

# KIRKERSVILLE



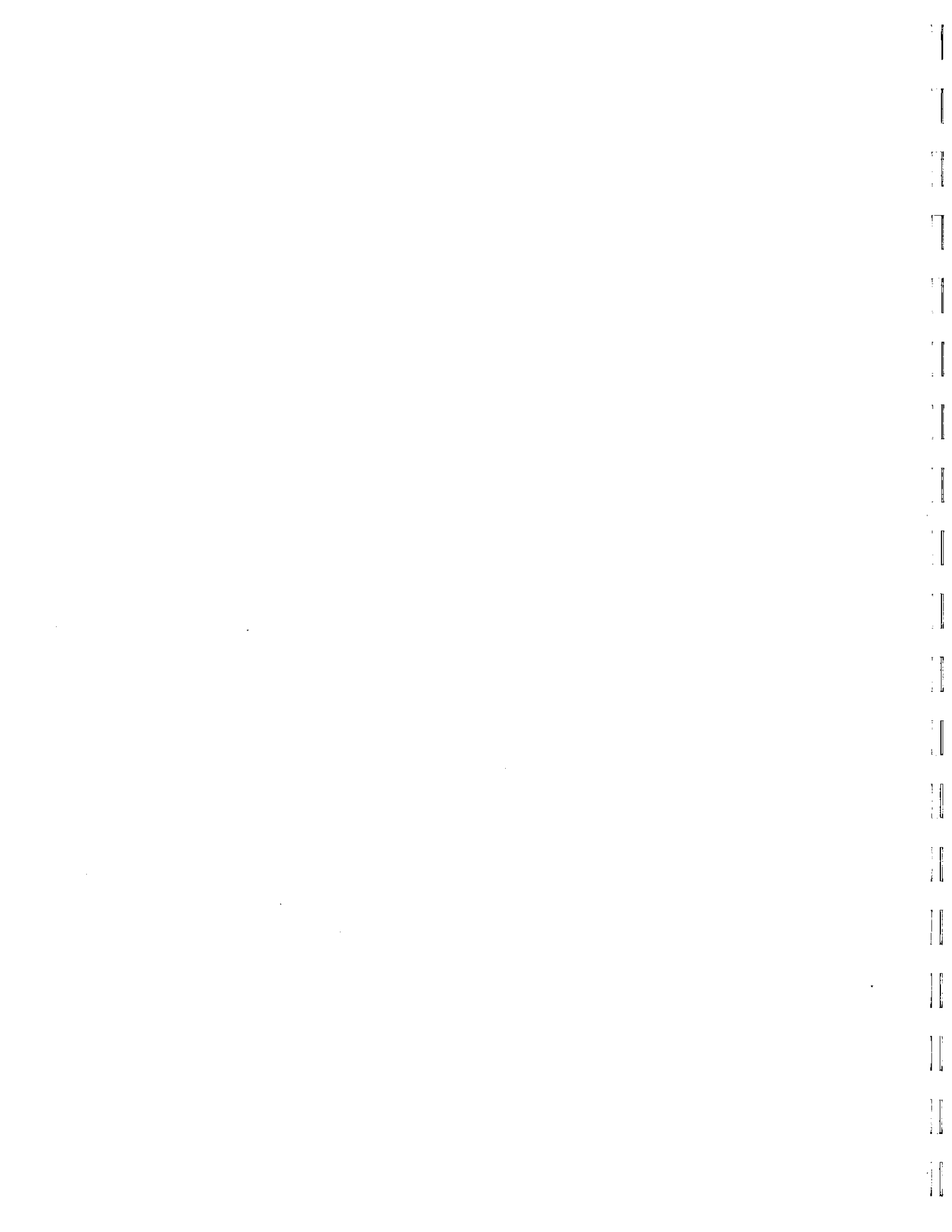
# OHIO



**VILLAGE OF KIRKERSVILLE  
LICKING COUNTY, OHIO**

**ZONING ORDINANCE**

**ADOPTED: November 7, 1990**  
**EFFECTIVE: December 7, 1990**  
**AMENDED: November 14, 1994**  
**EFFECTIVE: February 2, 1995**

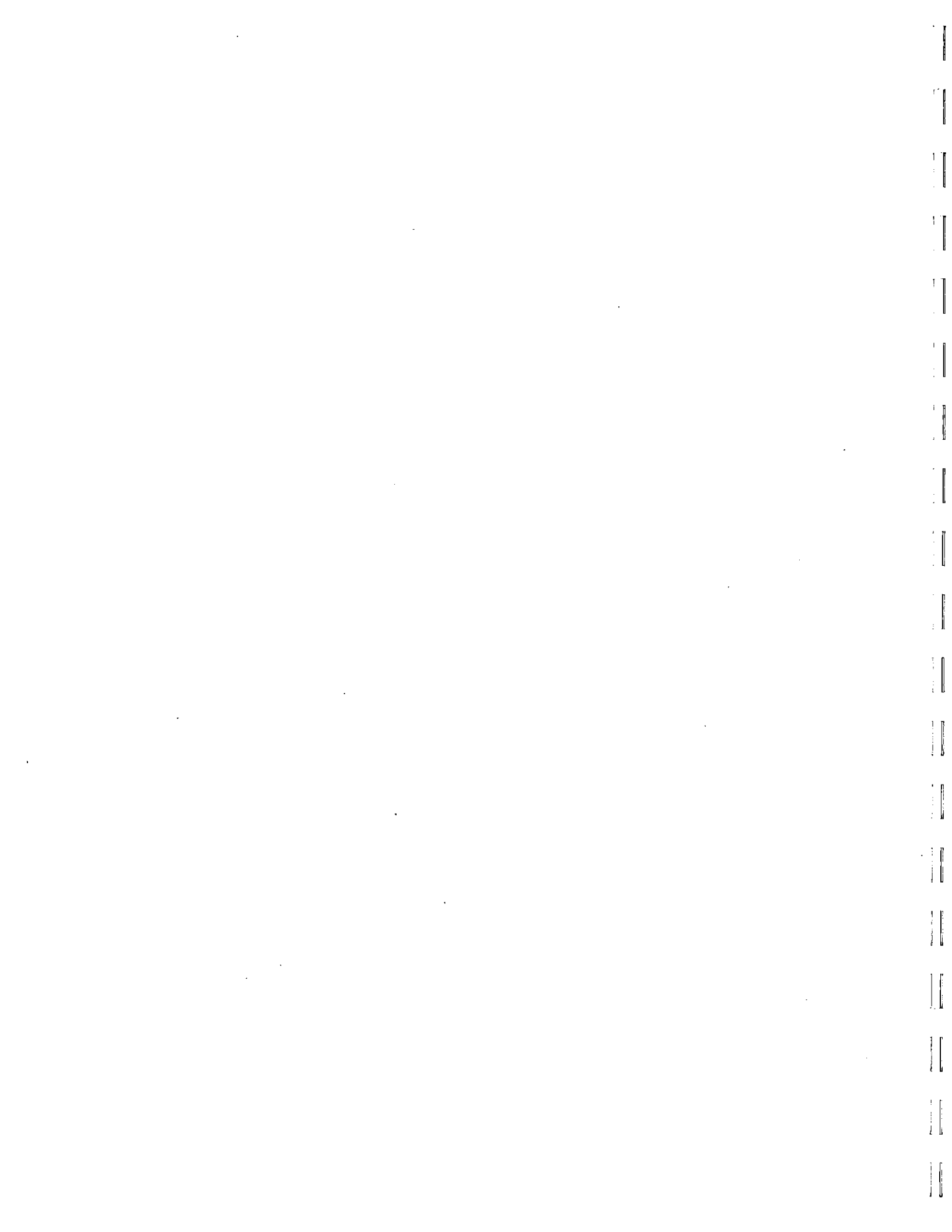


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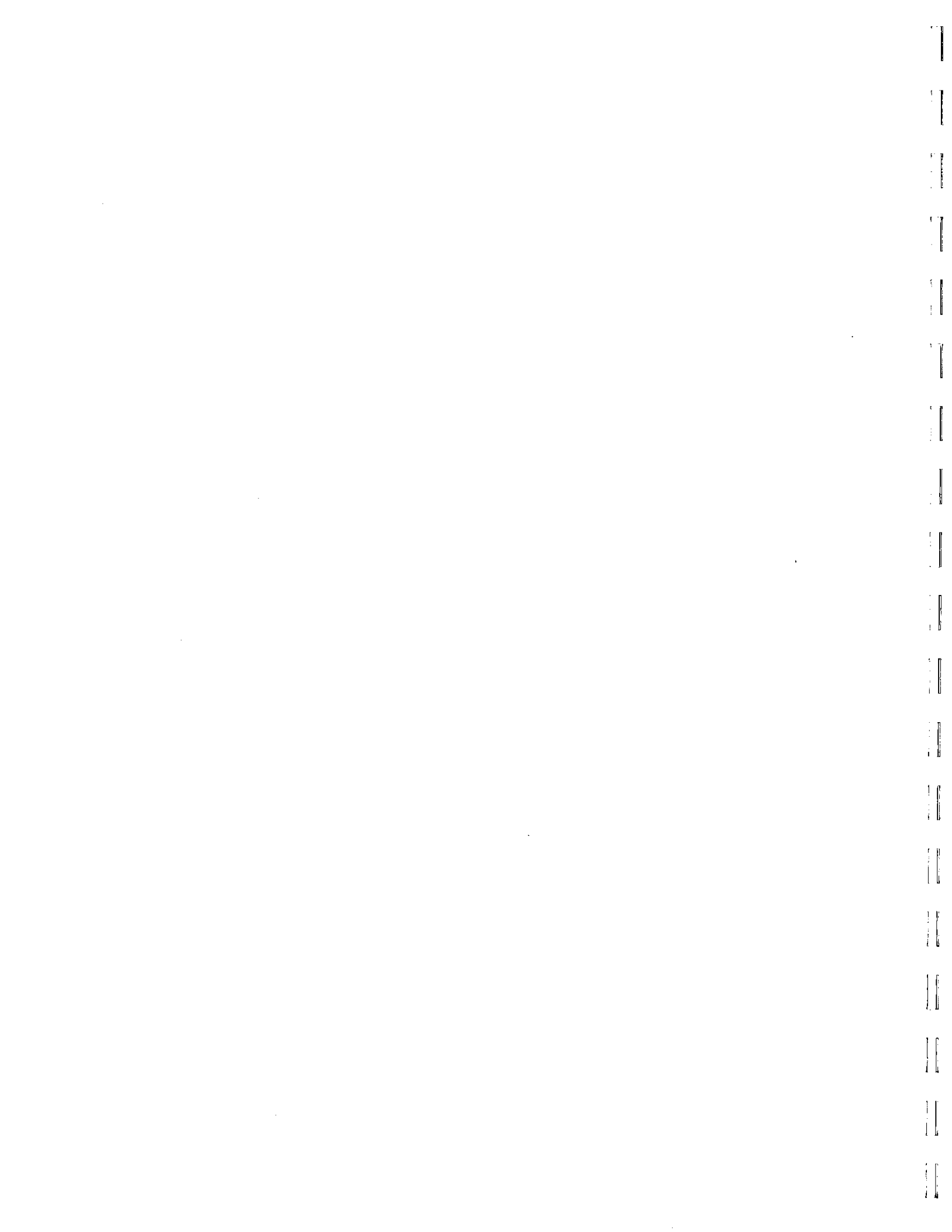
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## **PREAMBLE**

**An ordinance of the Village of Kirkersville, 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 recreational, and public areas; providing for adequate light, air, and convenience 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 right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for 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; and for the repeal thereof.**

**Therefore be it ordained by the Council of the Village of Kirkersville, State of Ohio:**

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## ARTICLE II

### DEFINITIONS

#### Section 200 General

For the purpose of the zoning ordinance, certain terms and words are herein defined. Words used in the present tense include the future; the singular number includes the plural and the plural number includes the singular; the words "used for" include the meaning "designed for;" the work "structure" includes the work "building." The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "shall" is a mandatory requirement, the word "may" is a permissive requirements, and the word "should" is a preferred requirement. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel."

