans and specifications must be approved by the appropriate utilities serving this area.

Fire Protection - Plans and specifications must be approved by the Fire Department.

404.12 Maintenance and Use of Public And Common Areas

As a condition to approval of a proposed development under provisions of this Section, plans for the care, maintenance, use and disposition of all public and common area, if any, shall be approved by the Village Planning Commission providing for:

+ •he public dedication and acceptance for maintenance by the Village of property found by the Council to be of benefit to the general public, or
+ The retention of property in common ownership of the individual owners through appropriate legal means with appropriate legal provisions to insure continuous maintenance and use for the purpose intended.

All areas proposed for dedication to the Village muse be acceptable in size, shape, location and improvement and shown by the applicant to be of benefit to the general public. Title of all land dedicated to public use shall be unencumbered at the time of conveyance and all areas shall be improved by the applicant, as required by the Village Planning Commission, including all utilities, public walkways and streets through or abutting the property.

For all areas proposed for common ownership by the residents, all rights of development other than for the use specified in the approved Final Development Plan shall be subject to approval of the Village. However, each proposal for such use, including parking areas, private access areas, private parks and recreational facilities, and common service facilities shall be accompanied by appropriate legal documents which provide for the management and maintenance of common facilities. Legal instruments providing for dedications, covenants, home associations and subdivision controls shall:

+ Place title of common property in a form of common ownership by the owners and/or residents of the area, e.g., a duly constituted and legally responsible home association, cooperative, etc.
+ Appropriately limit the use of common property.
+ •lace responsibility for management and maintenance of common property. Village Council, at its discretion may require the applicant to obtain Village services, for maintenance of commonly held properties where the public health, safety and/or welfare may require.
+ Place responsibility for enforcement of covenants.
+ Permit the subjection of each lot to assessment for its proportionate share of maintenance costs.

All common property shall be fully improved by the applicant, as required by the Council, including all utilities, public walkways and streets through or abutting the property. The use, condition and maintenance of all common properties shall comply with Village ordinances and existing regulations in all respects.

404.13 Solid Waste Disposal

Arrangements for the performance of rubbish and garbage collection and removal shall be set forth in writing and subject to Planning Commission approval. Any subsequent modification of said arrangements shall be presented to the Planning Commission or review.

405PR Park & Recreation District

405.1 Purpose

This district is established to provide for various types of park and recreation facilities on Kelleys Island in appropriate locations and with related activities and land uses.

405.2 Permitted Uses

In the PR Zoning District, the following uses are permitted:

+ Recreational vehicle parks or recreation camps.
+ Public Park and Recreation facilities
+ Parking facilities
+ Nature preserves, hiking trails, wildlife areas
+ Ball fields, swimming pools, horseback riding
+ Public boat launches and anchoring places
+ Any other use deemed to be similar in accordance with Section 801.5

405.3 Conditional Uses

The following uses may be approved by the Planning Commission in accordance with Section 801.6

+ Laundry facilities
+ Accessory uses and structures on an individual lot without a principal use or structure.

405.4 Area Regulations

Minimum Front Yard Depth: Fifty (50) feet from the edge of the street right-of-way (See Section 306.3 for additional yard requirements).

Minimum Side Yard Depth: Ten (10) feet (See Section 306.3 for additional yard and buffering requirements)

Minimum Rear Yard Depth: Ten (10) feet. (See Section 306.3 for additional yard and buffering requirements).

Height Regulations: No building shall exceed thirty-five (35) feet, except for accessory structures including, but not limited to radio towers, antennas, flag poles, and chimneys. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.

405.5 Sign Regulations

405.51 Maximum Sign Area

Within the PR Zoning District, the maximum total sign area permitted for any one establishment shall be 45 square feet. Section 301.6 describes provisions for additional sign area.

405.52 Maximum Number & Location of Signs

Establishments are permitted to have up to two signs which may include wall signs, roof signs, and free standing signs.

Window Signs: An establishment have window signs in addition to those signs permitted above, provided however, that the maximum area does not exceed twelve (12) square feet to total area.

Sign Illumination & Materials: No free standing, roof or wall sign may be illuminated from a light source within the sign itself. All external light sources shall be designed so as to illuminate only the sign itself and shall no shine on any adjacent property. No sign may be made out of plastic materials.

405.6 Parking Requirements

All parking and loading requirements in Article VI apply to any change of use of an existing structure and any new construction, along with the requirements of Section 312.

406 C-1 (T) Central Business Transitional District

406.1 Purpose

This district is established because the Village had observed that there is pressure for an outward expansion of the Central Business District into adjacent residential areas. This trend is considered to be generally positive, but concern exists over increasing land use conflicts between commercial and residential property. In order to accommodate this expansion, and minimize impacts on adjacent property, this C-1 (T) Central Business transitional district is established to provide a means to help ensure that expansion of the Central Business District will occur in a more orderly and controlled fashion and with minimal negative impacts and consequences to adjacent residential property.

406.2 Permitted Uses

In the C-1 (T) Zoning District, the following uses are permitted:

+ Single family dwellings
+ Bed & Breakfast establishments (See Section 311)
+ Home Occupations (See Section 310)
+ Schools

406.3 Conditional Uses

The following uses may be approved by the Planning Commission in accordance with Section 801.6

+ Jewelry and gift stores.
+ Restaurants.
+ Souvenir sales.
+ Professional offices
+ Service businesses, such as barber & beauty shops,
+ Florists
+ Any other use deemed to be similar in accordance with Section 801.5
+ Accessory uses and structures on an individual lot without a principal use or

structure.

406.4 Residential Area Regulations

Area Regulations for Single Family Dwellings: Minimum lot area, lot width, front and rear yard depths, minimum floor areas and height regulations shall be the same as those found in the R-2 Zoning District.

406.5 Commercial Area Regulations

Minimum Front Yard Depth: Twenty-five (25) feet from the edge of the street right-of-way.

Minimum Side Yard Depth: If the lot adjoining a particular side yard is vacant, then the side yard shall be six (6) feet. If the lot adjoining a particular side yard is built upon and such structure is constructed on the property line, then the side set back shall be twelve (12) feet.

Minimum Rear Yard Depth: Ten (10) feet.

Height Regulations: No building shall exceed thirty-five (35) feet in height except for the accessory structures including but not limited to radio towers, antennas, flag poles and chimneys. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.

406.6 Sign Regulations

406.61 Maximum Sign Area

Within the C-1 (T) Zoning District, the maximum total sign area permitted for any one business shall be 45 square feet. No any one sign shall be more than fifteen (15) square feet of total sign area. Section 307.5 describes provisions for additional sign area.

406.62 Maximum Number & Location of Signs

Businesses are permitted to have up to three signs which may include wall signs, roof signs, and free standing signs. Under no circumstances shall signs project into the public right-of-way, nor shall any sign be located above the roof.

Window Signs: A business may have window signs in addition to those signs permitted above, provided however, that the maximum area does not exceed twelve (12) square feet to total area.

406.63 Sign Illumination & Materials

No free standing, roof or wall sign may be illuminated from a light source within the sign itself. All external light sources shall be designed so as to illuminate only the sign itself and shall no shine on any adjacent property. No sign may be made of plastic.

406.7 Parking Requirements

The C-1 (T) Central Business Transitional District is intended to apply to the areas surrounding the downtown area of Kelleys Island, where it may not be feasible to provide off-street parking for existing buildings. As such, the parking and loading requirements in Article VI shall not apply when the use changes within an existing building. Any new construction however which takes place, shall provide for off-street parking (in accordance with site plan review requirements of section 312) and loading in the rear of the building as required in Article VII, in a manner consistent with the historic and architectural character of this area, as determined by the Kelleys Island Design Review Board in accordance with the provisions of Section 413. Parking and loading shall not be located within the required front yard.

407 C - 1 Central Business or Mercantile District

407.1 Purpose

This district is established to provide for various retail sales activities, along with specific services and offices which not only serve the year-round and seasonal village population, but also and support and attract tourist activity because of a unique and historic atmosphere. Typically, the uses permitted in this district are less automobile oriented and lend themselves more toward tourist activity, casual shopping, dining, and personal services

407.2 Permitted Uses

In the C-1 Zoning District, the following uses are permitted:

+ Jewelry and gift stores.
+ Restaurants.
+ Souvenir sales.
+ Professional offices
+ Banks, savings or loan businesses.
+ Service businesses, such as Barber & Beauty Shops,
+ Newspaper, printing or reproduction services
+ Florists
+ Shoe Sales
+ Clothing and Apparel Shops
+ Antique Sales
+ Private parking lots serving more than one property
+ Dry Cleaning and Laundry establishments
+ Hardware Sales
+ Drug Stores
+ Furniture stores
+ Grocery Store
+ Any other use deemed to be similar in accordance with Section 801.5

407.3 Conditional Uses

The following uses may be approved by the Planning Commission in accordance with Section 801.6

+ Hotel
+ Motel, Auto Court
+ Accessory uses and structures on an individual lot without a principal use or structure.

407.4 Area Regulations

Minimum Front Yard Depth: Twenty-five (25) feet from the edge of the street right-of-way (See Section 306.3 for additional yard requirements).

