



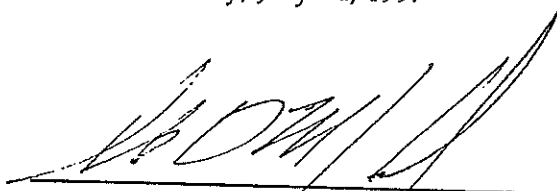
REVISED ZONING ORDINANCE
1997

Preamble

An Ordinance of the Village of Clifton, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 713, Ohio Revised Code, dividing the Village into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience and safety of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public rights-of-way; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Ordinance, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare.

First Reading March 10, 1997
Public Hearing June 2, 1997
Second Reading June 19, 1997

Passed Monday, July 14, 1997


Stephen D. McFarland, Mayor

Attest:



Martha Hickman Hild, Clerk-Treas.

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REVISED ZONING ORDINANCE
OF THE
VILLAGE OF CLIFTON
GREENE AND CLARK COUNTIES, OHIO
1997

An ordinance, in pursuance of the authority granted by Section 713.06 of the Ohio Revised Code, to promote health, safety, convenience, and prosperity; establishing zones, and regulating therein the uses of land and the location, height, and construction of buildings with a view to encouraging the most appropriate use of land within the Village.

Section 1. TITLE.

This ordinance shall be known as the Revised Zoning Ordinance 1997 of the Village of Clifton and may be so pleaded and cited.

Section 2. INTERPRETATIONS AND PURPOSE.

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare of the residents of the Village of Clifton. Where this Ordinance imposes a greater restriction upon the use of buildings or land or upon the heights of buildings, or requires greater yards or open spaces than are imposed or required by other laws or ordinances, the provisions of this Ordinance shall control.

Section 3. ZONES CREATED.

The Village of Clifton, Ohio, is hereby divided into zones as shown on the zoning map dated 3/10/97 and filed with the Village Clerk-Treasurer. The map and all explanatory matter thereon are hereby made part of the Ordinance.

Section 4. SEPARABILITY.

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

Section 5. REPEAL OF CONFLICTING ORDINANCES.

All Ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance, including Ordinance 96-11-1, Emergency Zoning Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 6. EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

DEFINITIONS.

Certain words and phrases used in this Ordinance are defined for the purpose thereof, as follows: Words used in the present tense include the future; the singular number includes the plural, and plural includes the singular; the word "person" includes a corporation as well as an individual; masculine pronouns include feminine pronouns; the word "lot" includes the word "plot;" the word "building" includes the word "structure;" the word "occupied" includes the words "designed or intended to be occupied;" the word "used" includes the words "arranged, designed, or intended to be used;" the word "shall" is mandatory and not directory.

Wherever the term "this Ordinance" appears or shall appear, it shall be interpreted to mean and to refer to the Revised Zoning Ordinance 1997 of the Village of Clifton, inclusive of all amendments and supplemental sections which have been or may be added thereto.

Accessory Use or Building: A subordinate use or building or portion of a main building, the use of which is incidental to that of the main building or use, and is located on the same lot.

Agriculture: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of agricultural animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district.

Alley: A permanent serviceway providing primary or secondary means of access to abutting properties.

Alterations: As applied to a building or structure, means a change of or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending a side or by increasing the height; or the moving from one location or position to another.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Apartment Houses: Buildings used as residences for three or more families or households living independently of each other, but having a common right in halls, stairways, or cellars or in some of them.

Area, Building: The total of areas taken in a horizontal plane at the main grade level of the principal building, exclusive of uncovered porches, terraces, or steps.

Area, Net Site: The total area within the property lines of a project, excluding the external streets.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

Basement or Cellar: A story partly underground but having less than half its clear

height below finished grade. A basement shall not be considered a story for the purposes of height measurement.

Billboard: See signs, off-premises signs.

Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or chattels.

Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Front Lot Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but not steps.

Building, Height of: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height measured between eaves and ridge for gable, hip, or gambrel roofs.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business (General): Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores, and discount stores; restaurants; grain milling; and family entertainment.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

Conditional Use Permit: A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Coverage: That percentage of the lot area covered by building areas.

Curb Level: The officially established grade of the curb in front of the mid-point of the lot.

Dwelling: Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Dwelling, Single-Family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or

combined entrance or entrances.