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Adult Entertainment Facility: See Section 926.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley: See Thoroughfare, Street, or Road.

Alter: Shall include any changes in or additions to structural parts, or change in type of construction, except for minor repairs, changes, or addition not involving any of the aforesaid features.

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

Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, manufactured homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

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

Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Boarding or Lodging House: A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are

provided for three or more persons for compensation by previous arrangement, but not transients.

Breezeway: A covered passage, open on two sides or enclosed by glass or screening, connecting two buildings.

Build: Shall include establish, construct, erect, assemble, arrange, reconstruct, enlarge, and alter.

Building: A roofed structure designed, built, or used for the shelter of persons, animals, or poultry of any kind or a combination of such uses.

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 Height: The vertical distance measured from the average elevation of the proposed 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 the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Line: See Setback Line.

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

Business Convenience: Commercial establishments which cater to the public can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, insurance and real estate offices, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

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.

Business Highway: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

Business Office Type: Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

Business Services: Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.



**Business Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**Carport:** A roofed open structure projecting from the side or rear wall of a dwelling and is designed or used as a place for storage of a motor vehicle.

**Cemetery:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

**Channel:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**Clinic:** A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room, or kept overnight on the premises.

**Club:** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**Commercial Entertainment Facilities:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Comprehensive Development Plan:** A plan, or any portion thereof, adopted by the Planning Commission (LCPC) and the legislative authority of Licking County showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the general goals, objectives, and policies of the community.

**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 uses permitted in each district are listed in the Official Schedule of District Regulations.

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

**Court:** An open unoccupied space, other than a yard, on the same lot with a building unobstructed from the ground to the sky and bounded on two or more sides by the exterior walls of a building.

**Density:** A unit of measurement; the number of dwelling units per acre of land.

1. **Gross Density:** The number of dwelling units per acre of the total land to be developed.
2. **Net Density:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**District:** A section of the municipality for which uniform zoning regulations as herein provided govern the use of land, structure, and premises, the permitted height and area of structures, and the area or open spaces about buildings and structures.

**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. Multi-family housing may include public housing and industrialized units.

**Dwelling, Industrial Unit/Manufactured Home:** An assembly of materials or products comprising all or part of a total structure which, when constructed is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit.

**Dwelling, Rooming House (Boarding House, Lodging House, Dormitory, Bed & Breakfast):** A dwelling or part thereof, other than a motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where cooking or dining facilities are provided in the individual rooms.

**Easement:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, or 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.

**Existing Lot:** Any platted lots within the corporation prior to passage of the zoning ordinance.

**Family:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage.

**Farm Vacation Enterprises (Profit or Non-Profit):** Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

**Fence or Wall:** Any structure composed of wood, metal, stone, brick, plastic or other material erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence.

**Flood Plain:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**Floor Area of a Residential Building:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use. All dimensions shall be measured between interior faces of walls.

**Floor Area of a Non-Residential Building (To be Used in Calculating Parking Requirements):** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

**Floor Area, Usable:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Food Processing:** The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**Garage, Private:** A detached accessory and attached building portion of a principal building for the parking or temporary storage of automobiles, travel trailers, boats, and/or trucks.

**Garage, Public:** A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, travel trailers, tractors, boats, and/or trucks, 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 regrooving.
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 retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.
5. Washing, polishing, and sale of washing and polishing materials.
6. Greasing and lubrication.
7. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing and repairing brakes.
9. Adjusting and repairing brakes.
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
12. Provisions of road maps and other informational material to customers, provision of restroom facilities.
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally founding filling stations. A filling station is not a repair garage nor a body shop.

**Greenhouse, Commercial:** Any greenhouse containing 400 square feet or more of floor area or used primarily for the raising of products for sale either on a wholesale or retail basis whether on or off the lot.

**Greenhouse, Private:** A greenhouse containing less than 400 square feet of floor area, in which no produce, plants, or flowers are raised for sale or sold whether on or off the lot.

**Hedges:** Any structures composed of wood, metal, stone, brick, plastic or other material erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclosed, partially enclose or divide any premises or any part of premises shall also be considered a fence.

**Hi-Rise Building:** A building or structuring having a height of at least 50 feet and not exceeding 200 feet.

**Home Occupations:** An occupation conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premise,s or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, and non-illuminated.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**Hotel:** A building or a part thereof operated as a public inn for profit, in which transients are lodged, with or without meals, and in which, as a rule, the rooms are occupied single and not as dwelling units.

**Hotel Apartment:** A hotel in which a substantial number of the occupants use their rooms more or less permanently as a residence.

**Institution:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

**Junk Buildings, Junk Shops, Junk Yards:** Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

**Kenel:** Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold.

**Lot:** A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having frontage on a public or approved private street.

**Lot Area Coverage:** The percentage of the area of a lot which is covered by buildings or structures.

**Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided under "Yards" in this section.

**Lot Minimum Area of:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

A lot shall be measured as follows:

1. **Depth:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
2. **Width:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot Types:** Terminology used in this ordinance with reference to corner lots, interior lots, and through lots is as follows:

1. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135 degrees.
2. **Interior Lot:** A lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Main Building:** The building, all or part of which is occupied by the chief use or activity on the premises.

**Maintenance and Storage Facilities:** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Manufacturing, Heavy:** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character, require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**Manufacturing, Light:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, dust; operating and storing within enclosed

structures; and generating little industrial traffic and no nuisances.

**Manufactured Home:** Any non-self propelled vehicle designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy there of for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other 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 4,500 pounds and an overall length of 30 feet.

**Manufactured Home Park:** Any site, or tract of land under single ownership, upon which three or manufactured homes used for habitation, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

**Motel:** A building or part thereof operated as a bed and breakfast, public inn for profit, in which transients are lodged, with or without meals, and in which, a rule, the rooms are occupied singly and not as dwelling units.

**Municipality:** Village of Kirkersville.

**Non-Conformities:** A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

**Nursery School:** A place where children of not more than six years of age are cared for and/or trained during the day.

**Nursing Home:** A home or facility for the care and treatment of persons unable to care for themselves.

**Nursery Plant Materials:** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Parking Area:** A lot or part thereof used solely for the temporary parking of motor vehicles.

**Open Space:** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**Parking Space Off-Street:** For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, with an area of 200 square feet, which in this zoning ordinance is held to be an area ten feet wide and 20 feet long, not including passageways.

**Performance Bond or Surety Bond:** An agreement by a subdivider or developer with the village of the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

**Personal Services:** Any enterprise conducted for gain which primarily offers services to the general public, such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

**Planned Unit Development:** An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

**Planning Commission:** Kirkersville Village Planning Commission.

**Porch:** A roofed, open structure projecting from the front, side, or rear wall of a building, no part of which is enclosed by glass, wood, or other material except screening more than 30 inches above the floor thereof, except the necessary columns to support the roof.

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, of substations, water treatment plants, or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage services.

**Public Uses:** Public parks, schools, administrative, and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public entity have a right, or which are dedicated, whether improved or not.

**Quasipublic Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**Recreation Camp:** An area of land on which two or more travel trailers, campers, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or mixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreation Facilities:** Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited, to miniature golf courses, amusement parks, stadiums, and bowling alleys.

**Repair:** The replacement or renewal of any part of an existing building or device or the purpose of maintenance.

**Research Activities:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed building, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**Right-of-Way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaping areas, viaducts, and bridges.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agriculture and related products.

**Seat:** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

**Setback 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, Central or Group:** An approved sewage disposal system which provides a collection network and disposal system and sewage treatment facility for a single development, community, or region.

**Sewers, On-Site:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**Sidewalk:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**Sign:** "Sign" means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

**Stable:** Any building, structure, or portion thereof which is used for the shelter or care of horses, cattle, or other similar animals, either permanently or transiently.

**Stable, Private:** A structure with a total capacity for not more than four animals.

**Stable, Public:** A structure with a capacity for more than four animals.

**Story:** That part of a building between the surface of a floor and the ceiling immediately above.

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

**Structure:** Anything constructed or erected, the use of which demands its permanent location on the land or anything attached to something having a permanent location on the land.

**Supply Yards:** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.



**Swimming Pool:** A pool, pond, lake, or open tank containing at least one and one-half feet of water at any point and maintained by the owner or manager.

1. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. **Community:** Operated with a charge for admission; a primary use.

**Thoroughfare, Street, or Road:** A full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic.

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
3. **Dead-End Street:** A street having only one outlet for vehicular traffic.
4. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
5. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets, including the principal entrance and circulation routes within residential subdivisions.
6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degrees system of turns are not more than 1,000 feet from said arterial or collector street, not normally more than 600 feet from each other.
8. **Marginal Access Street:** A local or collector street, parallel, and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (Also called Frontage Street).

**Unnecessary Hardship:** Hardship which is substantial and serious and one or more of the following is true:

1. Application of the zoning ordinance to the parcel of land causes such a diminution of its value as to amount to a confiscation.
2. The affected property cannot be used for any productive use if devoted to a permitted use. Economic loss along is not sufficient to meet this criteria; the landowner's property must be rendered practically valueless without the variance.
3. None of the permitted uses in the zoning ordinance may reasonably be applied to the property.
4. The hardship is unique to the applicant's property and is not a hardship common to the area.

In any of the foregoing situations, the hardship cannot have been self created. An applicant who had knowledge of the zoning restrictions and/or the problems bringing about the hardship, or should have known them at the time the property was purchased, may not claim unnecessary hardship.

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

**Variance:** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**Veterinary Animal Hospital or Clinic:** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Walkway:** A public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Yard:** An open, unoccupied space, other than a court, on the same lot with a building, unobstructed from the ground to the sky, except as otherwise herein provided.

**Yard, Front:** A yard across the full width of the lot, extending from the front line of the building to the front line of the lot.

**Yard, Rear:** A yard across the full width of the lot, extending from the rear line of the building to the rear line of the lot.

**Yard, Side:** A yard between the side line of the building and the adjacent side line of the lot, extending from the front yard to the rear yard. If there be not front yard, the side yard shall be considered as extending to the front line of the lot and if there be no rear yard and side yard shall be considered as extending to the rear line of the lot.

**Zoning Inspector:** The official, or his authorized representative, charged with the administration and enforcement of the zoning ordinance and other ordinances, laws, rules, and regulations relating to or regulating the use, erection, construction, alteration, and repair of buildings, structures, and equipment therefore or the use of the land.

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

**ARTICLE III**  
**ENFORCEMENT**

**Section 300 Zoning Permits Required**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector received a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance or from Village Council, approving a Planned Unit Development District as provided by this ordinance.

**Section 301 Contents of Application for Zoning Permits**

No building for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that building permits shall expire after one (1) year and may be revoked if work has not been started and/or the exterior has not been completed in the first six (6) months of construction. At a minimum, the application shall contain the following information.

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; and exact size and location and dimensions of the proposed building(s) or alteration.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.
11. Valid sewer and water permit.

**Section 302 Approval of Zoning Permit**

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. Upon approval, the zoning inspector shall indicate his approval in writing on the zoning permit and issue immediately. Upon disapproval, the zoning inspector shall indicate on the zoning permit his disapproval in writing and deliver it in person or by first class mail to the applicant at the address on the application submitted to the zoning inspector. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this ordinance.

### **Section 303 Submission to Director of Transportation**

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the 120 day period of any extension thereof agreed upon the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this ordinance, issue the zoning permit.