Minimum Side Yard Depth: If the lot adjoining a particular side yard is vacant, then the side yard shall be six (6) feet. If the lot adjoining a particular side yard is built upon and such structure is constructed on the property line, then the side set back shall be twelve (12) feet (See Section 306.3 for additional yard and buffering requirements).

Minimum Rear Yard Depth: Ten (10) feet. (See Section 301.53 for additional yard and buffering requirements).

Height Regulations: No building shall exceed thirty-five (35) feet in height except for the accessory structures including but not limited to radio towers, antennas, flag poles and chimneys. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.

407.5 Sign Regulations

407.51 Maximum Sign Area

Within the C-1 Zoning District, the maximum total sign area permitted for any one business shall be 45 square feet. No any one sign shall be more than fifteen (15) square feet of total sign area. Section 307.5 describes provisions for additional sign area.

407.52 Maximum Number & Location of Signs

Businesses are permitted to have up to three signs which may include wall signs, roof signs, and free standing signs. Under no circumstances shall signs project into the public right-of-way, nor shall any sign be located above the roof.

Window Signs: A business may have window signs in addition to those signs permitted above, provided however, that the maximum area does not exceed twelve (12) square feet to total area.

407.53 Sign Illumination & Materials

No free standing, roof or wall sign may be illuminated from a light source within the sign itself. All external light sources shall be designed so as to illuminate only the sign itself and shall no shine on any adjacent property. No sign may be made of plastic.

407.6 Parking Requirements

The C-1 Central Business Zone is intended to apply to the downtown area of Kelleys Island, where it is not feasible to provide off-street parking for existing buildings. As such, the parking and loading requirements in Article VI shall not apply when the use changes within an existing building. Any new construction however which takes place, shall provide for off-street parking (in accordance with site plan review requirements of section 312) and loading in the rear of the building as required in Article VI, in a manner consistent with the historic and architectural character of this area, as determined by the Kelleys Island Design Review Board in accordance with the provisions of Section 413. Parking and loading shall not be located within the required front yard.

408 C-2 (T) Transitional General Commercial

408.1 Purpose

Like the C-1 (T) Zoning District, this C-2 (T) district is established to provide for a more orderly expansion of general commercial land uses in the Village into surrounding residential areas. There are areas in the Village where expansion of general commercial activities into adjacent residential areas is likely and desirable provided that conversion of residential structures and new commercial construction occurs with minimal impact to any adjacent residential property.

408.2 Permitted Uses

In the C-2 (T) Zoning District, the following uses are permitted:

+ Single family dwellings
+ Bed & Breakfast establishments (See Section 311)
+ Home Occupations (See Section 310)
+ Schools
+ Any other use deemed to be similar in accordance with Section 801.5

408.3 Conditional Uses

The following uses may be approved by the Planning Commission in accordance with Section 801.6

+ All uses listed as conditionally permitted in C-1 (T)
+ Hotels and Motels
+ Furniture Sales
+ General retail sales of goods produced off the premises
+ Department Stores
+ Automotive and boat sales and repair
+ Mini-Storage facilities,
+ Gas/service stations, including the storage of no more than 3 wrecked motor vehicles
+ Convalescent homes and day care facilities
+ Parking Lots serving more than one property
+ Hospitals
+ Self-operating auto washes
+ Wholesale business or warehousing, when no processing, fabrication, or assembly is involved, and when conducted within a building.
+ Boat and recreational vehicle sales and storage
+ Miniature Golf
+ Bowling alleys
+ Sales and display of manufactured homes, industrialized units, recreation vehicles, and portable camping units.
+ Lumber Yards, and building materials sales
+ • Construction storage of machinery, equipment and material
+ Food processing facilities including fish cleaning
+ Bars and Taverns
+ Private Clubs
+ Accessory uses and structures on an individual lot without a principal use or structure.
+ •Any other use deemed to be similar in accordance with Section 1001.56

408.4 Residential Area Regulations

Area Regulations for Single Family Dwellings: Minimum lot area, lot width, front and rear yard depths, minimum floor areas and height regulations shall be the same as those found in the R-2 Zoning District.

408.5 Commercial Area Regulations

Minimum Front Yard Depth: Fifty (50) feet from the edge of the street right-of-way

Minimum Side Yard Depth: Ten (10) feet.

Minimum Rear Yard Depth: Ten (10) feet.

Height Regulations: No building shall exceed thirty-five (35) feet in height except for the accessory structures including but not limited to radio towers, antennas, flag poles and chimneys. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.

408.4 Sign Regulations

408.41 Maximum Sign Area
Within the C-2 (T) Zoning District, the maximum total sign area permitted for any one business shall be 45 square feet. No any one sign shall be more than fifteen (15) square feet of total sign area. Section 307.5 describes provisions for additional sign area.

408.42 Maximum Number & Location of Signs
Businesses are permitted to have up to three signs which may include wall signs, roof signs, and free standing signs.

408.43 Window Signs
A business may have window signs in addition to those signs permitted above, provided however, that the maximum area does not exceed twelve (12) square feet to total area.

408.44 Sign Illumination & Materials
No free standing, roof or wall sign may be illuminated from a light source within the sign itself. All external light sources shall be designed so as to illuminate only the sign itself and shall no shine on any adjacent property. No sign may be made of plastic.

408.5 Parking Requirements
Whenever a new commercial structure is built, or whenever an existing commercial structure changes use, parking and loading facilities shall be provided in accordance with Article VI. Whenever a new parking area is proposed which involves five or more off-street parking spaces, the site plan review requirements of section 312 apply.

409 C-2 General Commercial

409.1 Purpose
This district is established principally to provide for most general forms of commercial activity serving local as well as tourist patrons.

409.2 Permitted Uses
In the C-2 Zoning District, the following uses are permitted:

+ All uses permitted in C-1
+ Hotels and Motels
+ Furniture Sales
+ General retail sales of goods produced off the premises
+ Department Stores
+ Automotive and boat sales and repair
+ Mini-Storage facilities,
+ Gas/service stations, including the storage of no more than 3 wrecked motor vehicles
+ Convalescent homes and day care Facilities
+ Parking Lots serving more than one property
+ Hospitals
+ Self-operating auto washes
+ Wholesale business or warehousing, when no processing, fabrication, or assembly is involved, and when conducted within a building.
+ Boat and recreational vehicle sales and storage
+ Miniature Golf
+ Bowling alleys
+ Bars and Taverns
+ Private Clubs
+ Sales and display of manufactured homes, industrialized units, recreation vehicles, and portable camping units.
+ Any other use deemed to be similar in accordance with Section 801.5

409.3 Conditional Uses
The following uses may be approved by the Planning Commission in accordance with Section 801.6

+ Lumber Yards, and building materials sales
+ Construction storage of machinery, equipment and material
+ Food processing facilities including fish cleaning
+ Accessory uses and structures on an individual lot without a principal use or structure.

409.4 Area Regulations
Minimum Front Yard Depth: Fifty (50) feet from the edge of the street right-of-way (See Section 306.3 for additional yard and buffering requirements).
Minimum Side Yard Depth: Ten (10) feet (See Section 306.3 for additional yard and buffering requirements).
Minimum Rear Yard Depth: Ten (10) feet (See Section 306.3 for additional yard and buffering requirements)
Height Regulations: No building shall exceed thirty-five (35) feet in height except for the accessory structures including but not limited to radio towers, antennas, flag poles and chimneys. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.

409.5 Sign Regulations

409.51 Maximum Sign Area
Within the C-2 Zoning District, the maximum total sign area permitted for any one business shall be 45 square feet. No any one sign shall be more than fifteen (15) square feet of total sign area. Section 307.5 describes provisions for additional sign area.

409.52 Maximum Number & Location of Signs
Businesses are permitted to have up to three signs which may include wall signs, roof signs, and free standing signs.

409.53 Window Signs
A business may have window signs in addition to those signs permitted above, provided however, that the maximum area does not exceed twelve (12) square feet to total area.

409.54 Sign Illumination & Materials
No free standing, roof or wall sign may be illuminated from a light source within the sign itself. All external light sources shall be designed so as to illuminate only the sign itself and shall no shine on any adjacent property. No sign may be made of plastic.

409.6 Parking Requirements
Whenever a new commercial structure is built, or whenever an existing commercial structure changes use, parking and loading facilities shall be provided in accordance with Article VI. Whenever a new parking area is proposed which involves five or more off-street parking spaces, the site plan review requirements of section 312 apply.

410 I Manufacturing, Processing and Wholesale District

410.1 Purpose
This district is established to accommodate light industrial uses compatible with the characteristics of Kelleys Island.