Dwelling, Multi-Family: A dwelling consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

Dwelling, Rooming House (Boarding-, Lodging House or Dormitory): A dwelling or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Factory-Built Housing (Modular Home): A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Ordinance, "factory -built housing; shall include the following:

1. Manufactured Home. Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is build on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating air conditioning and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.
2. Modular Home. Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
3. Mobile Home. See Mobile Home, below.

Family: One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, club, fraternity, dormitory, or hotel.

Farm: Any parcel of land containing at least three areas which is used for gain in the raising of agricultural products, livestock, poultry or dairy products. It includes farm structures within the prescribed limits, and the storage of equipment used. It excludes riding academies, livery and boarding stables, dog kennels, and establishments for the raising of fur-bearing animals.

Garage, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person not resident on the premises;
2. No more than one commercial vehicle per dwelling is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

Garage, Public: A principal or accessory building other that a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage, Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributor parts;
2. Tire servicing and repair, but not recapping or grooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease, containers, wheel bearings, mirrors and the like;
4. Radiator welding and repair;
5. Greasing and lubrication;
6. Providing and repairing fuel pumps, oil pumps, and lines;
7. Minor servicing and repair of carburetors;
8. Adjusting and repairing brakes;
9. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
10. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
11. Provisions of road maps and other informational material to customers;
12. Provision of restroom facilities;
13. Warranty maintenance and safety inspections.

A service station is not a repair garage nor a body shop. Uses permitted at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, oil changes, radiator cleaning and flushing, or other work involving noise, glare, fumes, smoke, accumulation of used automotive parts or fluids, or other activities usually carried out at a repair garage or body shop.

Grade, Established: The elevation of the center line of the streets as officially established by the Village authorities.

Home Occupation (Cottage Industry): A accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting, and the like shall not involve more than three receivers of such services at any one time.

Hotel (or Motel): A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory, which is herein separately defined.

Junk: The accumulation of trash, junk vehicles, vehicle parts, rags, or any other debris in any district.

Junk Vehicle: A vehicle shall be deemed junk or an inoperable vehicle whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order:

1. The vehicle is without a valid, current registration and/or license plate.
2. The vehicle is apparently inoperable.
3. The vehicle is without fully inflated tires and/or has any type of support under it.
4. The vehicle has a missing or shattered window or windshield.
5. The vehicle has an extensively damaged or missing door, motor, transmission, or other similar major part.

Junk Yard: Any land, property, structure, or combination of the same primarily used for buying, selling, exchanging, storing, bailing, packing, disassembling, or handling of waste or scrap materials, including but not limited to vehicles, machinery, and equipment not in operable condition, or parts thereof, and furniture, building materials, metals, paper, rags, rubber tires, and bottles. Such operations conducted within completely enclosed buildings shall not be considered a Junk Yard. Two or more inoperable vehicles on a lot shall be considered a Junk Yard.

Line, Street Lot: The dividing line between the street right-of-way and the lot.

Lot: For the purposes of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

Lot, Corner: A parcel of land at the juncture of and fronting on two or more intersecting streets.

Lot, Interior: A lot other than a corner lot.

Lot, Depth of: The mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

Lot Lines: Any line dividing one lot from another or from a street or other right-of-way.

Lot, Width of: The mean width measured at right angles to the depth.

Mobile Home: Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

Non-Conforming Use or Building: Any structure or land lawfully occupied by a use existing at the time of the enactment of this Ordinance but not in conformity to the regulations of the district in which it is located.

Parking Space: The area required for parking one automobile, which in this ordinance is held to be an area eight feet wide and twenty feet long, either within a structure or in the open, exclusive of driveways or access drives.

Planning Committee: See Zoning Commission.

Plat: A map, plan, or layout of a city, village, section, or subdivision indicating the location and boundaries of individual properties.

Set Back Line: A line established by the Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

Sewers: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Signs: Any visual communication display, object, device, graphic, structure, or part, situated outdoors and attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization, or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

1. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such a sign is located.
2. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other non-blinking, non-flashing, artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device: Any non-blinking, non-flashing light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Projecting: Any sign which projects from the exterior of a building.

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

Story, Half: A story under a gable roof, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor above the floor of such a story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property. The minimum width of any street shall be considered as 30 feet at the time of the passing of this Ordinance, or 50 feet if created after the effective date of this Ordinance.

Structure: Anything constructed, having a fixed location on the ground or attached to anything having a fixed location on the ground, including among other things buildings, stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs.