### **Section 304 Expiration of Zoning Permit**

All zoning permits shall expire within one (1) year from the date of issuance thereof. Further, if the work described in any zoning permit has not been started and/or the exterior has been completed within six (6) months, said permit may be revoked by the Zoning Inspector. Written notice of expiration or possible revocation of said permit shall be given to the parties affected along with notice that no further work may proceed until a new zoning permit has been obtained.

### **Section 305 Record of Zoning Permits and Certificates of Occupancy**

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

### **Section 306 Failure to Obtain a Zoning Permit**

Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Section 309 of this ordinance.

### **Section 307 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates**

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be punishable as provided in Section 309 of this ordinance.

### **Section 308 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

### **Section 309 Penalties for Violation**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this ordinance shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100

and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 310 Schedule of Fees, Charges, and Expenses**

The village shall by ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## ARTICLE IV

### NON-CONFORMITIES

#### Section 400 Intent

Within the districts established by this ordinance or amendments that may later be adopted there exists lots, uses of land structures, and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### Section 401 Incompatibility of Non-Conformities

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

#### Section 402 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

#### Section 403 Single Non-Conforming Lots of Record

In any district in which structures and customary accessory buildings are permitted, such structures may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such is located. Variances of requirements listed in Article 8 and 9 of this ordinance other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 508 and 517.

#### Section 404 Non-Conforming Lots of Record in Combination

If two or more lots of a combination of lots and portions of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

#### **Section 405 Non-Conforming Uses of Land**

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, unless approved by the Board of Zoning Appeals.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance, unless approved by the Board of Zoning Appeals.
3. If any such non-conforming uses of land are discontinued or abandoned for more than two years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land, unless approved by the Board of Zoning Appeals.

#### **Section 406 Non-Conforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise unlawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity unless approved otherwise by the Board of Zoning Appeals, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this ordinance unless approved otherwise by the Board of Zoning Appeals.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved unless approved otherwise by the Board of Zoning Appeals.

#### **Section 407 Non-Conforming Uses of Structures of Land in Combination**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located unless otherwise approved by the Board of Zoning Appeals.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building unless approved otherwise by the Board of Zoning Appeals.
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal of the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall bind that the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other

provisions of this ordinance.

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed unless approved otherwise by the Board of Zoning Appeals.
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located unless approved otherwise by the Board of Zoning Appeals.
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

#### **Section 408 Repairs and Maintenance**

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **Section 409 Uses Under Conditional Use Provisions Not Non-Conforming Uses**

Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.



## ARTICLE V

### ADMINISTRATION

#### Section 500 Office of Zoning Inspector Created

A Zoning Inspector designated by the Mayor, confirmed by Council, shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Mayor may direct.

#### Section 501 Duties of Zoning Inspector

For the purpose of this ordinance, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
2. Order discontinuance of illegal uses of land, building, or structures.
3. Order removal of illegal buildings or structures or illegal additions or structural alterations.
4. Order discontinuance of any illegal work being done.
5. Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

#### Section 502 Proceedings of Planning Commission

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

#### Section 503 Duties of Planning Commission

For the purpose of this ordinance, the Commission shall have the following duties:

1. Initiate proposed amendments to this ordinance.
2. Review all proposed amendments to this ordinance and make recommendations to the Village Council, as specified in Article 6.
3. Review all planned unit developments and make recommendations to the Village Council as provided in Article 12.

#### Section 504 Board of Zoning Appeals Created

A Board of Zoning Appeals is hereby created, which shall consist of five members to be appointed by the Mayor each for a term of five years, except that the initial appointments shall be one member each for one, two, three, four, and five year terms. Each member shall be a resident of the village. Members of the Board may be removed for office by the Village Council, for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor for the unexpired term of the member affected.

### **Section 505 Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

### **Section 506 Duties of the Board of Zoning Appeals**

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of majority members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or 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 in the application of this ordinance. For the purpose of this ordinance the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, interpretation, or determination made by the Zoning Inspector.
2. To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 8 and such additional safeguards as will uphold the intent of this ordinance.

### **Section 507 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority, and Courts on Matters of Appeal**

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this ordinance that the duties of the Village Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the Village Council shall have only the duties of considering and adopting or reflecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 310 of this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the village from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten days of the Board's written decision.

### **Section 508 Procedure and Requirements for Appeals and Variances**

Appeals and variances shall conform to the procedures and requirements of Section 509-517, inclusive, of this ordinance. As specified in Section 507, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

### **Section 509 Appeal**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer of the bureau of the legislative authority of the village affected by any decision of the

Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds under which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

#### **Section 510 Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of acts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

#### **Section 511 Variances**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would not result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

#### **Section 512 Application and Standards for Variances**

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Description of nature of variance requested.
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the district.
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
  - c. That special conditions and circumstances do not result from the actions of the applicant.
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. The applicant shall submit a list of all property owners and their mailing addresses that are within 200 feet contiguous to or directly across the street from parcel requesting the variance.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Subsection 4 of this section have been met by the applicant.

#### **Section 513 Supplementary Conditions and Safeguards**

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate

conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 309 of this ordinance.

**Section 514 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within 30 days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**Section 515 Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 514, notice of such hearing shall be given in one or more newspapers of general circulation of the village, at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

**Section 516 Notice of Parties in Interest**

Before holding the public hearing required in Section 514, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices, published in newspapers as specified in Section 515.

**Section 517 Action by Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 514, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 513, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structures. Appeals from Board decisions shall be made in the manner specified in Section 507.

**Section 518 Procedures and Requirements for Approval of Conditional Use Permit**

Conditional uses shall conform to the procedures and requirements of Sections 519 - 525, inclusive of this ordinance.

**Section 519 General**

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Sections 520 - 525, inclusive.

**Section 520 Contents of Application for Conditional Use Permit**

An application for conditional use permit, shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Zoning district.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
8. Such other information as may be required in Section 522.
9. The applicant shall submit a list of all property owners and their mailing addresses who are within 200 feet contiguous to or directly across the street from the parcel requesting the conditional use permit.

### **Section 521 General Standards Applicable to all Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in Section 522, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 8 and appears on the Official Schedule of District Regulations adopted by Section 801 of the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective, of the village's comprehensive plan and/or the zoning ordinance.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

### **Section 522 Specific Criteria for Conditional Uses**

Following is a list of specific requirements for conditionally permitted uses as specified in the Official Schedule of District Regulations:

1. All structures and activity areas should be located at least 100 feet from all property lines.
2. Loud speakers which cause a hazard or annoyance shall not be permitted.
3. All points of entrance or exit should be located no closer than 200 feet from the intersection of two arterial thoroughfares, or no closer than 100 feet from the intersection of an arterial street and a local or collector street.
4. There shall be no more than one sign oriented to each abutting street identifying the activity.

5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
6. Structures should have primary access to a collector thoroughfare.
7. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
8. Such developments should be located adjacent to non-residential uses such as churches, parks, industrial, or commercial uses.
9. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
10. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
11. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
12. The area of use shall be completely enclosed by a six foot fence and appropriately landscaped to be harmonious with surrounding properties.
13. Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
14. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
15. Such developments should be located on or immediately adjacent to state highway.
16. Such uses shall not be conducted closer than 500 feet from any Residential District, nor closer than 200 feet from any structure used for human occupancy in any other district.
17. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
18. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
19. All work conducted in connection with such operations shall be done between the hours of 7:30 AM and 5:00 PM.
20. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Zoning Inspector.
21. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
22. All excavation shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids, to secure:
  - a. That the excavated area shall not collect and permit to remain therein stagnant water.
  - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.
23. There shall be filed with the Village Council, a bond, payable to the village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by ordinance of the Village Council. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

**Section 523 Supplementary Condition and Safeguards**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 309 of this ordinance.

**Section 524 Procedure for Hearing Notice**

Upon receipt of the application for a conditional use permit specified in Section 520, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections 514 through 516.

**Section 525 Action by the Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 524, the Board shall either approve, approve with supplementary conditions as specified in Section 521 - 523, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by Board, the applicant may seek relief through the Court of Common Pleas, Appeals from Board decisions shall be made in the manner specified in Section 507.

## ARTICLE VI

### AMENDMENT

#### Section 600 Procedure for Amendment or District Changes

This ordinance may be amended utilizing the procedures specified in Sections 601 - 612, inclusive of this ordinance.

#### Section 601 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance after receipt of recommendation thereon from the Village Planning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

#### Section 602 Initiation of Zoning Amendments

Amendments to this ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Planning Commission.
2. By adoption of a resolution by Village Council.
3. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### Section 603 Contents of Application

Applicants for amendments to the Official Zoning Map adopted as part of this ordinance by Section 700 shall contain at least the following information:

1. Name, address, phone number of applicant.
2. Proposed amending ordinance, approved as to form by the Village Legal Advisor.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require.
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.
9. A statement on how the proposed amendment relates to the comprehensive plan.
10. A fee as established by Village Council, according to Section 310.

Applications for amendments proposed to amend, supplement, change, or repeal portions of this ordinance other than the Official Zoning Map shall include items (1), (2), (9), and (10) listed above.

#### Section 604 Transmittal to Planning Commission

Immediately after the adoption of the ordinance by the Village Council or the filing of an application by at least one owner or lessee of property, the resolution or application shall be transmitted to the Village Planning Commission.



**Section 605 Submission to Director of Transportation**

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Village Planning Commission shall give notice, by registered or certified mail to the Director of Transportation. The Village Planning Commission may proceed as required by law, however, the Village Council shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the village that he shall proceed to acquire the land needed, then the village shall refuse to approve the rezoning. If the Director of Transportation notifies the village that acquisition at this time is not in the public interest or upon the expiration of the 120 days period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

**Section 606 Recommendation by Planning Commission**

Within 60 days after the receipt of the proposed amendment, application, ordinance, the Planning Commission shall recommend to the Village Council that the amendment be approved as requested, or it may recommend that the amendment be denied. A public hearing shall be held by the Planning Commission for consideration of the proposed amendment to the zoning ordinance or map. Notice of the time, place, and purpose of such hearing shall be given by:

1. Publication at least once in a newspaper of general circulation in the municipality; the publication shall be not less than ten days prior to the date of the hearing.
2. Where the proposed amendment is to effect a change in the district map, and less than ten parcels are proposed to be rezoned, written notice of the hearing shall be mailed by the Clerk-Treasurer of the village, by first-class mail, at least ten days prior to the date of such hearing, to the owners and occupants of all property within 200 feet of adjoining property. The failure of delivery of such notice shall not invalidate the proceedings of findings of the Board.

Notice of the hearing may also be mailed by the Clerk-Treasurer, to other interested parties, as determined by the Chairman of the Planning Commission.

**Section 607 Action by Village Council**

**607.01 Public Hearing**

Said hearing shall be not more than 40 days from the receipt by the Clerk-Treasurer of the recommendation from the Village Planning Commission. Before the proposed ordinance may be passed, the Village Council shall hold a public hearing, and shall give at least 30 days notice of the time and place thereof in a newspaper of general circulation in the village. If the proposed ordinance intends to remove or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Clerk-Treasurer, by first-class mail, at least 20 days before the date of the public hearing to the owners and occupants of property within 200 feet or contiguous to, and directly across the street from such parcel or parcels to be redistricted to the address of such owner appearing on the Licking County Auditor's current tax list. The failure of delivery of such notice shall not invalidate such proposed ordinance.

**607.02 Display of Relevant Materials**

During such 30 days, the text or copy of the text of the proposed ordinance, together with maps, plans, and reports submitted by the Planning Commission shall be on file, for public examination, in the office of the Clerk-Treasurer of the village.

**Section 608 Notice of Public Hearing in Newspaper**

Notice of the public hearing required in Section 607 shall be given by Village Council by at least one publication in one or more newspapers of general circulation in the village affected. Said notice shall be published at least 30 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing, a summary of the proposed amendment, and location and time that the relevant materials will be available for examination (607.02).