410.2 Permitted Uses
In the I Zoning District, the following uses are permitted:

+ The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, wood products, drugs, perfumes, pharmaceutical, toiletries, and food products except the rendering or refining of fats and oils.
+ Lumber yards for retail lumber sales
+ Warehousing and wholesaling.
+ Research laboratories and offices.
+ Newspaper and blueprinting establishments.
+ Utility substations.
+ All storage of petroleum products, chemicals and gas under pressure, as well as gasoline and fuel oil storage facilities shall be subject to inspection and approval of the State Fire Marshall's Office to be in compliance with the provisions of this Ordinance.
+ Contractors' yards and storage facilities provided however, that all equipment, tools and facilities shall be neatly arranged or stored or kept within a suitable building.
+ Manufacture of clothing, leather goods, athletic equipment.
+ Metal processing such as fabrication, stamping extrusion, welding, finishing, polishing.
+ Assembly of small products, such as: cameras, clocks, jewelry, cutlery, kitchen utensils; electrical appliances such as lighting fixture irons, fans, toasters, toys; electrical equipment such as home radio and television, movie equipment; small electrical supplies and electrical components; hand tools, dies, engineering, medical and musical instruments and similar small steel products.
+ Plastic molding and extrusion.
+ Any other use deemed to be similar in accordance with Section 801.5

410.3 Conditionally Permissible Uses
The following uses may be approved by the Planning Commission in accordance with Section 801.6

+ Storage of petroleum products, chemicals and gas under pressure subject to the approval of any safety measure, the Village Council and Fire Chief may require to insure the safety and protection of surrounding property. Such measures may include but are not limited to areas of open space, earth filled retaining walls surrounding storage areas.

410.4 Area Regulations
Minimum Front Yard Depth - Fifty (50) feet (See Section 306.3 for additional yard and buffering requirements)
Minimum Rear Yard Depth - Twenty-five (25) feet (See Section 306.3 for additional yard and buffering requirements)
Minimum Side Yard Width - Twenty-five (25) feet (See Section 306.3 for additional yard and buffering requirements).
Height Regulations - No building shall exceed thirty-five (35) feet in height except for the accessory structures including but not limited to radio towers, antennas, flag poles and chimneys. A greater height limitation may be required if a property is within the Environmental Protection Overlay District.
Parking and Loading Requirements - As regulated by Article VI of this Ordinance.

410.5 Industrial Performance Standards
It is the intent of these regulations to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration, smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat, liquid or solid refuse or wastes; condition conductive to the breeding of rodents or insects; or other substance, condition or elements (all referred to herein as "Dangerous or Objectionable Elements") in a manner or amount as to adversely affect the surrounding area.
All uses shall operate in conformance with the limitations set forth in each subsection below:

A) Vibration
No vibration shall be produced which is transmitted through the ground and is discernable without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

B) Noise (Per the State of Ohio Health Department and the following:)
All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event, shall the sound-pressure level of noise radiated continuously from a facility at night-time exceed at the lot line the values given in Table I (set out hereafter) in any octave band of frequency. However, where the lot lines adjoins or lies within twenty-five (25) feet of the boundary of a residential district the sound-pressure levels of noise radiated at night-time shall not exceed at the lot line the values given in Table II (set out hereafter) in any octave band of frequency. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association (American Standards Sound Level Meters of Noise and Other Sounds, Z24.3 -1944, American Standards Association, Inc., New York, N.Y., and American Standards Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards, Inc., New York, N.Y. shall be used.)

Maximum permissible sound-pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 P.M. and 7 A.M.

If the noise is not smooth and continuous and is not radiated between the hours of 9 P.M. and 7 A.M., one or more of the corrections is Table III below shall be added to or subtracted from each of the decibel levels given above in Table I.

Maximum permissible sound-pressure levels at a lot line for noise radiated continuously from a facility between the hours of 9 P.M. and 7 A.M., where the lot line adjoins or lies within twenty-five (25) feet of the boundary of a residential district.

If the noise is not smooth and continuous and is not radiated between the hours of 9 P.M. and 7 A.M., one or more of the corrections in Table III below shall be added to or subtracted from each of the decibel levels given above in Table II.

Apply one of these corrections only.

Air Pollution (Per State of Ohio EPA Requirements and the following:)

C) Emissions

(1) Visible emissions. There shall not be discharged into the atmosphere from any source any air pollutant in excess of the darkness limitations listed below. This shall include emissions of air pollutant of such opacity as to obscure an observer's view to a degree equal to or greater than do the visible emissions described below. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited. No. 1 on the Ringelmann Chart at all times, except upon demonstration that the emission contains less than one tenth pound of particulate matter per thousand pounds of dry gases, adjusted to twelve percent carbon dioxide or fifty per cent excess air.

(2) Materials handling. No person shall cause or permit any materials to be handled, transported, or stored in a manner which allows or may allow particulate matter to become airborne.

(3) Particulate matter. There shall not be discharged into the atmosphere any particulate matter in excess of the quantities shown below:

(a) From refuse-burning equipment, per one thousand pounds of dry gases, adjusted to twelve per cent CO_2 or fifty percent excess air, sixty-five hundredths pound for capacities of two hundred pounds per hour or less than thirty hundredths pound for capacities of over two hundred pounds per hour. In any one hour period this shall not exceed two hundred fifty pounds. Refuse shall not be burned in fuel-burning equipment.

(b) From fuel-burning equipment, six tenths pound per million BTU input for installation using less than ten million BTU per hour total input. For installations using more than ten million BTU per hour total input the allowable particulate emission, in pounds per million BTU, is determined by multiplying 8.58 times the input, in BTU per hour, raised to the minus 0.165 power ($E = 8.58\ 1\text{-}165$).

(4) Threshold value. There shall not be discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmosphere by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit.

D Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

E Fire and Explosion

All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with the Fire Prevention Codes.

F Radioactive Materials

The handling of radioactive materials, the discharge of such materials into the air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Atomic Energy Commission and the State of Ohio.

G Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

H Non-Radioactive Liquid or Solid Wastes

There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with the regulations of Erie County and/or the State of Ohio.

410.6 Prohibition of outside Storage

All uses of land except as herein provided shall take place within a wholly enclosed structure, except that this shall not be construed to include the parking of motorized vehicles.

An area of the lot may be used for the purpose of storing manufactured products and materials awaiting processing provided such area is completely enclosed by a solid fence with no apertures of a height equal to the height of the highest point of stored materials and products.

411 Q QUARRYING DISTRICT

411.1 Intent

This Quarrying District and regulations are established in order to achieve, among others, the following purposes:

+ To provide Quarrying Districts in appropriate areas for the removal of natural resources; and
+ To protect adjacent residential areas by establishing yards and buffer areas at the boundaries; and
+ To regulate the noise, vibration, dust, explosions and other objectionable influences so as not to endanger the health and safety of the surrounding neighborhoods.

411.2 Permitted Uses

In the Q Zoning District, the following uses are permitted:

+ Mining, quarrying, excavating, processing, removal, and stockpiling of rock, sand, gravel, clay and soil for sale, resale, barter or gift.
+ Accessory uses incidental to the main use, such as rock, crushing plants, "batching" plants, mixing plants for either Portland Cement or asphaltic concrete, block or tile plants, equipment, storage building and other similar uses.
+ A dwelling used exclusively by a caretaker or watchman.
+ Any other use deemed to be similar in accordance with Section 801.5

411.3 Conditional Uses

All uses permitted, or conditionally permitted within the I Manufacturing, Processing, and Wholesale District.

411.4 Prohibited Uses

All permitted uses in any other zoning district besides Industrial.

411.5 Performance Standards

All equipment used in the removal and production of rock and gravel shall be constructed, maintained, operated, and all blasting operations shall be performed in such a manner as to minimize noise, vibration, dust, or fragments of stone which are injurious or annoying to persons living in the vicinity.

411.51 Fences

The boundary of the property or boundary of operations of a quarry shall be fenced. The fence shall be at least 6 feet high, No. 9 wire, 6 inch mesh, agricultural fence with two barbs on angle brackets. Equivalent fences may be approved by the Zoning Inspector.

411.52 Slope

All open pits shall have a slope which are no more steep than vertical without overhangs or excessive back-breaks.

411.53 Subsequent use of pit

Whenever production on any property, or part thereof, is completed, the pits shall not be used for dumping of rubbish, unless so designated as a dumping area by the Village Council, and the Ohio EPA, and/or other governmental authority.

411.54 Restricted hours of operation

Quarrying operations shall be limited between the hours of 6:00 a.m. and 8:00 p.m. except in emergencies, (local time) but when a boat must be loaded it will be permissible to run the conveyor and necessary equipment for loading a boat at anytime. All blasting shall take place between the hours of 9:00 a.m. and 6:00 p.m. Normal maintenance of equipment and facilities may be carried on at all times.

411.55 Shock load Machinery

No electrical shock load equipment shall be permitted. Shock load machinery shall be considered as those machines causing a five percent (5%) or greater fluctuation in the balance of the Kelleys Island Electrical System.

411.56 Bonds

To guarantee the restoration, rehabilitation, and reclamation of areas where mining has ceased, every new or expanded mining area shall provide a bond to the Village in an amount of $25,000 plus $2,500 per acre for each acre over ten involved in the mining operation. Such bond shall guarantee than all work involved with the eventual restoration of the property will be done in a satisfactory manner, and al' such restoration plans shall be approved by the Village Planning Commission prio to the issuance of a permit.

411.6 Yard Regulations

Minimum Front, Side and Rear Yard Depths: Every main or accessory building shall be set back at least one hundred (100) feet from any public road. (See Section 306.3 for additional yard and buffering requirements). Production or quarrying of principle product or operation of accessory plants, shall not be permitted less than one hundred (100) feet from a residential district or public road right-of-way, excepting use of conveyor under road.