Use: The specific purposes for which land or a building is designated, arranged, intended, of for which it is or may be occupied or maintained.

Variance: A modification of the strict terms of the relevant regulations owing to conditions peculiar to the property and not the result of the action of the applicant, where such modification will not be contrary to the public interest.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending the full width of the lot between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending the full width of the lot between side lot lines across the rear of a lot and from the rear lot line to the back of the principal building.

3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards. The least width of any side yard space shall be measured at right angles to the side lot line. When a side wall or any covered part attached thereto is not parallel with the side lot lines, the required side yard spaces shall not be narrower than the required width at any point.

Zoning Administrator: The member of council designated by the Mayor to administer and enforce zoning regulations and related Ordinances.

Zoning Commission: Village Council acting as the Zoning Commission.

Zoning Permit: A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Section 8. USES.

- A. Except as specified in Section 9, Non-Conforming Uses, in each zone the land and structures may be used only for the purposes specified in the Zoning Schedule, Section 12.
- B. The following uses shall be specifically prohibited in the Village of Clifton:
 1. Abatoirs and slaughter houses, commercial processing of animal products or by-products, explosives, fireworks or gunpowder and the manufacture or storage of same, hog farms or stockyards, manufacture or commercial or industrial use of sulfuric, nitric, hydrochloric or other corrosive acids.
 2. Mobile home parks, mobile homes used as buildings, or any factory-built housing except modular homes.
 3. Off-premises signs of any kind, or signs illuminated by or incorporating flashing or blinking lights.
 4. Junk yards or similar facilities, or accumulations of junk.
 5. Automotive wrecking or commercial automotive repair except as allowed in commercial garages or service stations.

Section 9. NON-CONFORMING USES.

Any structure or use existing at the time of the enactment or subsequent amendment of this Ordinance, but not in conformity with its provisions, may be continued with the following limitations:

Any use or building which does not conform to this Ordinance may not be:

- a. Changed to another non-conforming use, except with approval of the Board of Appeals;
- b. Re-established after discontinuance for two years;
- c. Extended or enlarged more than 25% in ground floor area;
- d. Rebuilt or repaired after damage exceeding three-fourths of its fair sales value immediately prior to damage, unless the rebuilt or repaired structure conforms to the size, location, and design of the pre-existing structure.

Section 10. OPEN SPACES AND HEIGHT.

In each zone, each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width specified, and shall not exceed the height specified in the Zoning Schedule, Section 12. No open space or lot required for a building or structure shall during the life of the building or structure be occupied by or counted as open space for another building or structure.

Section 11. ANNEXED AREAS.

Any area hereinafter annexed to the Village of Clifton shall automatically be placed in the A1 Residence District until such time as the Zoning Commission can prepare the recommended Zoning Plan.

Section 12. ZONING SCHEDULE. The following zoning districts are hereby established for the Village of Clifton, Ohio.

A-1 RESIDENCE, LOWER DENSITY SINGLE FAMILY DISTRICTS

1. Uses Permitted:

- a. Single-Family Dwellings of at least nine hundred (900) square feet of livable floor space for one story plan and eight hundred fifty (850) square feet of livable first floor space for one and one-half or two story dwellings.
- b. Gardening and agriculture, not including commercial animal farms, and farm buildings, provided any building in which farm animals are kept be distant not less than two hundred fifty (250) feet from any lot line.
- c. Accessory buildings and uses customarily incident to and permitted herein, provided that such accessory uses shall include the following:
 - (1) A private garage on the same lot with or in the building to which it is accessory, and which is designed to contain not more than three (3) motor vehicles, only one (1) of which may be a commercial vehicle used primarily for gain and not exceeding two (2) tons weight or capacity.
 - (2) The office or studio of a physician or surgeon, dentist, artist, musician, lawyer, architect, teacher, or other member of a recognized profession in his place of abode, provided that not more than the equivalent of one-half (1/2) the gross area of one floor of the building shall be used for such purpose.
 - (3) Customary home occupations such as dressmaking, weaving, baking, home cooking, handicraft, woodworking, desktop publishing, or professional consulting, provided that such occupation shall be conducted mainly by resident occupants in their own living quarters and accessory buildings, and provided that not more than the equivalent of one-quarter (1/4) the gross area of one floor of the dwelling shall be used for such purpose.
 - (4) Small non-illuminated announcement, professional, or real estate signs not over twelve (12) square feet in area. Such signs shall be limited to one (1) for each property. Such signs, when not attached flat against a building, shall be set back at least ten (10) feet from all streets.
- d. The following uses are permitted if it is shown that the residential character of the district will not be adversely affected as to parking, traffic, noise, light, pollution, public safety, health, general welfare, or comfort:
 - (1) Churches, Sunday School Buildings, Parish Houses, and other places of worship.