**Section 609 Notice to Property Owners by Village Council**

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least 20 days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver such notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 608.

**Section 610 Action by Village Council**

Within 30 days after the public hearing required by Section 607, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths (3/4) of the full members of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if three-fourths (3/4) of the members of Village Council vote to dispense with this rule. No ordinance, measure, or regulation which is in accordance with the recommendation, plan, or report submitted by the Commission, Board, or officer shall be deemed to pass or take effect without the concurrent of at least a majority of the members elected to the legislative authority.

**Section 611 Effective Date and Referendum**

Such amendment adopted by Village Council shall become effective 30 days after the date of such adoption unless with 30 days after the passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the village equal to not less than 10 percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the village for approval or rejection at the next general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

**Section 612 Annexation**

All land annexed to the village subsequent to the adoption of this ordinance shall remain subject to the previous township zoning district until such time as the Official Zoning Map is amended according to the provisions of this article. All land annexed to the village which, prior to annexation, is not subject to township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this article.

## ARTICLE VII

### PROVISIONS FOR OFFICIAL ZONING MAP

#### Section 700 Official Zoning Map

The districts established in Article 8 of this ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

#### Section 701 Identification of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Village Clerk.

#### Section 702 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highway, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the village unless otherwise indicated.

## **ARTICLE VIII**

### **DISTRICT REGULATIONS**

#### **Section 800 Compliance With Regulations**

The regulations for each district set forth by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered specified for the district in which it is located.
2. No building or other structure shall be erected or altered
  - a. To provide for greater height or bulk.
  - b. To accommodate or house a greater number of families.
  - c. To occupy a greater percentage of lot area.
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
3. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

#### **Section 801 Official Schedule of District Regulations Adopted**

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this ordinance and in Article 9 of this ordinance "Supplementary District Regulations." District regulations for the MHP District shall be those specified in Article 13.

#### **Section 802 Intent of District Regulations**

It is the intent of these regulations to set forth within the district regulations - the permitted uses, the conditionally permitted uses, the general requirements of the district, and other regulations as they pertain in general to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as such are governed by Article 4, Article 5 and other articles of these regulations.

Rules, regulations, requirements, standards, ordinances, articles, and/or sections not specifically included for each district but which are contained in these regulations and which are applicable to each district or use shall be applied as if stated in full in Article 8 of these regulations. Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or the Planning Commission as permitted or conditionally permitted in any district shall be referred to the Board of Zoning Appeals for an order in the determination of such use and the district to which and under what circumstances will prevail as specified in Article 5, Administration.

#### **Section 803 Suburban Estate Residential District (SER)**

The purpose of the SER District is to permit the establishment of low density single family dwellings with lot sizes sufficient for individual water and sewer facilities, but not to exceed one dwelling unit per one gross acre.

Permitted uses, dimensional requirements, and other regulations of the SER, Suburban Estate Residential District; the following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

1. Agriculture (no permit is required for those uses as defined in Article 2 of these regulations).
2. Single-family dwelling.
3. Churches.
4. Public and private schools.
5. Public parks and playgrounds.
6. Government buildings.
7. Cemeteries.
8. Clubs, golf courses.
9. Nursery - plant materials and sales.
10. Private stables.
11. Private swimming pools.
12. Accessory uses and structures.

**Conditionally Permitted Uses:** After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional uses are met (Article 522).

1. Institutions, nursery - nursing homes, clinic (1, 3, 4, 6, 10).
2. Extraction of sand, gravel and other materials (4, 12, 16-24).
3. Storage yards for equipment, machinery or materials (12, 20).
4. Kennels, and stables (2, 5, 11).
5. Home occupations (4, 11).
6. Private recreational camp (2, 5, 9, 11).

#### **General Requirements of the SER District**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 125 feet and a minimum lot area not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

**Front Yard:** There shall be a front yard of not less than 50 feet in depth, provided, however, that where normal lots comprising 40 percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

**Side Yard:** There shall be side yards of not less than 25 feet on each side.

**Rear Yard:** There shall be a rear yard of not less than 50 feet.

**Dwelling Bulk:** Dwellings or structures shall have a minimum area of 2,000 square feet of living space by outside dimensions, exclusive of porches, garages, and cellars or basements.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Signs:** Signs shall be as regulated in Article 11 of these regulations.

#### **Section 804 Single-Family Residential District (R-1)**

The purpose of the R-1 District is to encourage the establishment of low density single-family dwellings not to exceed one dwelling unit per gross acre.

Permitted uses, dimensional requirements, and other regulations of the R-1, Single-Family Residential District; the following regulations shall apply:

Permitted Uses:

1. Single-family dwellings.
2. Churches.
3. Public and private schools.
4. Public parks and playgrounds.
5. Governmental.
6. Cemeteries.
7. Clubs, golf courses.
8. Nursery - plant materials and sales.
9. Private stables as an accessory use.
10. Private swimming pools as an accessory use.
11. Accessory uses and structures.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional uses are met (Article 522):

1. Institutions, nursery - nursing homes, clinic (3, 4, 10).
2. Home occupations (4, 11).

General Requirements

Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of 80 feet and a minimum lot area of not less than one-half (1/2) acre (21,780 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

If lots in this district are to be a new subdivision of land then prior to the establishment of one-half (1/2) acre lots then the subdivider or property owner must show proof that the one-half (1/2) acre lot(s) can be developed with on-lot sewage disposal system(s). This proof should be a certification of approval by the Licking County Board of Health, Ohio Environmental Protection Agency, or other appropriate approval authority. The Zoning Inspector shall not issue a zoning permit until such proof of approval by the proper authority is presented to the Zoning Inspector.

If on-lot sewage disposal permits cannot be installed on one-half (1/2) acre lot(s) and the lots are not served by water and sewer, then the lot area shall be one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record, and a lot width of 125 feet at the edge of the road right-of-way.

Front Yard: There shall be a front yard of not less than 35 feet in depth, provided, however, that where normal lots comprising 40 percent or more of the frontage are developed with building having front yards with a variation of not more than ten feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

Side Yard: There shall be side yards of not less than ten feet on each side.

Rear Yard: There shall be a rear yard of not less than 25 feet.

Existing Lots: Existing lots shall have a minimum of five feet for side yards and a minimum of five feet for the rear yard and a minimum of ten feet for the front yard.

**Dwelling Bulk:** Dwellings or structures shall have a minimum area of 900 square feet if of single level and 1,300 square feet if of double level, of living space by outside dimensions, exclusive of porches, garages, and cellars or basements. Dwellings shall be a minimum of 24 feet in width exclusive of porches, garages, and cellars or basements.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Sign:** Signs shall be as regulated in Article 11 of these regulations.

### **Section 805 Two-Family Residential District (R-2)**

The purpose of the R-2 District is to encourage the establishment of medium-low density single and two-family dwellings not to exceed two dwelling units per gross acre. Two-family dwelling units must meet the County Board of Health's requirements before being issued a zoning permit or the dwelling units must be with public water and sewage systems.

Permitted uses, dimensional requirements, and other regulations of the R-2, Two-Family Residential District; the following regulations shall apply:

#### **Permitted Uses:**

1. Single-family dwellings.\*
2. Two-family dwellings.\*
3. Churches.
4. Public and private schools.
5. Public parks and playgrounds.
6. Governmental buildings.
7. Clubs, golf courses.
8. Nursery - plant materials and sales.
9. Accessory uses and structures.

\*Centralized public water and sewer facilities are required.

**Conditionally Permitted Uses:** After obtaining a valid conditional use permit in accordance with Article 5, and the other conditionally permitted and specific criteria for conditional uses are met (Article 522).

1. Home occupations (4, 11).
2. Institutions, nursery - nursing homes (3, 4, 10).
3. Day care centers.

#### **General Requirements**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 80 feet and a minimum lot area of not less than 8,000 square feet, exclusive of road right-of-way, and shall be in addition to any easement of record.

**Front Yard:** There shall be a front yard of not less than 30 feet in depth, provided, however, that where normal lots comprising of 40 percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations.

**Side Yard:** Side yards shall not be less than ten feet on each side.

**Rear Yard:** There shall be a rear yard of not less than 25 feet.

**Existing Lots:** Existing lots shall have a minimum of five feet for side yards and a minimum of five feet for the rear yard and a minimum of ten feet for the front yard.

**Dwelling Bulk:** Dwellings or structures shall have a minimum area of 900 square feet of living space by outside dimensions, exclusive of porches, garages, and cellars or basements for each family, per dwelling unit, and shall not be less than 24 feet in width or depth whichever is the smaller dimension.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Signs:** Signs shall be as regulated in Article 11 of these regulations.

### **Section 806 Multi-Family Residential District (R-3)**

The purpose of the R-3 District is to permit the establishment of medium density single, two and multiple-family dwellings not to exceed four dwelling units per gross acre. Centralized water and sewer facilities are required.

Permitted uses, dimensional requirements, and other regulations of the R-3, Multi-Family Residential District; the following regulations shall apply:

#### **Permitted Uses:**

1. Single-family dwelling units.\*
2. Two-family dwelling units.\*
3. Multi-family dwelling units.\*
4. Churches.
5. Public and private schools.
6. Public and private playgrounds.
7. Governmental buildings.
8. Accessory uses and structures.
9. Nursing homes.
10. Day care centers.

\*Public utility supplies and water and sewer are required to accommodate these uses under the R-3 density.

**Conditionally Permitted Uses:** After obtaining a valid conditional use permit in accordance with Article 5, and the other conditionally permitted and specific criteria for conditional uses are met (Article 522):

1. Home occupations (4, 11).
2. Institutions (3, 4, 10).

#### **General Requirements**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot or tract of land upon which there is erected a two-family dwelling shall conform to the requirements set forth in Section 805; every lot or tract of land upon which there is erected a multiple-family dwelling or other permitted uses, shall have a minimum width of 80 feet and a minimum lot area of not less than one acre (43,560 square feet) per 12 dwelling units. All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.

**Front Yard:** There shall be a front yard of not less than 35 feet.

**Side Yard:** There shall be a side yard of not less than five feet on each side.



**Rear Yard:** There shall be a rear yard of not less than 25 feet.

**Dwelling Bulk:** Two-family and multi-family dwelling units shall have a minimum of 600 square feet of living space. All dwelling bulk requirements for the R-3 District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements per unit, and shall not be less than 24 feet in width or depth whichever is the smaller dimension.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Signs:** Signs shall be as regulated in Article 11 of these regulations.

### **Section 807 Manufactured Home Park District (MHP)**

The purpose of the MHP District is to encourage the development of manufactured home parks in a well-planned environment. Such districts shall abut upon an arterial or collector thoroughfare as identified in the Major Thoroughfare Plan. Manufactured home parks shall comply with regulations of Chapter HE-27 of the Ohio Sanitary Code, and the Kirkersville Village Subdivision Regulations.

Permitted uses, dimensional requirements, and other regulations of the MHP, Manufactured Home Park District; the following regulations shall apply:

#### **Permitted Uses:**

1. Buildings or permanent type structures used exclusively to provide services for occupants of the park, such as a recreational building, swimming pool and bath house, laundry room, manufactured home park office, storage rooms, and the like.
2. Accessory buildings or structures that are clearly incidental and attached to a manufactured home; such as a carport, cabana, Florida room, and the like.
3. Advertising signs subject to all the following provisions:
  - a. One identification type sign advertising the manufactured home park upon which it is located may be erected provided that no portion of the sign or its supports shall be within the required front yard area. Such sign may be double face, and may be lighted if lighting is arranged in such manner that it will not distract or temporarily blind a motorist on the adjacent public street. The maximum area of the sign, including any boarder around it, shall be not more than one square foot for each lineal foot of frontage of the manufactured home park or 100 square feet, whichever is least. The maximum height of the sign shall not exceed 25 feet above the ground.
  - b. Directional signs as approved necessary by the Commission to assist in guiding persons to various locations within the park. Such signs may be double faced and lighted. The maximum area of such sign shall not exceed two square feet.