411.7 Permit for Quarrying Operations

No person, agency, corporation or partnership shall operate a quarry or mine stone in the Village of Kelleys Island, Ohio, without first obtaining a zoning permit.

411.8 Plans

The application shall be accompanied by plans, specifications and proposed format setting forth location, conditions, time of operation, number of people to be employed and other related matters as to the quarrying of work or operation that is to be carried on.

411.9 Fees

A permit may be granted only after payment of a fee in accordance with the Section 701.7

411.10 Revocation of Permit

A permit may be revoked if the "permittee" has failed to comply with the terms and conditions of this ordinance or of the permit granted.

412 Planned Unit Development (PUD) District

412.1 Purpose

The purpose of the Planned Unit Development (PUD) is to achieve, to the greatest possible degree, land development which is responsive to the natural and environmental assets and liabilities of a given site. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD also allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

412.2 General Requirements

A PUD may be located in any area of Kelleys Island where the applicant can demonstrate that a proposed development would meet the purpose of this Article. The tract of land proposed to be developed as a PUD must be owned, leased, or controlled by one person or single entity, and must be at least 10 continuous acres in size.

412.3 Permitted and Conditional Uses

A developer may propose to include any mixture of land use which are listed a bein permitted or conditionally permitted in any zoning district (except for Industrial and quarrying), with the following limitations: The proposed location of commercial uses shall not have an adverse impact upon adjacent property or the public health, safety, and morals. Not more than thirty-five percent (35%) of the gross acres in a proposed development may be devoted to commercial uses. Further, not more than twenty-

five percent (25%) of the gross acres in a proposed development may be devoted to dwellings which are not detached single-family dwellings.

412.4 Development Standards

The following standards represent broad parameters under which all PUD developments must be designed:

Central Water & Sewer Facilities: All developments approved as a PUD must have central water facilities approved by the Ohio Environmental Protection Agency or be served by public water and sewer facilities.

Clustering Residential Development & Density: Clustering residential development is encouraged to provide required common open space. Overall, the area devoted to residential land uses shall have a maximum overall density of 3 dwelling units per acre of land (net acres, excluding roads). This overall density may however, be clustered in particular areas of the development to a level of up to 10 dwelling units per net acre in any given area, provided however, that no less than forty (40) percent of the site is devoted to useful and desirable common open space established to provide recreational opportunities and to preserve unique environmental features on the site. Any proposed land uses which are not residential shall not count toward a calculation of allowable density or required open space.

Maximum Impervious Surface: For all areas proposed for residential uses in the development the amount of impervious surface proposed must not exceed 50 percent of the total developed residential area. For all areas proposed for commercial uses in the development, the amount of impervious surface proposed must not exceed 75 percent of the total commercial area. Impervious surfaces include but are not limited to, parking areas, loading areas, and roof tops.

Development Layout and Design: Specific residential density as well as the development intensity of non-residential uses and the development design and layout shall be based on the applicant's ability to provide sufficient evidence to the Planning Commission and The Village Council that the overall development demonstrates excellence in design by properly considering: significant natural and historic features, topography, natural drainage patterns, roadway access and circulation, surrounding land uses, the enhancement of the general welfare of the public, and aesthetically desirable land development. Attractive landscaped buffers shall be provided between incompatible land use and activities.

Front, Side & Rear Setback Standards for Perimeter Lots: All lots which are located along the perimeter of the PUD shall have minimum front, side and rear setbacks equal to those which would normally be specified in the applicable conventional zoning district for the particular land use.

Common Space: A minimum of forty (40) percent of the gross acres developed in the PUD shall be reserved for common open space for the residents of the area. This required amount of common space shall be established as open space forever and provisions shall be established for maintenance and care. The legal articles relating to any organization of property owners in the development charged with such open space maintenance is subject to review and approval by the Village of Kelleys Island. The Village Planning Commission and/or Village Council may require as a condition of final approval, any evidence deemed necessary to document that the required common space will remain in its stated condition forever (including such as legal documents as deed restrictions, conservation easements, etc.).

Front, Side, and Rear Setback Standards for Interior Lots: Within the PUD, the standards for setbacks shall be fully described in the proposed preliminary and final development plan submitted in accordance with the requirements of this Article.

Off Street Parking and Loading Facilities: For all land uses located within the PUD, the Parking and Loading standards contained in Article VI shall be applied.

412.5 General PUD Approval Procedure

The applicant for a PUD must submit both a preliminary plan and a final development plan. Property must also be rezoned to PUD and the decision to approve a final development plan and to rezone a property PUD are done concurrently. The final development plan, together with all conditions, stipulations, requirements become the zoning requirements for that particular property. All development restrictions described in the final development plan and supporting documents become the official zoning requirements of the subject property.

412.6 Preliminary Development Plan Submission

The applicant shall submit 10 copies of a proposed preliminary plan to the Zoning Inspector along with the required application fee. The proposed preliminary development plan shall include the following:

Background Information

+ Name and address and phone of the applicant
+ Name and address of the registered surveyor, engineer and/or landscape architect who prepared the plan
+ Legal description of the property
+ Description of the present use of the property
+ A statement of the conceptual overview of the development
+ A description of the proposed provision of utilities
+ A description of proposed ownership and maintenance of open spaces
+ A description of the expected timing of the development
+ A list of property owners within 500 feet of the proposed development
+ An Archeological Survey of the property prepared by an appropriate professional

Plan Drawing

+ A vicinity map
+ A table showing the gross acreage devoted to various uses
+ Location, type and density of development types
+ Conceptual drainage plan
+ Location of open spaces
+ Buffers between incompatible land uses
+ Proposed street layout
+ Existing buildings, and any existing potential underground storage tanks
+ Overlay maps showing topography in 2 foot increments (derived from field survey or aerial photography), and soil types.

Additional Information and Fees

The Kelleys Island Planning Commission may require additional information such as maps, data, or reports including environmental impact studies. The applicant shall be responsible for all reasonable expenses incurred by the Village in reviewing the preliminary and final development plans or any modifications thereof. Such expenses are in addition to the application fees established by Village Council and may include professional service fees such as legal fees and the fees for the services of other professionals such as geologists, landscape architects, planners, engineers, environmental scientists, or architects, incurred in connection with reviewing the plans and prepared reports.

412.7 Preliminary Plan Review

Within 30 days following the submission of the required information, a public hearing shall be scheduled on the proposed plan. Notice of this hearing shall be published in a newspaper of general circulation at least 15 days prior to such hearing. Notice of this hearing shall also be sent to all property owners within 500 feet of the proposed development.

412.8 Preliminary Development Plan Review As a Subdivision

Concurrently, with the PUD review procedure described herein, all PUD developments must also be reviewed a subdivision pursuant to Article VII of the Subdivision Regulations. Where possible, reviews and hearings will be held concurrently in order to facilitate timely action on proposed developments. Whenever the requirements of this article conflict with requirements contained in the Subdivision Regulations, the stricter of the two shall apply.

412.9 Criteria For Approval of A Preliminary Development Plan

Within twenty (20) days following the public hearing referenced in Section 412.7 above, the Village Planning Commission shall act to approve, disapprove or conditionally approve the preliminary plan in accordance with the following criteria:

+ That the proposed development is in conformity with the goals and objectives of the Kelleys Island Port Master Plan.
+ That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard development requirements included in the Kelleys Island Zoning Ordinance.
+ That the uses requested in the proposal are compatible with surrounding land uses.
+ That there are adequate public services (e.g. utilities, fire protection, emergency service, etc.) available to serve the proposed development.
+ That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
+ That the arrangement of land uses on the site properly consider topography, significant natural features, natural drainage patterns, views, and roadway access.
+ That the clustering of development sites are shown to preserve any natural or historic features and provide usable common open space.
+ That the proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems.
+ That there are adequate buffers between incompatible land uses.
+ That the Village Planning Commission is satisfied that the developer possesses the requisite financial resources to begin the project within the required one year and complete the project within three years or within the phasing schedule.

412.10 Effect of Approval Of The Preliminary Development Plan

The Planning Commission approval of a preliminary plan will be considered an approval of the preliminary development plan in principle only. Approval of the preliminary plan does, therefore, not approve any development on the site nor shall it be construed to absolutely endorse a precise location of uses, configuration of parcels, or engineering feasibility. Approval of the Preliminary Development Plan is necessary however, before the applicant may submit a Final Development Plan to the Planning Commission and Village Council for approval and rezoning to PUD.

412.11 Final Plan

The applicant shall submit ten (10) copies of the proposed Final Plan to the Village Zoning Inspector along with the required application fee. The final plan shall include the following:

All of the written information required for the preliminary plan application (See Section 412.6) revised as necessary and:

+ The specific description of permitted, conditionally permitted and accessory uses to be allowed in each area of the development.
+ A copy of proposed deed restrictions.

In addition to the information provided on the preliminary plan, the final plan shall be drawn to scale (1" to 100') and include:

+ A survey of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses;
+ The location and dimensions of all lots, setbacks, and building envelopes, as well as those of any primary and secondary leaching field envelops;
+ Engineering drawings and plans of sewer and water facilities as well as street and drainage systems.
+ Landscaping plan for all buffers and other common areas.
+ Architectural guidelines to apply throughout the development.
+ The proposed names of all interior streets proposed for the development.
+ Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.