ORDINANCE NO. 02-06-1

An ordinance amending the Village Zoning Ordinance and repealing previous conflicting ordinances and resolutions.

WHEREAS the Village has seen the need to deal differently with signs allowed for businesses in the Village;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Clifton, State of Ohio:

Section 1. The following sections of the Village Zoning Ordinance shall read as follows:

Section 12. Zoning Schedule.

A-1 RESIDENCE, LOWER DENSITY SINGLE FAMILY DISTRICTS

1. Uses Permitted:

- c. Accessory buildings and uses customarily incident to and permitted herein, provided that such accessory uses shall include the following:

- (4) Small non-illuminated announcement, professional, or real estate signs not over twelve (12) square feet in area. Such signs shall be limited to one (1) for each property.

A-2 RESIDENCE, HIGHER DENSITY SINGLE FAMILY DISTRICTS

1. Uses Permitted:

- c. Accessory buildings and uses customarily incident to and permitted herein, provided that such accessory uses shall include the following:

- (4) Non-illuminated real estate signs not over twelve (12) square feet in area advertising the sale, rental, or lease of only the building or premises whereon such signs appear. Such signs shall be limited to one (1) for each building so posted.

- (5) Small non-illuminated announcement or professional signs not over two (2) square feet in area, except that public, charitable or religious institutions may have an announcement sign or bulletin board not over twelve (12) square feet in area for their own use.


- (6) No non-conforming business or industrial use shall have exterior advertising signs aggregating more than twelve (12) square feet.

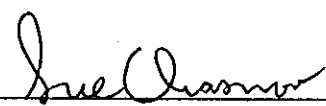
Section 2. Previous sections of the Zoning Ordinance replaced by these wordings are hereby repealed.

Passed

6/10/02

Attest:


Stephen D. McFarland, Mayor


Sue Chasnov, Clerk-Treas.

- (2) Public and private schools, parks and playgrounds, public libraries, or museums, and buildings or premises used exclusively by State, County, or Municipal governments for public purposes, but not including workshops, warehouses, or open storage.
 - (3) Social, recreational, or community center buildings, and grounds for games and sports, provided that all of the foregoing uses shall be limited to those which do not engage, either continuously or recurrently, in operations customarily or primarily carried on for profit or gain.
2. Lot Area and Width per Family, A-1 Residence District:
No building shall be built, altered, or converted to provide less than a minimum lot area of thirty thousand (30,000) square feet, or less than a minimum lot width of one hundred fifty (150) feet.
3. Building Height Limit, A-1 Residence District:
No principle building in the A-1 residence district shall exceed two and one-half stories, or thirty-five (35) feet in height; no accessory building shall exceed twenty (20) feet in height.
4. Percentage of Lot Coverage, A-1 Residence District:
The principal and accessory buildings on any lot shall not cover more than fifteen (15%) percent or the area of such lot.
5. Yards Required, A-1 Residence District:
 - a. Front Yards:
In a residence District, no part of any building shall extend closer than twenty-five (25) feet from the street lot line of any street on which the lot abuts.
 - b. Rear Yards:
In Residence Districts, there shall be a rear yard along each rear lot line of each lot, and it shall be at least twenty-five (25) feet deep.
 - c. Side Yards:
In Residence Districts, there shall be two side yards on each lot, one on each side, of which each must be a minimum of twenty-five (25) feet wide.
 - d. Accessory Buildings:
In Residence Districts, accessory buildings for accessory uses permitted here (including private garages not over twenty (20) feet high), shall not be located closer than twenty-five (25) feet from any lot line, nor closer than ten (10) feet from the principal building or other accessory buildings.