**Prohibited Uses:** Within a manufactured home park, only these uses specifically listed as permitted uses shall be authorized, and all other uses including but not necessarily limited to the following shall be prohibited:

1. Boats and recreational vehicles of any type, except those owned by the occupants of the park and stored in the area within the park-designed and intended as a common storage area for such vehicles.
2. Repair and/or sale of vehicles of any type, including manufactured homes, except for the repair or sale of any individual vehicle by the owner or occupant thereof.
3. Buildings or permanent type structures for uses other than those listed as permitted uses.
4. Any advertising sign other than that listed as a permitted use.

## General Requirements

See Article 13.

## Section 808 Business District (B)

The purpose of the B District is to encourage the establishment of areas for local and general business uses to meet the needs of a local and regional market area. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be discouraged.

Permitted uses, dimensional requirements, and other regulations of the B, Business District; the following regulations shall apply:

### Permitted Uses:

1. Doctor's parks, offices and clinics.
2. Vision and hearing clinics.
3. Dental offices and clinics.
4. Law offices.
5. Insurance and real estate offices.
6. Banks and finance establishments.
7. Utility companies (offices).
8. Governmental offices.
9. Planning, architect or engineering offices.
10. Day care clinics.
11. Veterinary clinics and offices.
12. Churches.
13. Public and private schools.
14. Public parks and playgrounds.
15. Cemeteries.
16. Local retail business or service including: grocery, fruit/vegetable store, meat market, drug store, barber or beauty shop, clothes cleaning and laundry pickup station; laundromat, shoe store, mortician and the like, supplying commodities or performing services primarily for the residents of a local community.
17. Lodge, fraternal and service organizations.
18. Nursery (plant materials) and or greenhouse.
19. General auto repair (indoor only).
20. Auto service station.
21. Auto and/or farm implement sales.
22. Taverns, restaurants, or restaurants providing entertainment.
23. Hotel-motels.
24. Baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys, golf courses.
25. Trade or commercial schools.
26. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
27. Public garages.
28. Boarding houses.
29. Building materials and sales, if conducted entirely in an enclosed building.
30. Accessory buildings and uses.
31. General retail sales, service and repair including business such as clothing, shoes, jewelry, household products, safety equipment, and catalogue or mail order sales. The limited assembly of general retail goods sold from premises is permitted.

32. Single family dwelling.

**Conditionally Permitted Uses:** After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional uses are met (Section 522):

1. Nursing homes (extended care).
2. Hospitals (extended care).
3. Marinas.
4. Watercraft and/or recreational vehicle storage.
5. Radio or television broadcasting station and towers, (applies to commercial stations and equipment only).
6. Airports-heliports (private and governmental).
7. Private recreational camps.
8. Commercial and entertainment fields, amusements or establishments.

**General Requirements**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 200 feet and a minimum lot area of not less than one acre (43,560 square feet) unless public utility supplies of water and sewer are available. If sewer and/or water utilities are available to provide service, the minimum lot size can be reduced to meet service, the minimum lot size can be reduced to meet these requirements:

Minimum Width - 60 feet.

Minimum Lot Area - Not less than 9,000 square feet.

All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easements of record.

**Front Yard:** There shall be a front yard of not less than 20 feet in depth. Ten feet with public water and sewer.

**Side Yard:** There shall be side yards with a combined total not to be less than 20 feet. No one yard being less than five feet.

**Rear Yard:** There shall be a rear yard of not less than ten feet.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Signs:** Signs shall be as regulated in Article 11 of these regulations.

**Section 809 Accommodation Business District (AB)**

Permitted Uses, dimensional requirements, and other requirements of the AB, Accommodation Business District, the following regulations shall apply:

**Permitted Uses:**

1. Auto service stations with or without the sale of petroleum products (indoor repair only).
2. General auto repair (indoor only).
3. Truck stops with or without restaurants and truck service and/or repair.
4. Hotel - motels.
5. Restaurants, with or without entertainment.
6. Gift shops.

7. Self operating autowashes, commercial autowashes, and truck washes.
8. Open fruit and vegetable markets or farm markets.
9. Drive-in eating and drinking establishments.

**Conditionally Permitted Uses:** After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Public garages.
2. Watercraft and/or recreational vehicle, sales and/or service.
3. Mobile home, recreational vehicle, sales and/or service lots.
4. Coin operated amusement devices if provided more than 1,500 feet from any school or religious building.

#### **General Requirements**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 200 feet and a minimum lot area of not less than one acre (43,560 square feet) exclusive of road right-of-way, and shall be in addition to any easement of record. If public water and sewer facilities are available for service to the use permitted or conditionally permitted under Section 911, the minimum lot size may be reduced to meet these requirements:

Minimum Width: 130 feet

Minimum Lot Area: Not less than 21,780 square feet

All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easements of record.

**Front Yard:** There shall be a front yard of not less than 30 feet in depth.

**Side Yard:** There shall be a side yard of not less than 20 feet.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Signs:** Signs shall be as regulated in Article 12 of these regulations.

#### **Section 810 Light Manufacturing District (M-1)**

The purpose of the M-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectional elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses.

Permitted uses, dimensional requirements and other regulations of the M-1, Light Manufacturing District; the following regulations shall apply:

1. Agriculture.
2. Public parks and playgrounds.
3. Small item manufacturing.
4. Paper, printing, and associated products.
5. Cleaning, dyeing.
6. Food products.
7. Poultry, horticulture and forestry facilities.
8. Machinery, office equipment and furniture manufacturing.
9. Fiber and clothing goods manufacturing.

10. Utility facilities.
11. Non-metallic goods and manufacturing.
12. Household appliances and vehicle services, storage, and maintenance.
13. Electronics and electrical equipment.
14. Research facilities and/or laboratories.

**Conditionally Permitted Uses:** After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional uses are met (Article 522):

1. Metal cans and containers manufacturing.
2. Lumber yards.
3. Contract construction storage of machinery and materials.
4. Building materials (general retail).
5. Adult entertainment facilities (See Section 926).

### General Requirements

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 200 feet and a minimum lot area of not less than one acre (43,560 square feet) in area, exclusive of road right-of-way, and shall be in addition to any easements of record.

**Front Yard:** There shall be a front yard of not less than 50 feet in depth.

**Side Yard:** There shall be a side yard of not less than 40 feet.

**Rear Yard:** There shall be a rear yard of not less than 40 feet.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Signs:** Signs shall be as regulated in Article 11 of these regulations.

**Screening:** Industrial districts shall employ proper screening methods when such zoning districts abut any other zoned district. Such screening shall be a masonry or solid fence between four and eight feet in height maintained in good condition and free of all advertising and other signs. Landscaping provided in lieu of such wall or fence shall consist of strip of land not less than ten feet in width, planted with evergreen shrubs not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within 50 feet of an intersection.

### Section 811 Agricultural District (AG)

The purpose of the AG District is to preserve and protect the decreasing supply of prime agricultural land. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas which adversely affects agricultural operators.

Permitted uses, dimensional requirements and other regulations of the AG, Agricultural District; the following regulations shall apply:

#### Permitted Uses:

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds.
4. Public and private schools.

5. Churches.
6. Commercial grain storage.
7. Accessory uses and structures.
8. Private swimming pools.
9. Cemeteries.
10. Nursery - plant materials and sales.

**Conditionally Permitted Uses:** After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional uses are met (Article 522):

1. Quarrying and mining of natural resources.
2. Clubs, golf courses.
3. Home occupations.

### **General Requirements**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 250 feet and a minimum lot area of not less than two acres (87,120 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

**Front Yard:** There shall be a front yard of not less than 75 feet in depth for dwelling structures.

**Side Yard:** There shall be side yards of not less than 30 feet (each side) for dwelling structures.

**Rear Yard:** There shall be a rear yard of not less than 100 feet for dwelling structures.

**Dwelling Bulk:** Dwellings or structures shall have a minimum area of 960 square feet of living space by outside dimensions, exclusive of porches, garages and cellars or basements, and shall not be less than 24 feet in width or depth whichever is the smaller dimension.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Signs:** Signs shall be as regulated in Article 11 of these regulations.

### **Section 812 Flood Plain Overlay District (FP)**

#### **812.0 Purpose**

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize losses resulting from periodic inundation of flood waters in Kirkersville by restricting or prohibiting uses which are dangerous to health, safety or property in times of flooding or cause excessive increased in flood height or velocities, requiring that uses vulnerable to floods be protected from flood damage at time of initial construction, controlling the filling, grading, dredging, and other development which may increase flood damage, and controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

#### **812.1 Finding of Fact**

The flood hazard areas of Kirkersville Village are subject to period inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of

which adversely affect the public health, safety, and general welfare. These flood losses are caused by:

1. The cumulative effect of obstruction in flood plains, causing increased flood heights and velocities.
2. The occupancy of flood hazard areas by uses vulnerable to floods and which are not adequately elevated or protected from flood damage.

**812.2 Applicable Lands**

This section shall apply to all lands within the village boundaries shown on the Official Zoning Map within the boundaries of floodway, or floodway fringe, as identified by the Federal Emergency Management Agency on the FIRM and Floodway Map No. 390701-0001A, dated September 2, 1982, and any revision thereto as adopted by reference and declared to be a part of this resolution.

**812.3 Overlay District Designation**

The areas of floodway or floodway fringe identified on the Official Zoning Map shall be shown as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

Those areas within the Flood Plain Overlay District designated as floodway on the Official Zoning Map shall be subject to all the requirements of the Flood Plain Overlay District, as well as those specific sections that address the floodway.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning Map. The underlying zoning district, as shown on the Official Zoning Map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district. However, if the provisions and requirements governing the Flood Plain Overlay District are more restriction than those of the base district, the provisions of this article shall supersede those of the base district.

**812.4 Interpretation of Boundaries**

When disagreement exists as to the boundaries of the Flood Plain Overlay District or the floodway, those boundaries shall be interpreted to be the boundaries of the floodway and floodway fringe as shown on the Flood Insurance Rate Maps and Floodway Map No. 390701-0001A, dated September 2, 1982. Disagreement as to boundaries of the flood hazard areas will be resolved by the procedures outlined in the Kirkersville Flood Damage Ordinance, and not the Kirkersville Village Board of Zoning Appeals.

**812.5 Warning and Disclaimer of Responsibility**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice janes and bridge openings restricted by debris. This ordinance does not imply that areas outside the Flood Plain Overlay District boundaries or land uses permitted within such district will be free from flooding or flood damages. This ordinance shall not create liability on the part of Kirkersville Village, Licking County, or any officer or employee thereof for any flood damages that result from reliance of this article or any administrative decision lawfully made thereunder.

**812.6 Compliance**

Unless specifically exempted as stated in Section 4.2 of the Village of Kirkersville's Flood Damage Prevention Regulations, no structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable ordinances of the village.

**812.7 Abrogation**

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed

restrictions. However where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**812.8 Flood Plain Development Permit**

A flood plain development permit shall be obtained before the start of construction or development of land in the Flood Plain Overlay District. This permit shall be in addition to the zoning permit required in Section 300 of this ordinance. Application for a flood plain development permit shall be made to the Kirkersville Zoning Inspector/Flood Plain Administrator. This permit will be applied for and approved by the Flood Plain Administrator prior to the zoning permit being applied for and approved. The Zoning Inspector must receive a copy of the flood plain development permit before the zoning permit is issued.

All structures or uses to be located in the Flood Plain Overlay District, shall comply with the requirements of the Kirkersville Zoning Ordinance and the Kirkersville Damage Prevention Regulations, and any amendment or revision.