412.12 Final plan and Rezoning Approval Procedure Process

The decision to rezone land to PUD and to approve the Final Plan are technically separate decisions. However, in order to provide for the efficient and timely processing of both the rezoning request and the request for Final Plan approval, all PUD final plan submittal are deemed to be an application for amendment to the Kelleys Island Zoning Code in accordance with Article IX. All procedures (Planning Commission Review and, public hearing, and final action by Council), therein shall be followed in considering an application for a rezoning of the land in question to PUD. Upon approval of such application to rezone the property in question to PUD, the Zoning Districts Map of the Village of Kelleys Island shall be amended to designate the project area as "PUD." Thereafter, with the concurrent approval of the rezoning and final plan pursuant to the criteria stated in Section 412.13, all

development restrictions and conditions described in the Final Plan shall become official requirements of the PUD.

412.13 Criteria of Approval - Final Plan

The Kelleys Island Planning Commission and the Village Council of Kelleys Island shall review the proposed Final Plan in accordance with the following criteria:

+ That the proposed development is in conformity with the Goals and Objectives of the Kelleys Island Port Master Plan.
+ That the proposed development advances the general health, safety and morals of Kelleys Island.
+ That the Kelleys Island Planning Commission and Village Council are satisfied that the developer posses the requisite financial resources to begin the project within the required one year and complete the project within three years or within the phasing schedule.
+ That the interior road system, proposed parking, and any off-site improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.
+ That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements.
+ That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
+ That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential uses proposed in the PUD.

413 Historic District Overlay Zone

413.1 Purpose

The Village Government of Kelleys Island recognizes the unique history of the Island and recognizes that the distinctive history and atmosphere of the Village is firmly grounded in the Islands's physical development and architecture. Because of this distinctive environment, the Village declares it to be a matter of public policy to help preserve, protect and enhance the overall historic character of the Village by discouraging new development or alternations of existing buildings which are determined to be detrimental to, and incompatible with the existing architecture, physical form and historic atmosphere of the Village. Hence this historic district overlay zone is created to apply to certain areas of the Village which exhibit unique and distinctive architecture, the significance if which could be seriously undermined by dissimilar and incompatible new construction. This overlay zone is intended to encourage the reuse of older and historically valuable structures, and it is also recognized that beyond cultural benefits, the protection of historical resources on the Island will fuhrer the economic development of the area through tourism, and will help maintain and improve property values as well as overall health, safety, prosperity and welfare of the residents of Kelleys Island.

413.2 Creation of a Historic District Overlay Zone

There is hereby created a Historic District Overlay Zoning District. This district imposes additional requirements beyond those of the underlying zoning district in order to further the purposes stated above.

413.3 Certificate of Appropriateness Required

Before any new structure is built, or before any existing structure is altered such that the foundation or roof line is altered, or any porches, decks or breezeways are enclosed, or any windows are removed or replaced, a Certificate of Appropriateness is required. Additionally, before any sign, fence, or parking area, is constructed, altered or otherwise modified, a Certificate of Appropriateness is required.

413.4 Establishment of a Design Review Board

There is hereby established a Design Review Board which shall have the authority to issue a Certificate of Appropriateness to those persons who, upon proper application, desire to make any changes other than ordinary maintenance to any structure, objects or property, real or otherwise, within an Historic District Overlay Zone. The issuance of a Certificate of Appropriateness within the Historic District Overlay Zone is required before issuance of a zoning permit issued by the Zoning Inspector.

413.5 Composition and Organization of the Design Review Board

The Design Review Board shall be composed of six members, all citizens of the Village of Kelleys Island. These six people shall be appointed by the Mayor, and they shall include representation as follows: Three members shall be residents of the area included in the Overlay Zone and shall be locally regarded as being exceptionally knowledgeable of Village history, one member shall be a member of the Village Planning Commission, one member shall be a member of the Village Council, and one member shall have a background in architecture, construction, or real estate. The terms of the membership shall be staggered such that the initial appointments include 2 persons with a one year term, two persons with a two year term, and two persons with a three year term. Appointments following these initial terms shall all be for three years.

All meetings of the Board shall be public meetings, with prior public notification. Four members shall constitute a quorum, and a majority vote of those present at meeting shall be necessary to pass any motion. The Board shall meet at least four times a year. In the event of a tie vote, the Village Zoning Inspector shall be called upon to cast a deciding vote.

413.6 Duties of the Design Review Board

The Design Review Board shall have the following duties in addition to those otherwise specified in this Article:

+ The Board may conduct surveys or otherwise assemble information related to all areas, places, buildings, structures, homes, works of art or other objects of environmental, architectural and aesthetic interest in the Village.
+ The Board shall work for the continuing education of the residents of the Village with respect to the architectural and historic heritage of the Island.
+ The Board is hereby authorized to issue a Certificate of Appropriateness upon application therefor. When a certificate of appropriateness is granted, it shall be directed to the Zoning Inspector who may issue a zoning permit provided all other sections of this code are complied with and shall precede the issuance of a permit.
+ The Board shall decide upon an application for a certificate of appropriateness within thirty-one (31) days following submission of such application, unless an extension is requested by the applicant. The Board may exercise authority to conditionally approve an application with modifications to the plan.
+ In considering the appropriateness of any application, the Board shall take into account, in addition to any other pertinent factors, the historical and architectural style and general design, arrangement, texture and material of the proposed change, as they relate to the property in its present condition, and shall also consider the relation thereof to the same or related factors in other properties, objects and areas in the immediate vicinity. Additionally, for rehabilitation of existing structures, the Board shall consider the Secretary of the Interior's Standards for Rehabilitation. These standards (published in 36 CFR Part 67, Historic Preservation Certifications) are to be applied to rehabilitation projects in a reasonable manner taking into account economic and technical feasibility.
+ Applications for a Certificate of Appropriateness shall include both a verbal description of the proposed activity along with plans providing sufficient detail to describe and accurately reflect the proposed construction activity. Additionally, photos, drawings, and sketches which also help describe the proposed activity shall also be submitted if available.
+ The Design Review Board shall review all requests made for demolition permits as described in Section 701.36. In reviewing such requests, the Board shall explore alternatives to the demolition.
+ The Design Review Board shall review requests for additional sign area pursuant to Section 307.5.

413.7 Procedures

In carrying out its functions, the Design Review Board shall meet as required, but not less than three times per year. The Board shall initially establish a statement of procedures which shall govern its meetings. Such procedures shall be printed and made available to all who seek to be guided in their presentations to the Board.

413.8 Appeals

An applicant who has been denied a certificate of appropriateness by the Design Review Board may appeal the decision to the Village Council. Any such appeal shall be made within thirty (30) days after the complaint of action or inaction of the Board. Upon hearing such an appeal, Village Council may reverse, affirm or modify the order or determination. To reverse a decision made by the Board, the Village Council must find clear evidence that the actions proposed by the applicant are consistent with the *Village of Kelleys Island Port Master Plan.*

414 Environmental Protection Overlay District

414.1 Purpose

Being one of a very small number of islands in the State of Ohio, the Village Government recognizes the uniqueness of the natural environment on Kelleys Island and also recognizes that steps must be taken to ensure that uncontrolled development and un-planned development does not destroy important elements of the natural environment which residents cherish and treasure.

414.2 Creation of an Environmental Protection Overlay District

There is hereby created an Environmental Protection Overlay District. This district imposes additional requirements beyond those of the underlying zoning district in order to protect significant island environmental features and generally further the purposes stated above. This overlay zone is intended to apply to shoreline areas of the Island where intensive development in terms of density, building location, building heights and vegetation removal could destroy scenic vistas along the lake shore. This overlay zone is also intended to apply to other unique environmental features such as wetlands, flood hazard areas, erosion hazard areas, unique plant and animal habitats, and archeological sites.

414.3 General Requirements

Any new construction of any structure, or alteration of any existing structure shall not take place until a site plan has been prepared and approved in accordance with the requirements herein. A site plan is not required when a property simply changes use without any physical modification to any buildings or any new construction. Such a site plan shall be reviewed by the Planning Commission which has the authority to require additional building setbacks, a more restrictive height limitation in order to preserve views, a limitation on the amount of tree, or other vegetation that may be removed from the site, or specific erosion control measures.

414.4 Site Plan Requirements

Before the Zoning Inspector may issue a zoning permit for a proposed new structure or alteration of an existing structure, a site plan of the subject property must be prepared and submitted to the Planning Commission for review and must be approved. This site plan shall consist of a scale drawing, showing or otherwise describing, the following:

+ The location of all existing and proposed buildings, including building heights, and setbacks, parking areas and driveways, and accessory buildings.
+ Show, or otherwise describe, all significant environmental features on the site including, but not limited to all trees greater than 10 inches in circumference, any wetlands, identified archeological sites, identified erosion hazard areas as identified by ODNR, Division of Geological Survey, known location of habitats for rare, threatened and endangered species. Densely vegetated areas may be illustrated as an area and described as a unit.
+ A description of how the applicant has taken steps to preserve and protect the identified unique environmental features on the site in the development of the construction plans.
+ Both the Planning Commission and the applicant are encouraged to refer to the *Village of Kelleys Island Port Master Plan* for information and guidance with respect to environmental issues and concerns.