A-2 RESIDENCE, HIGHER DENSITY SINGLE FAMILY DISTRICTS

1. Uses Permitted:
 - a. Single-Family Dwellings of at least nine hundred (900) square feet of livable floor space for one story plan and eight hundred fifty (850) square feet of livable first floor space for one and one-half or two story dwellings.
 - b. Gardening and agriculture, not including commercial animal farms and farm buildings.
 - c. Accessory buildings and uses customarily incident to and permitted herein, provided that such accessory uses shall include the following:
 - (1) A private garage on the same lot with or in the building to which it is accessory, and which is designed to contain not more than three (3) motor vehicles, only one (1) of which may be a commercial vehicle used primarily for gain and not exceeding two (2) tons weight or capacity. Provided however, that a private garage may exceed a three-vehicle capacity if the lot whereon it is located contains not less

- than two thousand (2,000) square feet for each vehicle stored and provided that a garage for not more than five (5) vehicles shall be at least twenty (20) feet from each lot line except a rear lot line.
- (2) The office or studio of a physician or surgeon, dentist, artist, musician, lawyer, architect, teacher, or other member of a recognized profession in his place of abode, provided that not more than the equivalent of one-half (1/2) the gross area of one floor of the building shall be used for such purpose.
 - (3) Customary home occupations such as dressmaking, weaving, baking, home cooking, handicraft, woodworking, desktop publishing, or professional consulting, provided that such occupation shall be conducted mainly by resident occupants in their own living quarters and accessory buildings, and provided that not more than the equivalent of one-quarter (1/4) the gross area of one floor of the dwelling shall be used for such purpose.
 - (4) Non-illuminated real estate signs not over twelve (12) square feet in area advertising the sale, rental, or lease of only the building or premises whereon such signs appear. Such signs shall be limited to one (1) for each building so posted. Such signs, when not attached flat against a building, shall be set back at least ten (10) feet from all streets.
 - (5) Small non-illuminated announcement or professional signs not over two square feet in area, except that public, charitable, or religious institutions may have an announcement sign or bulletin board not over twelve square feet in area for their own use. Any display visible from the street of goods such as are made or sold on the premises, and any billboards or advertising signboards or signs shall be expressly prohibited.
 - (6) No non-conforming business or industrial use shall have exterior advertising signs aggregating more than twelve (12) square feet.
- d. The following uses are permitted if it is shown that the residential character of the district will not be adversely affected as to parking, traffic, noise, light, pollution, public safety, health, general welfare, or comfort:
- (1) Multi-family dwellings, provided that architect's plans, plot plans, and off street parking plans for such dwellings have been presented to and approved by the Zoning Commission.
 - (2) Churches, Sunday School Buildings, Parish Houses, and other places of worship.
 - (3) Public and private schools, parks and playgrounds, public libraries, or museums, and buildings or premises used exclusively by State, County, or Municipal governments for public purposes, but not including workshops, warehouses, or open storage.
 - (4) Social, recreational, or community center buildings, and grounds for games and sports, provided that all of the foregoing uses shall be limited to those which do not engage, either continuously or recurrently, in operations customarily or primarily carried on for profit or gain.
2. Lot Area per Family, A-2 Residence Districts:
No building shall be built, altered, or converted to provide less than:
 - a. For one and two family dwellings, a minimum lot area of ten thousand (10,000) square feet.
 - b. For multi-family dwelling, a minimum lot area of twenty-five hundred (2,500) square feet per family.
 3. Building Height Limit, A-2 Residence Districts:

No principle building in a residence district shall exceed two and one-half stories, or thirty-five (35) feet in height; no accessory building shall exceed twenty (20) feet in height.

4. Percentage of Lot Coverage, A-2 Residence Districts:
The principal and accessory buildings on any lot shall not cover more than fifty (50) percent of the area of such lot.
5. Yards Required, Residence Districts:
 - a. Front Yards:
In A-2 Residence Districts, no part of any building shall extend closer than twenty-five (25) feet from the street lot line of any street on which the lot abuts, except that on one side of a corner lot, any part of the building may extend to within ten (10) feet of the street lot line in case such corner lot is back to back with another corner lot, and within fifteen (15) feet in any other case.
 - b. Rear Yards:
In A-2 Residence Districts, there shall be a rear yard along each rear lot line of each lot, and it shall be at least twenty (20) feet deep. For lots less than fifty (50) feet deep, variance can be made provided that no rear yard is less than 10 feet deep. On corner lots, the rear yard depths herein prescribed may be reduced one-third, but not to less than ten (10) feet deep in any case.
 - c. Side Yards:
In A-2 Residence Districts, there shall be two side yards on each lot, one on each side, of which each must be a minimum of twelve (12) feet wide.
 - d. Accessory Buildings:
In A-2 Residence Districts, accessory buildings for accessory uses permitted here (including private garages not over twenty (20) feet high), shall not be located closer than ten (10) feet from the rear lot line, ten (10) feet from either side lot line, ten (10) feet from the principal building and twenty (20) feet from any side street line.