**812.9 Other Requirements**

Any buildings, structures, or land uses to be located in an identified flood hazard area shall comply with the requirements of the Kirkersville Flood Damage Prevention Regulations adopted by the Village of Kirkersville.

1. Change to Non-Flood Plain District: Changes of district classification from FP to any other classification provided by this ordinance may be initiated in accordance with the requirements of this ordinance; provided that the applicant can show that any flood condition existing at the time the FP District was originally established does no longer exist or has been remedied to the satisfaction of the Flood Plain Administrator, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommendation a change of zoning to the Village Council, the Planning Commission shall obtain certification from the agency or department administering the Flood Hazard Prevention Regulations, that the area proposed to be removed from the FP District is free from inundation from a 100 year flood event, and the amendment procedures of Article 6 shall be followed.

**812.10 Required Lot Area, Lot Width, Height, Parking, Yards and Sign Requirements**

The lot area, lot width, building height, parking, yards, and sign requirements shall comply with the base district requirements as outlined in section 815.3 of this section.

Any proposed lot for the use of residential shall comply with the Licking County Board of Health and Village Subdivision Regulations, if any. Any structure intended for four-family residential, commercial, or industrial land use shall comply with the Ohio Environmental Protection Agency, or any other appropriate authority regulations.



## ARTICLE IX

### SUPPLEMENTARY DISTRICT REGULATIONS

#### Section 900 General

The purpose of supplementary district regulations is to set specific conditions for various uses classification of uses, or areas where problems are frequently encountered.

#### Section 901 Conversion of Dwelling to More Units

A residence may not be converted to accommodate an increase number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
2. The lot area per family equals the lot area requirements for new structure in that district.
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
4. The conversion is in compliance with all other relevant codes and resolutions, and zoning ordinances.

#### Section 902 Private Swimming Pools

No private swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet shall be allowed in any commercial, agricultural, or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of occupants of the principal use of the property on which it is located.
2. It may not be located closer than ten feet to any property line.
3. The swimming pool, or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a gate and lock.

#### Section 903 Community or Club Swimming Pools

Community and club swimming pools where permitted shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition with a gate and lock.

#### Section 904 Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be

removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector.

**Section 905 Unused**

**Section 906 Required Trash Areas**

All commercial, industrial, and multi-family residential uses which provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

**Section 907 Supplemental Yard and Height Regulations**

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this ordinance, the provisions of Sections 803 through 814, inclusive shall be used for interpretation and clarification.

**Section 908 Setback Requirements for Corner Buildings**

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

**Existing Lots:** Existing lots shall have a minimum of five feet for a side yard and minimum of five feet for rear yard and a minimum of ten feet for front yard.

**Section 909 Visibility at Intersection**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impeded or restrict vision between a height of two and one-half (2 1/2) and ten feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

**Section 910 Fence and Wall Restrictions in Front Yards**

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one-half (2 1/2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and one-half (2 1/2) feet and ten feet.

**Section 911 Yard Requirements for Multi-Family Dwellings**

Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for dwelling in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

**Section 912      Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts**

Non-residential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to 50 percent of the requirements if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four and eight feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than ten feet in width planted with an evergreen shrubs not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within 50 feet of an intersection.

Accessory Buildings - Attached garages, carports or accessory buildings connected with the main or principal building by a breezeway or other permanently constructed connection shall be considered to be part of the main or principal building and shall meet the front yard setback requirements as for the main or principal building.

All detached accessory buildings, except garages, shall be located at least 20 feet from any dwelling. Detached garages located not less than 20 feet to the rear of the main or principal building, may be located not less than five feet from the side lot line except on corner lots.

**Section 913      Architectural Projections**

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

**Section 914      Exceptions to Height Regulations**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended to human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

**Section 915      Special Provisions for All Use Districts**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 916 through 925, inclusive.

**Section 916      Fire Hazards**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved. Fire hazards and enforcement of such fire hazards shall comply with the West Licking Fire District's rules and regulations.

**Section 917 Radioactivity or Electrical Disturbance**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

**Section 918 Noise**

Objectionable noise as determined by the Zoning Inspector which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

**Section 919 Vibration**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

**Section 920 Air Pollution**

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

**Section 921 Glare**

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

**Section 922 Erosion**

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

**Section 923 Water Pollution**

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

**Section 924 Enforcement Provisions**

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans dedicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

**Section 925 Measurement Procedures**

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio

**Section 926 Adult Entertainment Facilities**

**926.01 Definitions**

1. **Adult Entertainment Facilities** means any establishment which is involved in one or more of the following listed categories:
  - a. **Adult Book Store:** An establishment having greater than 25 percent of its display area or items for sale or its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
  - b. **Adult Mini-Motion Picture Theater:** A facility with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
  - c. **Adult Motion Picture Theater:** A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
  - d. **Adult Entertainment Business:** Any establishment involved in the sale of services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
2. **Specified Sexual Activities** means any of the following:
  - a. Human genitals in a state of sexual stimulation or arousal.
  - b. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
3. **Specified Anatomical Areas** means any of the following:
  - a. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
  - b. Human male genitals in a discernible turgid state.
4. **Person** means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
5. **Fine Art Gallery** means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
6. **Sexually Explicit Nudity** means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
7. **Sadomasochistic Sexual Abuse** means actual or stimulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
8. **Visibly Displayed** means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence.

9. Knowledge of Character means having general knowledge, or reason to know; or a belief or ground for belief which warrants further inspection or inquiry of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct or circumstantial evidence, or both.
10. Harmful to Juveniles means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions to which the following apply:
  - a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
  - b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
  - c. The material or performance, taken as a whole, lacks serious literary, artistic, political, educational, or scientific value for juveniles.

#### **926.02 Exceptions**

Nothing in this section shall be construed to pertain to:

1. The purchase, distribution, exhibition, and/or loan of any work of art, book, magazine, or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.
2. The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

#### **926.03 Adult Entertainment Facilities - Location**

Adult entertainment facilities are specified as a conditional use in the (M-1) Light Manufacturing zoning district only, and are conditionally subject to the conditions hereafter set forth in 926.04.

#### **926.04 Conditions**

1. No adult entertainment facility shall be established within 1,500 feet of any area zoned for residential use.
2. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under 18 years of age.
3. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
4. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
5. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
6. All building openings, entries, windows, etc., for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

7. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
8. Off-street parking shall be provided in accordance with standards for permitted uses within the A zoning districts as appropriate.
9. Section 1 through 5 above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of 51 percent of the property owners and resident freeholders within the above-described radius, giving their consent to the establishment of adult entertainment facility and if the Board determines:
  - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
  - b. That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area.
  - c. That the establishment of an additional regulated use in the area will not be contrary to any program or neighborhood conservation nor will it interfere with any program or urban renewal, residential or commercial reinvestment, or renovation of a historical area.
  - d. That all applicable regulations of this section will be observed.
10. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
11. Radius of 1,500 feet is determined from the center of the front door of an adult entertainment facility to any property line of any establishment or facility mentioned in Section 4 above.

#### **926.05 Unlawful Exhibition or Display of Harmful Material to Juveniles**

1. No person, having custody, control, or supervision of any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:
  - a. Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: harmful to juveniles when taken as a whole; or contains on its cover, package, wrapping, or within the advertisements therefor, depictions or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
  - b. Visibly display, exhibit, or otherwise expose to view, commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any public or private place.
  - c. Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause, lead, or allow such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.

#### **926.06 Violation Penalty**

Whoever violates any provision of this article shall be guilty of a misdemeanor of the first degree.

#### **Section 927 Regulations of Factory-Built Housing; Design and Appearance Standards**

Sections inclusive of this ordinance shall apply to the location, construction, and maintenance of factory-built housing in all districts other than the manufactured home park district.

#### **927.01 Purpose**

It is the purpose of these sections inclusive of this ordinance to promote the health, safety, and welfare of

the community by establishing regulations governing the siting, construction, and maintenance of factory-built housing. It is further the intent of these sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

#### **927.02 Definitions**

"Factory-built housing" means 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 nonself-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight 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 built on a permanent chassis and designed to be used as a permanent 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 the Federal Manufactured Housing Construction and Safety Standards.
2. **Modular Home:** Factory-built housing certified as meeting the local or 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:** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

#### **927.03 Siting Requirements**

Any factory-built housing proposed to be located in any residential zoning district shall comply with the following requirements:

1. The structure shall be installed upon and properly attached permanently to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below frost line.
2. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
3. The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entrance way facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure permitted by zoning regulations and yard requirements are complied with.
4. The site shall be suitably landscaped, with adequate screening devices.
5. The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
6. The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
7. The site shall be serviced by utilities in such manner as required by ordinance or resolution.
8. Double wides and sectional manufactured homes shall be placed permanently on a foundation and comply with all district regulations and any other resolutions or ordinances of the village or proper authority. Within 60 days, the automotive certificate of title to all parts of the manufactured home shall be surrendered to the Clerk of Courts and the necessary procedures to convert to real estate taxes. Proof of this action is to be furnished to the zoning inspector.
9. Manufactured homes, originally constructed or designed to have a certificate of motor vehicle, shall be only permitted in a Manufactured Home Park District (MHP). Single unit manufactured homes will only be permitted in a MHP District.

#### **927.04 Single-Family Design and Appearance Standards**

Single-family residential homes, whether modular, manufactured, or site-built construction, shall comply



with the following design and appearance standards:

1. The structure shall be in conformance with the siting requirements contained in Section 927.03.
2. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

### **Section 928 Fence or Hedges**

#### **Permit Required**

No fence or wall, as defined, may be erected within the village unless a property owner or his agent files application with the zoning inspector. Such application shall be on such forms as provided by the village and shall include:

1. A drawing of the lot, to scale, showing the actual location of the proposed fence or wall.
2. A cross section drawing showing the height and length of the fence or wall.
3. The drawing of the fence or wall is to also show what materials are to be used in the construction of such fence or wall.

The zoning inspector shall review each application to determine its compliance with the provisions of this ordinance. Each property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land, and shall be constructed or erected only upon the land or parcel of land owned by the owner.

#### **Height and Location**

The permitted height of a fence or wall shall be determined by its location on the property as follows:

1. A fence or wall not exceeding 48 inches in height may be erected between the building setback line and a line three feet toward the building setback line from the street right-of-way line. No fence or wall may be erected within three feet of the street right-of-way line.
2. A fence or wall not exceeding 72 inches in height may be erected in any area of the lot behind the building setback line.
3. A fence or wall shall not be erected over or on any and all right title and interest of the village or its subdivisions or agencies or boards in real property or land, including but not limited to, village easements, street right-of-ways, parks and fees.

### **Section 929 Satellite Dish Antennas**

Definitions of dish-type satellite signal-receiving antennas:

1. "Dish-type satellite signal-receiving antennas," also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:
  - a. A signal-receiving device (dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals for satellites in earth orbit and other extra-terrestrial sources.
  - b. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
  - c. A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.
2. "Receiver" shall mean a television set or radio receiver.
3. "Dish" shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.
4. "Grounding rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

### Permit Required

No person, firm, partnership, corporation, trust, or other legal entity shall construct an earth station without a permit, nor shall construction commence before a permit is issued in accordance with this section.

### Application for Permit

The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the village, who desires to construct an earth station on said lot, premises, or land parcel, must first obtain a permit to do so from the village zoning inspector. The village zoning inspector shall issue such permit, provided the applicant submits a written application upon forms provided and approved by the zoning inspector, along with a plot plan of the lot, premises or land parcel attached, showing the exact location and dimensions of the proposed earth station; a description of the kind of earth station proposed; the exact location and dimensions of all buildings or structures. Each application shall specify among other things the name and address of the owner of the real estate; the application; and the person to be permitted to construct the proposed earth station.