414.5 Plan Review

Within thirty-one (31) days following the submission of a site plan, which the Zoning Inspector has found to be complete with respect to the requirements herein, the Planning Commission shall hold a public meeting to consider such plan, and act to approve, disapprove, or modify such plan. In consideration of the plan, the Planning Commission shall try to balance the goals of preserving and protecting the

unique and valuable environmental assets of the Island with the property owners rights and to achieve a reasonable use of his or her property.

The Planning Commission may require an alternative arrangement of buildings, structures, setbacks, yard dimensions, and may require specific buffer zones, tree or habitat preservation, erosion control practices, or similar measures to protect unique environmental features.

414.6 Appeals

An applicant who has been denied approval of a proposed site plan may appeal such a decision to the Village Council. Any such appeal shall be made within thirty (30) days following the decision of the Planning Commission. Upon hearing such appeal, Council may reverse, affirm or modify the decision of the Planning Commission. To reverse a decision made by the Planning Commission, the Village Council must find clear evidence that the actions proposed by the applicant are consistent with the *Village of Kelleys Island Port Master Plan.*

415 RESERVED FOR AIRPORT OVERLAY DISTRICT

416 SHORE DISTRICT

ARTICLE V
Non-Conforming Uses, Structures & Lots

501 Purpose

The purpose of this section is to provide for the continuation of uses and structures that do not conform to this existing Zoning Code, but were lawfully existing at the time of enactment of this ordinance.

501.1 Non Conforming Uses

The lawful use of any building or land existing at the effective date of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, provided the following condition are met.:

501.11 Alterations

A non-conforming building or structure may not be altered, improved or reconstructed, enlarged or extended.

501.12 Non-Conforming to Non-Conforming Use

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

501.13 Construction Approved Prior to Ordinance

Nothing in this Ordinance shall prohibit the completion of construction and use of non-conforming building for which a zoning certificate has been issued prior to the effective date of this Ordinance, provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed within one (1) year after the issuance of said zoning certificate.

501.14 Displacement

No non-conforming use shall be extended to displace a conforming use.

501.15 Discontinuance or Abandonment

Whenever a non-conforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be conclusive evidence of an intention to abandon legally the non-conforming use. At the end of that two (2) year period of abandonment the non-conforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Ordinance.

501.16 Unsafe Structures

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority provided such work is not to an extent exceeding in aggregate cost fifty (50) percent of the replacement value of the building or structure, unless the building or structure is changed to a conforming use.

501.17 Annual Review of Non-Conforming Uses

Each year, the Zoning Inspector shall make an inspection of known non-conforming uses, and shall keep records describing the activities taking place on the property, as well as the conditions of the structure.

501.2 Non Conforming Structures

A structure which was lawfully constructed before the effective date of this Ordinance, and which is non-conforming with respect to height, or set backs from any lot lines, may be continued, provided however, that if such structure is to be altered, expanded, enlarged or otherwise structurally modified, such alteration, or enlargement, shall not increase the amount of non-conformity with this Ordinance. For example, a building which has a side yard of 5 feet in a Zoning District which requires a 10 foot side yard, may not be enlarged upon so that the side of the building abutting such non-conforming side yard is increased in length, unless any new additions are built in conformity with the greater side yard requirement.

501.3 Non Conforming Lots

Whenever a parcel of land exists which is non-conforming as to required lot size, then such lot may be built upon individually. However, where an individual, group of individuals, corporations, or other organization owns two or more lots abutting each other in such as way as to permit compliance with the lot size requirements of this Ordinance, then such lots shall be combined to functionally represent a single building lot to the extent that is necessary to comply with the requirements of this Ordinance.

ARTICLE VI
PARKING AND LOADING REGULATIONS

601 Off-Street Parking

In all districts, in connection with every building or part thereof hereafter created, off-street parking facilities shall be provided as prescribed by this section.

601.1 Minimum Number of Off-Street Parking Spaces Required.

Business and Professional Offices and Banks - One (1) for each 200 square feet of floor area.

Churches - One (1) for each four (4) seats in principal auditorium, based on maximum seating capacity.

Clubs and Lodges, Restaurants and Bars - One (1) per two hundred (200) square feet of floor area or one (1) per four (4) seating spaces in the assembly room.

Dance Halls, Skating Rinks - One (1) per one hundred (100) square feet of floor area.

Dwellings - Subject to the provisions of Article IV, Section 406-9, there must be a minimum of two parking spaces for each dwelling unit.

Health or Medical Centers, Nursing Homes - Bed Establishments: One (1) parking space for each three (3) beds. Non-bed Establishments: One (1) parking space for each two hundred (200) square feet of floor space

Hotels - One (1) parking space for each one (1) sleeping room.

Medical and Dental Offices - Three (3) spaces for each physician or dentist.

Manufacturing Plants - Two (2) spaces per three employees - the total number being the total number of employees on any two consecutive shifts having the largest number of employees.

Retail Stores, Super Markets, etc. - One (1) space for each one hundred (100) square feet of floor space.

Theaters - One (1) space for each four (4) seats.

601.2 Supplemental Regulations

+ Off-street parking areas shall provide parking spaces, each of which shall not be less than two hundred (200) square feet in area exclusive of access drives or aisles.
+ Such parking areas shall be of usable shape, and so graded and drained and provided with adequate drainage facilities so that the adjacent properties and right-of-way shall not be subject to flooding by run-off water from the proposed parking area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light sources such as the stringing of light bulbs shall be permitted. All parking spaces, except those provided in conjunction with one (1) and two (2) family dwelling shall be improved with bituminous, concrete or equivalent surfacing.
+ Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, to contain the cars of sloping surfaces; to prevent bumper over-hang or other encroachment into the required or specified setback spaces.
+ Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more two (2) accessways abutting any street. Such accessways shall not be less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street. Residential uses may have accessways of not less that eight (8) feet.
+ No off-street parking facilities shall be located in front yard as required by this Ordinance, except:

In Commercial Districts: Off-street parking facilities may be located in front and side yards provided that points of access and related landscaping have been approved by the Planning Commission.

In Industrial Districts: Off-street parking facilities may be located in front and side yards provided that points of access and landscaping have been approved by the Planning Commission.

•In all Districts where residential land uses are permitted, inoperable equipment (e.g. cars, trucks, boats or any type of mechanical equipment) must be kept under cover or removed and properly discarded.

•In all districts all inoperable equipment (e.g. cars, trucks, boats or any type of mechanical equipment) must be kept under cover or placed in an area completely enclosed by a solid fence (i.e. metal sheeting, corrugated metal, concrete block, wood, etc.) properly painted and devoid of all signs.

ARTICLE VII
ADMINISTRATION AND ENFORCEMENT

701 Administration

The provisions of this Ordinance shall be administered by the Kelleys Island Village Planning Commission.

701.1 Zoning Inspector

A Zoning Inspector shall be employed by the Village Council for the purpose of effecting proper administration of this Ordinance. The term of employment, rate of compensation and other such conditions shall be set by the Village Council. For the purposes of effecting this Ordinance, the Zoning Inspector shall have the powers of a police officer.

The administration and enforcement duties and function of the Zoning Inspector (a unified function) are as follows:

+ Review all applications submitted for a zoning permit.
+ Issue a zoning permit when application is in conformance with this Ordinance.
+ Make at least one (1) on-site inspection of the construction or change in use affected by any zoning permit. When excavation for foundations have been completed and building lines have been established, it shall be the responsibility of the of the holder of a zoning permit to notify the Zoning Inspector, in writing, and request an inspection to verify compliance with yard and setback requirements.
+ Keep an accurate record of all applications and certificates issued or processed.
+ Maintain the official zoning map and text, keeping an up-to-date record at all times.
+ Maintain a complete record of non-conforming and conditional uses.
+ Serve as the official to which application for amendments and appeals are made, then forward copies of applications to secretaries of the Appeal Board or Planning Commission, whichever is applicable.
+ Forward to the *Erie* County Auditor one (1) copy of each zoning certificate issued.
+ Make decisions strictly as set forth by the zoning ordinance, or building code.

701.2 Submission of Applications

All applications for zoning permits shall be submitted to the Zoning Inspector who *shall* issue a zoning permit when all applicable provisions of this Ordinance have been complied with.

701.3 Types of Zoning Permits

Eight types of zoning permits may be issues by the Zoning Inspector when activity is found to be in compliance with the requirements of this Ordinance. These eight types of zoning permits are:

701.31 Construction Permit
Before any structure, as defined in this ordinance is built, erected, enlarged, or placed on a property, a construction permit is required. The Zoning Inspector shall issue such a construction permit when he or she is satisfied that according to the information submitted by the applicant, the proposed structure will conform with all requirements of this code. Such permits shall be displayed on the subject property until construction is completed.