BUSINESS DISTRICT

1. Uses Permitted:
 - a. All uses permitted in any residential district.
 - b. Stores and shops for the conducting of any retail business keeping normal retail hours.
 - c. Banks, offices, and similar community services.
 - d. Theaters, restaurants, assembly halls, or any other equivalent recreational uses for family entertainment.
 - e. Garages or service stations.
 - j. Wholesale grocery, drug, or merchandise businesses.
 - k. Accessory buildings and uses.
 - l. Any other trade, business, industry, or purpose of any kind that, in the opinion of the Zoning Commission, will be so conducted as not to be noxious or offensive by reason of odor, dust, refuse matter, cinders, wastes, vapor, smoke, gas, noise, or vibrations, and so as not to be detrimental to the public health, safety, or general welfare.
 - m. Manufacturing processes and industrial processes which are necessary to the preparation of articles to be sold ordinarily at retail on the premises, or to the performance of a service primarily for residents of the neighborhood.
2. Lot Area per Building in Business Districts:
Every building hereinafter erected or structurally altered for business purposes shall provide a lot area not less than that required in an A-2 residential district.

3. Building Height Limit, Business Districts:
In a business district, the height limitations of adjacent A-2 residential districts shall apply.
4. Percentage of Lot Coverage, Business District:
Any building erected for business use on the first floor shall not cover more than fifty (50) percent of the lot, including accessory buildings.
5. Yards Required, Business Districts:
 - a. Front, Side, and Rear Yards:
Front, side, and rear yards of buildings erected for business purposes shall have a minimum depth of ten (10) from any street lot line.
 - b. Accessory Buildings:
In business districts, accessory buildings may not exceed thirty-five (35) feet in height and may occupy, in the aggregate, not more than fifty (50) percent of the net occupied yard area. Accessory buildings may not be located closer than ten (10) feet to any street lot line nor ten (10) feet to any other building.
6. Signs, Business Districts:
On-premises signs may not exceed twenty-four (24) square feet. Off-premises signs are prohibited.

AGRICULTURAL DISTRICT
Agricultural uses are permitted.

PRESERVE DISTRICT
These areas are under the jurisdiction of the Ohio Department of Natural Resources.

Section 13. SUPPLEMENTARY DISTRICT REGULATIONS

- A. Construction in Easements
Easements for installation, operation, and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or other wise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.
- B. Visibility at Intersections
On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede vision materially between a height of two and one half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot between a height of two and one half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection.

- C. Noxious, or Dangerous Uses, Practices, or Conditions. No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, or noxious, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or noxious conditions to acceptable limits are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Ordinance if one or more of the following conditions is found to exist at any time:
1. Flammable or explosive materials are not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities; or are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
 2. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
 3. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
 4. Erosion caused by wind or water is carrying harmful or noxious substances onto any adjacent lot or property;
 5. Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency
- D. Parking of Junk Vehicles. The parking or storage of junk vehicles is prohibited in all districts.
- E. Drug Paraphernalia Establishments. The location of drug paraphernalia establishments within Village limits is prohibited in all districts. See Appendix A for details.
- F. Adult Entertainment Businesses. The location of adult entertainment businesses is strictly regulated within Village limits. See Appendix A for details.

Section 14. ADMINISTRATION, PERMITS NECESSARY

- A. This Ordinance shall be administered and enforced by the Zoning Administrator, who shall be a member of council. No land or structure shall be hereafter erected, used, altered, or moved until said official has issued a Zoning Permit certifying that the plans and intended use of land, buildings, and structures are in conformity with this Ordinance.
- B. Purpose, General Provisions
This Section sets forth the powers and duties of the Zoning Administrator and the Village Council with respect to the administration of the provisions of this Ordinance.
The formulation, administration and enforcement of this Zoning Ordinance is hereby vested in the following offices and bodies within the Village of Clifton government:
1. Zoning Administrator (a member of council)
 2. Village Council
 3. Village Solicitor and County Prosecutor
- C. Duties of the Zoning Administrator

Designated by the Mayor, s/he shall administer this Ordinance with the assistance of Village Council and the Village Clerk-Treasurer. Specifically, s/he shall:

1. Respond to questions concerning the meaning and application of the provisions of the Zoning Ordinance, and to questions concerning applications for amendments to the Zoning Ordinance text and the Official Zoning District Map.
2. Act on all applications upon which s/he is authorized to act by the provisions of this Ordinance.
3. Present site plans to Council for review and approval pursuant to this Ordinance, and issue zoning permits as provided by this Ordinance.
4. Monitor the construction of buildings and uses of land to determine compliance with this Ordinance and with plans submitted in obtaining a zoning permit, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
5. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the village offices.
6. Maintain permanent and current records required by this Ordinance, including but not limited to zoning permits, and records of all variances, amendments and special uses, and make such records available for the use of the Village Council and the public.
7. Prepare an annual report to the Village Council on the administration of this Ordinance, listing zoning permits issued and fees received.

D. Fees.

Following is the zoning certificate fee schedule:

Basic fee	\$25.00
Surcharge	2.00 per thousand (\$1,000) of proposed construction cost
eliminated 9/98	

Section 15. BOARD OF APPEALS.

There shall be a Board of Appeals, and it shall be the Village Council.

General Procedure:

The board shall have the power to adopt rules and regulations for its own government, not inconsistent with the law or with the provisions of this or any other Ordinance of the Village of Clifton.

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

Hearings of the Board shall be public. The Board shall keep minutes of its proceedings, showing the action of the Board and vote of each member on each question, or, if absent, and failing to vote, indicate such fact, and shall keep a record of its examinations and any other official action, all of which shall be filed in the Village Office and shall be a public record.

A majority of Village Council members shall constitute a quorum for the Board of Appeals. The Board shall act by resolution. The concurring vote of a majority of members of the Board shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation of the requirements of this Ordinance.

Applications and Appeals:

1. An application to the Board of Appeals in cases in which it has original jurisdiction as provided in this Ordinance may be taken by any property owner, by a tenant, or by a government official, department, board, or bureau. Such applications shall be filed with the Zoning Administrator, who shall submit the same together with all plans, specifications, and other papers pertaining to the application to the Board of Appeals.
2. An appeal to the Board may be taken by any property owner, tenant, government official, department, board, or bureau affected by any ruling of the Zoning Administrator or any other administrative officer administering any portion of the Ordinance. Such appeal shall be taken within a reasonable time, as prescribed by the rules of the Board, by filing with the Zoning Administrator and with the Board such notice of appeal, together with the plans and papers constituting the record upon which the action appealed from was taken.
3. A public hearing shall be held on each application or appeal. The time and place of such hearing shall be given ten days' notice by insertion one time in a newspaper of general circulation in the Village of Clifton, and the Board shall also mail notices to the applicant(s) and to the Zoning Administrator at least five (5) days before the time shown such application or appeal shall be considered by the Board. Any party may appear in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.

Stay of Proceedings:

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed by him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

Powers of Board of Appeals:

The Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, and file as hereinbefore provided, requests or applications for special exemptions or for interpretations of the Zoning Map, or for variance or for decisions upon other special questions upon which the Board is authorized to pass. In authorizing a special exemption or variance, the Board may impose requirements and conditions (other than those specifically listed in the Ordinance for a particular exemption), for the protection of the adjacent properties and the public interest.

1. Special Exceptions.
 - a. Non-Conforming Uses: The Board may permit the substitution for a non-conforming use of another non-conforming use if no structural alterations, except those required by law or ordinance, are made.
 - b. Temporary Uses and Permits: The Board may permit the temporary use of a building or land in any district for a purpose that does not conform to the regulations prescribed for the district in which it is located, provided that such use be of a true temporary nature and does not involve the erection of a substantial building. Such permit shall be granted for not more than a twelve (12) month period, subject to such conditions as will protect the adjacent properties and the public interest.

2. Interpretations of Zoning Map: Where there is any question of the street and lot lines shown on the zoning map differing from the actual street and lot layout on the ground as recorded, the Board of Appeals, after notice to owners of the property and after public hearings, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance.
3. Variances: The Board shall authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest.

Section 16. PENALTIES.

Any person violating any provision of this Ordinance shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each offense. Each day such violation continues may constitute a separate offense.

Section 17. DISTRICT CHANGES AND ORDINANCE AMENDMENTS.

The council of the Village of Clifton may from time to time (in accordance with Section 713.12 of the Ohio Revised Code) amend or change by ordinance the number, shapes, or area of districts established on the Zoning Map, or the regulations set forth in this Ordinance.