The application shall present documentation of the possession of any license or permit required by any federal, state, or local agency pertaining to the ownership, construction, or operation of an earth station.

The application shall submit with each application a fee as established by Section 310 of this ordinance. The permit fee shall cover the costs of reviewing the construction and inspecting the final construction and processing the application.

### Location of Earth Station

1. Ground-Mounted:
  - a. No earth station shall be constructed in any front or side yard, but, shall be constructed to the rear of the dwelling or principal building.
  - b. No earth station, including its concrete base slab or other substructure, shall be constructed less than eight feet from any property line or easement (or same as an accessory building(s)).
  - c. An earth station shall not exceed a grade height of 12 feet.
  - d. An earth station must be bonded to a grounding rod.
  - e. No earth station shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital or any other commercial building or structure unless said satellite dish antenna complies with the roof mounted regulations below.
2. Roof-Mounted:
  - a. Earth stations shall be mounted directly upon the roof of a primary or accessory structure, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.
  - b. An earth station shall not exceed a height of more than ten feet above the roof upon which it is mounted.
  - c. An earth station "dish" shall not exceed nine feet in diameter.
  - d. An earth station must be bonded to a grounding rod.

### Penalty

Whosoever violates any of the provisions of this section, may be remedied by Section 309.

### Appeals

Appeals from decisions of the zoning inspector shall be made to the Board of Zoning Appeals as provided by this ordinance.

## ARTICLE X

### OFF-STREET PARKING AND LOADING FACILITIES

#### Section 1000 General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.
2. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this ordinance.
3. Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of 50 percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

#### Section 1001 Parking Space Dimensions

A parking space shall have minimum rectangular dimensions of not less than nine feet in width and 19 feet in length for 90 degree parking, nine feet in width and 23 feet in length for parallel parking, ten feet width and 19 feet in length for 60 degree parking, and 12 feet in width and 19 feet in length for 45 degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1016 of this ordinance.

#### Section 1002 Loading Space Requirements and Dimensions

A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than 15 feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to 5,000 square feet. One loading space shall be provided for each additional 10,000 square feet or fraction thereof.

#### Section 1003 Paving

The required number of parking and loading spaces as set forth in Sections 1002 and 1016, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface. Off-street parking lots, for commercial and industrial uses, with two or more parking spaces shall be paved with concrete or asphalt and be exclusive of all loading areas and yard requirements. Single-family residences shall be permitted to have gravel driveways.

**OFF-STREET PARKING  
Design Requirements**

**TABLE OF OFF-STREET PARKING DIMENSIONS**

		45 Degrees	60 Degrees	90 Degrees	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

**DIAGRAMS OF OFF-STREET PARKING DESIGNS**

**Section 1004 Drainage**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

**Section 1005 Maintenance**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

**Section 1006 Lighting**

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

**Section 1007 Location of Parking Spaces**

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than 700 feet from the principal use.

**Section 1008 Screening and/or Landscaping**

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be not less than four feet nor more than six feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

**Section 1009 Joint Use**

Two or more non-residential uses may jointly provide the use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

**Section 1010 Minimum Distance and Setbacks**

No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.

**Section 1011 Wheel Blocks**

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parking vehicle from extending beyond the property line.

**Section 1012 Width of Driveway Aisle**

Driveways serving individual parking spaces shall be not less than 25 feet wide for 90 degree parking, 12 feet wide for parallel parking, 17 1/2 feet for 60 degree parking, and 13 feet for 45 degree parking.

**Section 1013 Access**

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

**Section 1014 Width of Access Driveway**

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: for one way traffic the minimum width of 14 feet except for 45 degree parking in which case the minimum width of the access road shall be 17 feet. Access roads for two way traffic shall have a minimum width of 24 feet. Parking Areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

**Section 1015 Striping**

All parking areas with a capacity over 12 vehicles shall be striped with double lines six inches both sides of center between stalls to facilitate the movement into and out of the parking stalls.

**Section 1016 PARKING SPACE REQUIREMENTS**

For the purpose of this ordinance, the following minimum parking space requirements shall apply:

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
-------------	---------------------------------

**Section 1017 Residential**

- |   |   |
|---|---|
| 1. Single-family or two-family dwellings.   | Two for each unit.  |
| 2. Apartments, or multi-family dwellings.   | Two for each unit.  |
| 3. Boarding houses, rooming houses, dormitories, and fraternity houses which have sleeping rooms. | Two for each sleeping room or two for each each permanent occupant. |
| 4. Manufactured homes.  | Two for each unit.  |

**Section 1018 Commercial**

- |   |   |
|---|---|
| 1. Automobile service garage which also provide repair. | Two for each gasoline pump and four for each service bay.                               |
| 2. Hotels, motels.                                      | One per each sleeping room plus one space for each two employees.                       |
| 3. Funeral parlors, mortuaries, and similar type uses.  | One for each 100 square feet of floor area in slumber rooms, parlors, or service rooms. |

**Section 1019 Recreational or Entertainment**

- |   |   |
|---|---|
| 1. Dining rooms, restaurants, taverns, night clubs, etc.                              | One for each 200 square feet of floor area in area.   |
| 2. Bowling alleys.  | Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.          |
| 3. Dance floors, skating rinks.   | One for each 100 square feet of floor area used for the activity.   |
| 4. Outdoor swimming pools, public or community, or club.                              | One for each five persons capacity plus one for each four seats or one for each 30 square feet floor area used for seating purposes whichever is greater. |
| 5. Auditoriums, sport arenas, theaters, and similar uses.                             | One for each four seats.  |
| 6. Retail stores.   | One for each 250 square feet of floor area.   |
| 7. Banks, financial institutions, and similar uses.                                   | One for each 200 square feet of floor area.   |
| 8. Offices, public, or professional administration, or service buildings.             | One for each 400 square feet of floor area.   |
| 9. All other types of business or commercial uses permitted in any business district. | One for each 300 square feet of floor area.   |

TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
-------------	---------------------------------

**Section 1020 Institutional**

- |  |  |
|--|--|
| 1. Churches and other places of religious assembly.                          | One for each five seats.   |
| 2. Hospitals.  | One for each bed.  |
| 3. Sanitariums, home for the aged, nursing homes, asylums, and similar uses. | One for each two beds.   |
| 4. Libraries, museums, and art galleries.                                    | One for each 400 square feet of floor area.  |
| 5. Medical and dental clinics.   | One for every 200 square feet area of examination, treating room office, and waiting room. |

**Section 1021 Schools (Public, Parochial, or Private)**

- |  |   |
|--|---|
| 1. Elementary and junior high schools.                                   | Two for each classroom and one for every eight seats in auditorium or assembly halls. |
| 2. High schools.   | One for every ten students and one for each teacher and employee.                     |
| 3. Business, technical, and trade schools.                               | One for each two students.  |
| 4. Colleges, universities.   | One for each four students.   |
| 5. Kindergartens, child care centers, nursery schools, and similar uses. | Two for each classroom but less than six for the building.                            |

**Section 1022 Manufacturing**

- |   |  |
|---|--|
| 1. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district. | One for every two employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business.      |
| 2. Cartage, express, parcel delivery, and freight terminals.  | One for every two employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises. |

**Section 1023 General Interpretation of Article 10**

In the interpretation of Article 10, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the Board upon an appeal from a decision of the Zoning Inspector.



2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Inspector.

## ARTICLE XI

### SIGNS

#### Section 1100 Intent

The purpose of this article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging and projecting over public right-of-way, provided more open space, curb the deterioration of the natural environment, and enhance community development.

#### Section 1101 Governmental Signs Excluded

For the purpose of this ordinance "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations.

#### Section 1102 General Requirements for All Signs and Districts

The regulations contained in this section shall apply to all signs and all use district.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the State Building Code.
3. No projecting sign shall be erected on maintained from the front or face of a building a distance of more than four feet, including those projecting from the face of any theater, hotel or motel marquee.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1104 herein.
5. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
6. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
7. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once and with 60 days of such written notice, put such sign in a safe and secure condition or remove the sign.
8. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
9. All off-premises advertising devices erected or maintained under Chapter 5516.10 of the Ohio Revised Code, must also comply with Sections 1103, 1105, and 1106 of this ordinance.
10. The following are prohibited:
  - a. Advertising devices erected or maintained on trees, or painted or drawn upon rocks or other natural features.
  - b. Advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

- c. Advertising devices illuminated so as to interfere with the effectiveness of or obscure an official sign, signal, or device.
- d. Advertising devices which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble an official sign, signal, or device.

### **Section 1103 Measurement of Sign Area**

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

### **Section 1104 Signs Permitted in All Districts - No Permit Required**

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential districts where the area of the sign shall not be more than six square feet.
2. Professional name plates or home occupation signs not exceeding four square feet in area and not exceeding one sign per home or business.
3. Non-farm signs denoting the name and address of the occupant of the premises, not exceeding four square feet in area; and not exceeding one sign per home or business.
4. Farm signs, denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms, and denoting membership or organizations not to exceed 25 square feet of sign face area per farm.
5. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall be located on the premises of such institutions and shall be located on the premises of such institutions and shall be setback from all street lot lines at least 12 feet.
6. Entrance and exist signs containing only directional signs.
7. Temporary signs announcing special public or institutional signs; events, the erection of a building, or signs for similar uses. Such signs shall be removed within two weeks of the completion of the event or project.
8. Political signs, provided such signs shall be removed within two weeks following election day.

### **Section 1105 Signs Permitted in Districts - Permits Required**

1. In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Protection of wall signs shall not exceed four feet measured from the face of the main building, nor ten square feet on any one face of the sign. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1 1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of 100 square feet.
2. In addition to the above, each business or industry shall be permitted one on-premises ground sign provided all parts of the sign shall be set back ten feet from the street right-of-way. The maximum area of such sign not to exceed 30 square feet on any face of the sign.

### **Section 1106 Outdoor Advertising Displays and/or Billboards**

1. Outdoor advertising shall be classified as a business use and be permitted in all commercial and industrial district and/or lands used for agricultural purposes subject to the following regulations:
  - a. Such signs or structures shall not be located 50 feet of any street (or road) right-of-way.
  - b. Such signs or structures shall not be located within 1,000 feet of any other outdoor advertising display or billboard on the same side of the street, except in commercial and industrial districts such distance may be reduced to 100 feet.

- c. Such signs or structures shall not be located on or within 100 feet of any building, except signs painted on barns.
  - d. Such signs or structures shall not be located on or within 100 square feet on one face and/or 200 square feet for two or more faces, and in no case shall more than 100 square feet of display or sign area be visible from any road or street. These size limitations may be increased by 100 percent in commercial and industrial areas.
2. Advertising devices adjacent to the interstate and primary highways as regulated by the Ohio Revised Code Sections 5516.01 to 5516.13 and 5531.07 as amended shall be permitted in accord with those State laws, and will comply with the regulations of Sections 1102, 1103, 1105, and 1106 of this ordinance.

#### **Section 1107 Setbacks for Public and Quasipublic Signs**

Real estate signs and bulletin boards for a church, school, or any other public, religious or educational institution may be erected not less than ten feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersection.

#### **Section 1108 Special Yard Provisions**

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 20 feet of a side or rear lot line.

#### **Section 1109 Limitation**

For the purpose of this ordinance, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto, and Sections 1102, 1103, 1105, and 1106 of this ordinance.

#### **Section 1110 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance. Failure to comply with any of the provisions of this article shall be deemed a violation and shall be punishable under Section 309 of this ordinance. Political signs posted in violation of Section 1104 of this ordinance are subject to removal by the Zoning Inspector five days after written notice of violation of Section 1104 has been given.

## ARTICLE XII

### PLANNED UNIT DEVELOPMENT

#### Section 1200 Objectives for Planned Unit Development

It shall be the policy of the Village of Kirkersville to promote progressive development of land and construction thereon by encouraging planned unit development to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitted an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The village is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

#### Section 1201 Provisions Governing Planned Unit Development

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this ordinance, the provisions of this article shall be governed by the respective provisions found elsewhere in this ordinance.