701.32 Occupancy Permit
Following the construction of any new structure, occupancy of the new structure for any purpose shall not take place unless and until an occupancy permit is issued by the Zoning Inspector. The Zoning Inspector shall issue such an occupancy permit when he or she is satisfied that the proposed structure was constructed in accordance with the plans and other information previously submitted, and that the use for which the property is stated to be used for and is about to be placed conforms with the requirements of this Ordinance.

701.33 Use Permit
When no new construction or alternation of an existing structure is involved, and when the use of a property or structure changes, a use permit is required. The Zoning Inspector shall issue such a use permit when he or she is satisfied that, according to the information submitted by the applicant, such change of use does conform to the requirements of this ordinance.

701.34 Certificates of Appropriateness
As described in Section 413, when any property is located within an historic district overlay zone, a certificate of appropriateness is required in many circumstances involving construction or alteration of a structure. These Certificates are approved by the Design Review Board and are required prior to the issuance of any permit other permit by the zoning inspector.

701.35 Conditional Use Permit
As described in Section 801.6, the Planning Commission has the authority to issue a conditional use permit. Such permits authorize one particular use with or without specific conditions required by the Planning Commission.

701.36 Demolition Permit
Before any structure may be demolished, a demolition permit must first be obtained. For areas which are located with the Historic District Overlay Zone, applications for a demolition permit shall be reviewed by the Design Review Board in accordance with Section 413.6

701.37 Sign Permit
Before any sign, except those exempted in Section 307.6, may be placed, constructed, or structurally altered, on or attached to a building, or on a parcel of land, a sign permit is required.

701.38 Excavation Permit
As described in Section 313, in areas outside a (Q) Quarrying Zoning District, whenever any blasting is involved in the excavation of any type of bedrock, or whenever the excavation of more than 50 cubic yards of sand, gravel, rock, or soil is involved as part of a building construction project, multi-structure development project, or a non-structural improvement such as pond construction, a landscaping project, or marina construction, an excavation permit shall first be obtained.

701.4 Applications
Unless otherwise noted in this Zoning Ordinance, every application for a zoning permit shall be accompanied by plans and items of information in duplicate which include the following information:

+ A plan drawn to scale showing the exact dimensions of the property to be built upon.
+ The location, dimensions, height and bulk of structures to be erected.
+ The intended use of uses.
+ The proposed number of sleeping rooms, dwelling units, occupants, employees and other uses.
+ The yard, open area and parking space dimensions.
+ Evidence of ownership.
+ Any other pertinent data as may be necessary to determine and provide for the enforcement of this ordinance.

Within ten (10) days after the receipt of application, the Zoning Inspector shall issue the appropriate zoning permit if, the application complies with the requirements of this Ordinance, the application is accompanied by the proper fee as indicated in Section 701.7.

701.5 Bonds
If, due to weather conditions, or other factors beyond the control of the property owner, all improvements to the land cannot be made as shown on the plans submitted for a zoning permit, such as parking lot landscaping, parking lot paving, sidewalk construction, park improvements, tree plantings, or other such improvements, an occupancy permit may still be issued provided a completion bond, letter of credit, or other form of security is posted with the Village to guarantee the completion of such improvements. All such guarantees shall be reviewed by the legal council for the Village, and estimated cost for completion of the involved improvements shall be estimated by a third party approved by the Mayor. Any costs associated with developing such an estimate shall be paid for by the applicant and, the specific terms and conditions prescribed in the bonds or other security instruments shall be determined by the Village Zoning Inspector and Village Solicitor.

701.6 Expiration of Zoning Permits
A zoning permit shall become void at the expiration of one (1) year of date of issuance when an applicant does not carry out the activity for which a permit was given.

701.7 Payment of Fees
A zoning permit fee is required and must accompany all zoning permit applications. The fees for various types of zoning permits, as well fees for an annual review of a conditional use, rezonings, appeals, site plans, and other such actions, shall be in such amounts as the Village Council, from time to time, may by resolution, designate.

701.8 Enforcement
Every person corporation or firm who violates, disobeys, neglects, or reuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Inspector, Board of Appeals, Planning Commission, or Village Council issued in pursuance of this Ordinance shall be guilty of a misdemeanor.

701.9 Violations and Correction Periods
The Zoning Inspector shall inspect any reported or observed violation of this code and shall order corrected any and all conditions which are found to be in violation of this Ordinance. All violations shall be corrected within a period of ten (10) calendar days (beginning the day after the written order is issued), or for a longer period of time as indicated by the Zoning Inspector in a written order. Any violations not corrected within the specified period of time shall be reported to the Village Law Director who shall initiate prosecution procedures.

701.10 Penalties
The owner or owners of any building or premises or part thereof where anything in violation or the Ordinance shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of any such violation, and any person who shall violate any of the provisions of this Ordinance or fail to comply therewith shall for each violation or non-compliance be deemed guilty of a misdemeanor and upon conviction thereof, be fined not less than Twenty- Five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00). Each day such violation or failure to comply shall exist shall constitute a separate offense.

ARTICLE VIII
VILLAGE PLANNING COMMISSION

801 Authority
The Village Planning Commission is established pursuant to Section 713.01 of the Ohio Revised Code, and shall have all the powers and duties prescribed by law and by this Ordinance.

801.1 Composition and Appointment
The Village Planning Commission shall consist of five members, including the Mayor, one member of the legislative authority to be elected thereby for the remainder of his or her term as such member of the legislative authority, and three citizens appointed by the Mayor for terms of six years each. All such members shall serve without compensation.

801.2 Organization
The Planning Commission shall elect a Chairperson from its membership, shall appoint a secretary, and shall prescribe rules for the conduct of its affairs.

801.3 Quorum
The Planning Commission shall require a quorum of three members at all its meetings, and a concurring vote of three members shall be necessary to effect an order.

801.4 Meetings
The Planning Commission may meet at regular meeting dates, and as needed to responded to applications which require action with lawful public notification. All meetings of the Planing Commission shall be public and public records shall be kept of all proceedings indicating the vote of each member on each issue.

801.5 Powers, Duties and Limitations
In accordance with Ohio Law and this Ordinance, the Planning Commission is granted the power and responsibility to hear and decide the following matters:

+ Review proposed amendments or rezonings to this Zoning Ordinance make recommendations to the Village Council.
+ Review and act on parking area site plans submitted pursuant to Section 312 of this Ordinance.
+ Review and approve, or deny, or approve with modifications, development plans and applications for PUD Zoning Classification pursuant to Section 412 of this Ordinance.
+ Review and act upon site plans submitted for development within the Environmental Protection Overlay District according to Section 414
+ Review applications for conditional uses and decide on applications on the basis Section 801.6 below.
+ Review requests for a determination that a proposed use is similar to those principally permitted in a given zoning district.

801.6 Conditional Uses
Within most zoning districts there are conditional uses which are uses which may be acceptable within a particular zoning district in certain circumstances and with certain limitations. To provide necessary control over the location of such uses, the Planning Commission shall review applications for conditional uses. The review of proposed conditional uses shall be approved or denied on an individual basis using the following criteria:

•That the proposed use will not, under the specific circumstances, be detrimental or otherwise disturb surrounding property or the community as a whole.

+ That the proposed use will be in harmony with the general purpose and intent of this Ordinance.

In making its decision, the Planing Commission may approve the location of the conditional use with stipulations, and specific requirements. Such requirements might include additional buffering at one location, no illumination of signs, greater setbacks for specific areas, screening of parking facilities, etc.

In addition to the typical application requirements established for a zoning permit, applications for conditional use permits shall also include a list of property owners within 200 feet of the property in question who shall be notified by first class mail of the of the Planning Commission meeting during which the proposed conditional use will be considered.

All conditional use permits shall authorize one particular conditional use and such permit shall expire if such use is not commenced within one year, or if such use is discontinued for more than two consecutive years.

All conditional uses shall be subject to an annual review by the Zoning Inspector. Such an annual review shall involve an examination of the property to an extent necessary for the Zoning Inspector to determine that the property, and the uses thereon, comply with the requirements of this Ordinance as well as any conditions, or restrictions placed on the property when the conditional use was approved. In accordance with Section 701.7, a fee shall be charged for this annual review.

ARTICLE IX
BOARD OF BUILDING AND ZONING APPEALS

901 Authority

The Board of Zoning Appeals is authorized to act as an administrative board as provided in Section 713.11 of the Ohio Revised Code, and shall have all the powers and duties prescribed by law and by this Ordinance.

901.1 Composition and Appointment

The Board shall consist of five (5) members appointed by the Mayor and approved by the Council, one of who shall be a member of Council. Each other member shall be appointed for a period of four (4) years, except that one of the initial members shall be appointed for two years and one of the initial members shall be appointed for three years. In the event of death or resignation of a member, the Mayor, with the approval of the Council, shall make the appointment for the duration of the unexpired portion of the term of the member. The term of the Council member shall expire on December 31 of the year in which he is appointed.

901.2 Organization

The Board of Zoning Appeals shall elect a Chairperson from its membership, shall appoint a secretary, and shall prescribe rules for the conduct of its affairs.

901.3 Quorum

The Board of Zoning Appeals shall require a quorum of three members at all its meetings, and a concurring vote of three members shall be necessary to effect an order.