The Council of the Village of Clifton shall hold a public hearing before the adoption of such amendment or change in accordance with the provision of Section 713.12 of the Ohio Revised Code. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Village at least thirty (30) days prior to such hearing, stating the time and place of such hearing and offering the opportunity to any interested person to be heard. In addition, Village Council shall give notice of the time and place of such hearing to all property owners who, in the opinion of Council, may be affected by such amendment or change, in accordance with such rules of procedure as it may establish.

Failure to notify individuals as hereabove provided shall not invalidate an ordinance related to zoning provided that Council can document its attempts to identify and contact all affected individuals.

Petition Needed for Changes:

Any person or persons desiring a change in zoning of property shall file with the Village Council a petition describing the property desired to be rezoned along with a map of the area and also a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property proposed to be changed.

APPENDIX

Details Relating to the Prohibition of Drug Paraphernalia Establishments and Regulation of Adult Entertainment Businesses

As relates to Section 13E:

In addition to all other regulations in the Ordinance and in the Ohio Revised Code, the following provisions shall apply to the location of drug paraphernalia establishments within this Village:

It is the purpose of this section of the Ordinance to promote and protect the health, safety, and welfare by prohibiting the location of drug paraphernalia establishments within this Village. It is further the intent of this section to establish penalties under this ordinance for the illegal location of such establishments, in addition to the criminal penalties relating to their operation or establishment in the Ohio Revised Code.

Definitions. The following definitions shall apply in the interpretation of this Ordinance:

Drug paraphernalia establishment. Any place or any part of a place, whether or not operated as a business, within a building, structure, or dwelling, or any parcel located within the Village where drug paraphernalia, as defined in this Appendix, are manufactured, stored, displayed, processed, packaged, distributed, offered for sale, or sold. "Drug paraphernalia establishment" does not include manufacturers, wholesalers, retailers, pharmacies, or other persons or businesses or professions acting in accordance with the provisions of the Ohio Revised Code chapters 3719, 4715, 4729, 4731, and 4741, or properly licensed or authorized research facilities or hospitals.

Drug paraphernalia. All devices, equipment, products, and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, enhancing the effect of, or otherwise introduce into the human body, a controlled substance as defined in Chapter 3719, Ohio Revised Code. It includes, but is not limited to:

- a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance of from which a controlled substance can be derived.
- b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

The location of drug paraphernalia establishments, as defined in this Appendix, within the Village of Clifton is prohibited.

As relates to Section 13F:

The following regulations shall apply to adult entertainment business as herein defined. The purpose of this section is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this section to regulate adult entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishments of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks, and playgrounds within the Village.

The following definitions shall apply in the interpretation of this Ordinance:

Adult entertainment business. An adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this appendix.

Adult book store. A establishment which utilizes fifteen (15) percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines or projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this appendix.

Adult motion picture theater. An enclosed motion picture theater which is regularly used or utilizes fifteen (15) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this appendix.

Adult motion picture drive-in theater. As open are drive-in theater which is regularly used or utilizes fifteen (15) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this appendix.

Adult-only entertainment establishment. An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this appendix, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or stripper, male or female impersonators or similar entertainment or services which constitute adult material.

Adult material. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:

- a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
- b. Which material is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

Bottomless. Less than full opaque covering of male or female genitals, pubic area, or buttocks.

Nude or Nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof

below the top of the nipple, or of covered male genitals in a discernibly turgid state.
Topless, means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

Sexual activity. Sexual conduct or sexual contact or both.

Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

Permit Required.

No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a permit in accordance with the provisions of Section 14 of this Ordinance. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located;
2. No adult entertainment businesses shall be permitted in a location which is within 1,500 feet of another adult entertainment business;
3. No adult entertainment business shall be permitted in a location which is within 1,000 feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center;
4. No adult entertainment business shall be permitted in a location which is within 500 feet of any residence or boundary of any residential district;
5. No adult entertainment business shall be permitted in a location which is within 200 feet of any boundary of any residential district in a local unit of government abutting the Village.

Zoning of Adult Entertainment Businesses.

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

<u>Conditionally Permitted Use</u>	<u>Districts Wherein Permitted</u>
Adult Book Store	Business
Adult Motion Picture	Business
Adult Motion Picture Drive-In Theater	Business
Adults-Only Entertainment Establishment	Business