901.4 Meetings

The Board of Building and Zoning Appeals shall meet at the call of its chairman or two other members, and at such other regular times as it may, by resolution, determine.

901.5 Witnesses

The Board of Zoning Appeals Chairperson or acting Chairperson may administer oaths and compel the attendance of witnesses in all matters coming within the review of this Ordinance.

901.6 Powers, Duties and Limitations

The Board of Zoning Appeals is granted the power and responsibility to hear and decide the following matters:

+ The Board of Zoning Appeals shall hear and decide upon all matters relating to the interpretation of the requirements of this code. This shall include matters of interpretation of the text of this code as well as boundaries of zoning districts as they appear on the zoning map. The Board of Zoning Appeals shall be mindful of the indicated purposes and intent of all requirements within this ordinance when interpreting the requirements of this Ordinance.
+ The Board of Zoning Appeals shall hear requests for variances to allow deviation from the strict application of the dimensional requirements within a given zoning district. In no case shall the *granting* of a variance allow any type of change of use. The Board of Zoning Appeals shall only have the authority to hear and decide upon requests for variances from measurable development requirements such as yard dimensions, height limitations, lot sizes, number of parking spaces required, etc. The Board of Zoning Appeals may only grant such variances when it finds that the following circumstances are true:
+ That there are special or unique circumstances which are peculiar and unique to the involved land or structures, and which are not the result of the actions of the applicant.
+ That the literal interpretation of the provisions of this Zoning Code would deprive the applicants of the rights commonly enjoyed by other properties in the same zoning district.
+ That variance will not confer on the applicant any unique privileges that are not enjoyed by other property owners in the same zoning district.
+ That the variance will not affect the health, safety and welfare of the persons within the vicinity of the proposed variance.

901.7 Procedure

The Board of Building and Zoning Appeals shall act in accordance with the procedure specified by law including this Ordinance. All appeals and applications made to the Board of Building and Zoning Appeals shall be in writing and on forms prescribed therefore. Every appeal or application shall refer to the specified provisions of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it may be. Every decision of the Board of Building and Zoning Appeal shall be by resolution, each of which shall contain full record of the findings of the Board of Building and Zoning Appeals by case number under one of another of the following headings: Interpretation; Exceptions; Variances, together with all documents pertaining thereto. All applications, shall include a fee. In the event the Board of Building and Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or other expert testimony, such fee shall be raised in order to cover all expenses of such expert testimony.

901.8 Notice of Hearings

When a notice of appeal has been filed in proper form with the Board of Building and Zoning Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least five (5) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll, and shall be posted in 5 places in the Village. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

Not less than fourteen (14) days prior to the date set for such hearing on appeal, written notice of such hearing shall be caused by the Board to be given by mail to any person, firm or corporation owing premises located within five hundred (500) feet of the land to which such appeal or application relates.

901.9 Appeals

Appeals to the Board of Building and Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Village of Kelleys Island, deeming himself or itself to be adversely affected by the decision of the administrative official pertaining hereto. Appeals should be made no later than fifteen (15) calendar days after the date of any adverse decision. The appellant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer whose decision is appealed from shall certify to the Board of Building and Zoning Appeals after the notice of the appeal has been filed, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Building and Zoning Appeals or by a court having lawful jurisdiction. Within its powers, The Board of Building and Zoning Appeals may reverse or affirm, wholly or in part or modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Building and Zoning Appeals shall decide all such appeals within forty-five (45) days after date of hearing except that such time may be extended by mutual consent.

ARTICLE X
AMENDMENTS

The Council of the Village of Kelleys Island may, from time to time, amend by ordinance the number, shape or area of districts established on the Zoning Map or regulations set forth in this Ordinance; but no such amendment shall become effective unless the ordinance proposing same amendment shall first be submitted in writing by the Clerk of Council to the Village Planning Commission for approval, disapproval or recommended modifications and said Commission shall have been allowed a reasonable time, not less than thirty (30) days, and not more than forty-five (45) days, for consideration and report. The Council shall hold a public hearing before the adoption of the proposed amendment. Any person or persons desiring an amendment of the Zoning Map shall accompany the petition for such amendment, or the ordinance introduced for this purpose, with a statement giving the names and addresses of the owners of all properties within 500 ft. of any part of the property, the zoning of which would be changed by the proposed amendment if enacted. At least thirty (30) days notice of such amendment, and of the time and place of the hearing thereon shall be given to such owners. Said notice shall include a statement that opportunity will be afforded to any person interested to be heard. All applications for a zoning change shall include:

1. Evidence that the existing zoning ordinance is unreasonable with respect to the particular property, and it deprives the property owner of his lawful and reasonable use of the land; and/or
2. Evidence that the proposed amendment would materialize in an equal or better zoning ordinance than that existing.

Name _____

Address _____

Tele. No. _____

Number of Books _____

( ) Paid

( ) Will Pay On Delivery

OUR FAVORITE RECIPE COOKBOOK

Advance Sale Coupon

This coupon is to be redeemed for one personalized cookbook being published by our organization.

Purchaser:

Name_____

Street_____

City_____State_____

Women's Auxiliary of the Kelleys Island Fire Dept.

(Organization)

MANAGER CLOSE OUT OF REGISTER

Use manager key in the bottom drawer of desk
Insert key and move to Z
Hit the CA/TOTAL button
Return the key to the desk drawer

It will print out the day's receipts

Use the regular key to turn on cash register
Open the drawer

Count out $200 to be left in the drawer
Do not count change

Rip off the charge machine printout

IF there are any mistakes that need to be fixed, this is the time to do them so everything balances.

Match up the receipts for charges to the credit card machine printout
Match up the cash over $200 with the cash register printout

Note any discrepancies, bundle together and put in zipper envelope in the cage (Right upper cabinet)

If there is any cash in the Parsonage envelopes – exchange the smaller bills for larger ones that you left in the cash register.

We always run short of $5 and $1 dollar bills.

CONTINUED FROM PAGE 1

districts" in the new ordinance have more than doubled from six to 15. The December issue of the Perchie Press summarized the major elements of the new ordinance. Since that synopsis, two more zoning classifications have been added. The two new categories are known as transitional zones to provide an area where a graceful separation of the two type of commercial zoning from residential districts can be made. The transitional zones have regulations that are a hybrid of the regulations for the abutting residential and commercial zones. Other minor changes were approved at the last Planning Commission meeting dealing with definitions, especially of what constitutes "quarrying."

The Public Hearing will be a part of the regular February Council meeting which is scheduled for 9:00 AM.

Individuals who cannot attend the public hearing are encouraged to send their comments on the new ordinance to Chuck Herndon,Chairman of the Planning Commission or any other Village Official.

PUBLISHING NOTES - CONTINUED FROM PAGE 1

omitted , but these deletions should not materially affect the utility of this information. The table was from the R-3 District and was a technical illustration of the formulas contained in section 404.7.

The three tables omitted were from the Industrial district and were tabulations of various allowable frequency-bands decibel levels for different times of the day. Should the urge present itself to inspect this material, it can be seen at the Municipal Building.

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Attorney General has to be allowed to be heard in any case challenging the consitutionality of a village ordinance.

Randy Strickler, Village Solicitor, has removed himself from the situation and an independent counsel to represent the Village in the matter has been authorized by Council.

Farmer Suit to be Appealed Again

And in even more legal news, the Kelleys Island School Board has decided to carry the case filed by Donna Farmer to another level of appeal. This past December 30, the Ohio 6th Circuit Court of Appeals ruled that the Erie Commons Pleas Court was correct in deciding that the School Board had improperly terminated Farmer in April of 1991 after 14 years of teaching on the Island.

Farmer brought the suit against the School Board challenging the non-renewal. The Erie County Common Pleas court ruled that the School Board did not follow proper procedure in the matter and ordered Farmer reinstated. That decision was appealed to the Circuit Court by the School Board, which was turned down in December. At the January meeting, the School Board authorized an appeal of the adverse decision by the Circuit Court.

Hotel, Golf Course Plans Revealed

A new super-development, by Island standards anyway, is in the planning stage for vacant land lying in the southwest quadrant of the intersection of Titus Rd and Division Street. The plans, which are to be presented to a special meeting of the Planning Commission on January 30, are reported to include a mixture of housing types, a 100+ room hotel, and a par-three golf course, and retail establishments.

The total number of dwellings included in the plan are reported to be over 300.

Island businessman Dave VanAuken is one of the individuals involved in the development.

Quarry Wants Part of Bookerman

Kellstone Inc., owner and operator of the quarry on the Island, has formally requested the Village to vacate a portion of Bookerman Road. The section in question is that portion where Kellstone owns property on both sides, or roughly from the entrance to the Village Transfer Station to the intersection of Bookerman with Cameron Rd.

Kellstone is restricted from performing any activities within a 100 foot buffer on either side of the road. If the Village would vacate, or give up public title, to the road, the company would not only gain access to the road itself but also be able to recover stone from the 200 foot of buffers.

When a municipal corporation vacates a public road, the property lines of adjoining parcels are extended to the center of the road and the owners who gain this property must pay the fair market value for the property acquired

Island Loses a Treasure

Henry T "Hennie" Beatty, the oldest Island-born resident, died January 23 after a short ilness. He was 91.