#### Section 1202 Conflict and Interpretation

In accordance with Section 101 of this ordinance, Article 12 is declared to be the minimum requirements applicable to Planned Unit Developments in any interpretation and promotion of the public health, safety, and general welfare of the community. Whenever the requirements of this ordinance are at a variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standard(s) shall govern.

#### Section 1203 Uses Permitted

Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in PUD Districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

The amount of land devoted to commercial and/or industrial use in a residential-commercial-industrial or residential-commercial development shall be determined by the Planning Commission, Village Council.

**Section 1204 Minimum Project Area**

The gross area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

<u>Type of PUD</u>	<u>(Acres) Minimum Area</u>
Residential	40
Commercial	10
Industrial	30
Residential-Commercial	40
Commercial-Industrial	40
Residential-Commercial-Industrial	40

When the PUD is a mixture of uses no more than 8 percent of the tract may be devoted to commercial activities no more than 12 percent of tract to industrial activities.

**Section 1205 Project Ownership**

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

**Section 1206 Common Open Space**

A minimum of 20 percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 1207 of this ordinance.

**Section 1207 Disposition of Open Space**

The required amount of common open space land reserved under planned unit development shall either be held in corporate ownership by owners of the project area for the use of each other who buys property within the development or be dedicated to the County or Village and retained as common open space for parks, recreation, and related uses. All land dedicated to the County or Village and retained as common open space for parks, recreational, and related uses. All land dedicated to the County or Village must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication to the County or Village unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

**Section 1208 Utility Requirements**

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

**Section 1209 Minimum Lot Sizes**

1. Lot area per dwelling unit may be reduced by not more than 40 percent of the minimum lot area required in the Official Schedule of District Regulations.
2. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

**Section 1210 Lots to Abut Upon Common Open Space**

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight townhouses in any contiguous group.

**Section 1211 Height Requirements**

For each foot of building height over the maximum height regulations specified in Article 8, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a one foot addition to the side and rear yard required in the districts.

**Section 1212 Parking**

Off-street parking, loading, and service areas shall be provided in accordance with Article 10 of this ordinance. However, off-street parking and loading areas shall not be permitted within 15 feet of any residential use.

**Section 1213 Arrangement of Commercial Uses**

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial area abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas design for future expansion or not intended to immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission.

**Section 1214 Arrangement of Industrial Uses**

Planned unit development districts may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as area required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Project side yards of 40 feet and a rear yard of 50 feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

#### **Section 1215 Procedure for Approval of PUD Districts**

Planned unit development districts shall be approved in accordance with the procedures in Sections 1216 through 1229.

#### **Section 1216 Pre-Application Meeting**

The developer shall meet with the Zoning Inspector and Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this ordinance and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, and major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the County and the Village.

#### **Section 1217 Contents of Application for Approval of Preliminary Development Plan**

An application for preliminary planned unit development shall be filed with the Chairman of the Planning Commission by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of applicant.
2. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Description of existing use.
5. Zoning district(s).
6. A vicinity map at a scale approved by the Planning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the planned unit development to the comprehensive plan and to existing schools and other community facilities and services.
7. A preliminary development plan at a scale approved by the Commission showing topography at two foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission deems necessary.
8. Proposed schedule for the development of the site.
9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five years.
10. List of all adjoining property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed for the planned unit development.

The application for preliminary planned unit developments shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the Village statement of objectives for planned unit developments in Section 1200 of this ordinance.



**Section 1218 Public Hearing by Planning Commission**

Within 30 days after receipt of the preliminary development plan, the Planning Commission shall hold a public hearing.

**Section 1219 Notice of Public Hearing by Planning Commission in Newspaper**

Before holding the public hearing provided in Section 1218, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least 20 days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

**Section 1220 Notice to Property Owners by Planning Commission**

Before holding the public hearing required in Section 1218, written notice of such hearing shall be sent by the Chairman of the Planning Commission by first class mail, at least 20 days before the hearing, to all owners of property contiguous to or directly across the street from the area proposed to be included within the planned unit development district. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval.

**Section 1221 Approval in Principle by Planning Commission**

Within 30 days after the public hearing required by Section 1218, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this ordinance whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationships with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. The Planning Commission may seek assistance in making its recommendation from the Licking County Planning Commission or any other appropriate source.

**Section 1222 Final Development Plan**

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.

**Section 1223 Contents of Application for Approval of Final Development Plan**

An application for approval of the final development plan shall be filed with the Chairman of the Planning Commission by at least one owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within five years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All the information required on the preliminary development plan; the location and sizes of lots; location and

proposed density of dwelling units, non-residential building intensity, and land use considered suitable for adjacent properties.

3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit; the standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinance governing development.
4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.
5. Site plan, showing building(s), various functional use areas, circulation, and their relationship.
6. Preliminary building plans, including floor plans and exterior elevations.
7. Landscaping plans.
8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

#### **Section 1224 Public Hearing by Planning Commission**

Within 30 days after submission of the final development plan, the Planning Commission may hold a public hearing. If a second public hearing is held, notice shall be given as specified in Sections 1219 and 1220.

#### **Section 1225 Recommendation by Planning Commission**

Within 60 days after receipt of the final development plan, the Planning Commission shall recommend to the Village Council that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the commendations to the Village Council.

#### **Section 1226 Criteria for Recommendations by Planning Commission**

Before making its recommendation as required in Section 1225, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within five years of the date of approval.
2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
4. Any proposed commercial development can be justified at the locations proposed.
5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Village Council.
6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
7. The planned unit development is in general conformance with the comprehensive plan of the Village.
8. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

The Planning Commission may seek assistance in making its recommendation from the Licking County Planning Commission or any other appropriate source.

**Section 1227 Action by Village Council**

Within 60 days after receipt of the final recommendation of the Commission, the Village Council shall by ordinance either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Village Council shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

**Section 1228 Supplementary Conditions and Safeguards**

In approving any planned unit development district, the Village Council may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this ordinance and punishable under Section 309 of this ordinance.

**Section 1229 Expiration and Extension of Approval Period**

The approval of a final development plan for a planned unit development district shall be for a period not to exceed five years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within five years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

## ARTICLE XIII

### MANUFACTURED HOME PARK DISTRICTS

#### Section 1300 Intent

It is the intent of this article to regulate the location of, and to encourage, stabilize, and protect the development of well-planned manufactured home parks.

#### Section 1301 Approval Procedures

Manufactured home parks shall be located only in the Manufactured Home Park District, MHP and shall be developed according to the general standards and regulations stated and referenced in Article 13. The procedure for amendments specified in Article 6.

#### Section 1302 General Standards for Manufactured Home Parks

The Planning Commission and the Village Council shall review the particular facts and circumstances of each proposed manufactured home park in terms of the following standards and shall find adequate evidence showing that the manufactured home park development:

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
2. Will not be hazardous or detrimental to existing or future neighboring uses.
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services.
4. Will be consistent with the intent and purpose of this ordinance and the comprehensive plan.
5. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
6. Will not result in the destruction, loss, or damage or natural, scenic, or historic features of major importance.

#### Section 1303 Contents of Application

A written application shall be filed with the Chairman of the Commission. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Present use.
4. Present zoning district.
5. Proposed zoning district.
6. A vicinity map at a scale approved by the Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Commission may require to show the relationship of the development to the comprehensive plan.
7. A plan at a scale approved by the Commission showing the location and dimensions of streets, and other roadways; lots; typical lot improvements; areas of recreation, storage, and off or on-street parking; buffering, screening, or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways, and such other things the Commission deems necessary.

8. The applicant shall submit or cause to be submitted as part of the contents of the application, written evidence from the Ohio Department of Health, the Ohio Environmental Protection Agency, and the Licking County Board of Health, testifying to the fact that a preliminary site evaluation relative to the proposed sewerage effluent discharge has been inspected to light of the proposed manufactured home park development and has been tentatively approved for sewerage effluent discharge.
9. The application shall submit or cause to be submitted as part of the contents of the application, written evidence from the Ohio Department of Health, and the Licking County Board of Health testifying that the proposed source of water supply as tentatively approved. In the event that a surface source of water is to be utilized, the applicant shall submit or cause to be submitted written evidence that the source, if an impoundment is anticipated, will comply and be tentatively approved by the United State Army Corps of Engineers and the Division of Water, and the Ohio Department of Natural Resources.
10. List of all adjoining property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed for the manufactured home park location.
11. The fee as established by the Village Council.

#### **Section 1304 Manufactured Home Park Requirements**

A manufactured home park shall meet the requirements of Sections 1305 through 1308 inclusive.

#### **Section 1305 Park Size**

A manufactured home park shall contain a minimum of ten acres of land area.

#### **Section 1306 Density, Width and Depth**

The minimum density shall be as established by the State of Ohio Department of Health Regulations. The minimum width of the manufactured home development shall not be less than 250 feet. The ratio of width to depth shall not exceed one to five (1:5).

#### **Section 1307 Access**

All manufactured home parks should have access to adequate collector streets with a right-of-way not less than 60 feet in width. Marginal access roads may be required if deemed necessary for manufactured home parks that would have direct access onto an arterial street.

#### **Section 1308 Buffering and Screening**

The outer boundaries of a manufactured home park shall contain and include a buffer zone. The buffer zone shall be composed of a green strip, not less than ten feet in width, located along all park boundaries. The type of plantings shall be approved by the Commission and Village Council. This green strip may be in a yard adjacent to a street or road, provided all other provisions of the ordinance are met.

#### **Section 1309 Skirting**

Each manufactured home shall be skirted, entirely enclosing the bottom section, within 90 days after its placement in the park.

**Section 1310 Floor Area**

Each manufactured home placed within the manufactured home park, shall have a minimum area of 600 square feet.

**Section 1311 Height**

The maximum height of manufactured homes and accessory building shall not exceed 20 feet.

**Section 1312 Manufactured Home Stand**

Each manufactured home lot shall be provided with a stable base, upon which to place the manufactured home. This base should be approved by the Commission and Village Council, and be in conformance with State minimum requirements.

**Section 1313 Patio**

Each manufactured home lot should be provided with a paved patio area at least 100 square feet in area. The patio should be located on the entrance side of the manufactured home.

**Section 1314 Anchors**

Each manufactured home lot should be provided with anchors and tie downs such as cast-in-place concrete "dead eye" eyelets imbedded in the concrete runways, screw augers, arrow head anchors, or other devices for securing the stability of the manufactured homes.

**Section 1315 Landscaping**

Each manufactured home lot should have at least one deciduous hardwood tree a minimum of one and one-half (1 1/2) caliper should be planted in the front yard.

**Section 1316 Water**

Within each manufactured home park there shall be installed a water supply and distribution system in conformance with the requirements of the Ohio Department of Health. Each manufactured home lot shall be properly connected to this system.

**Section 1317 Sewage Disposal**

Within each manufactured home park, there shall be installed a sanitary waste water collection system which shall be connected with the municipal sewer system where available. Where a municipal sewer is not available, a central waste water treatment plant shall be located, constructed, and maintained in accordance with the regulations of the Ohio Department of Health or Ohio Environmental Protection Agency. Each manufactured home lot shall be properly connected to this system.

**Section 1318 Electric System**

Each manufactured mobile home shall be provided with suitable electrical equipment in accordance with the Licking County Building Code or State Building Code.

**Section 1319 Supplementary Conditions and Safeguards**

In approving any manufactured home park, the Commission may recommend and the Village Council may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, shall be deemed a violation of this ordinance and punishable under Section 309 of this ordinance.

**Section 1320 Additional Considerations**

In approving any preliminary or final plan for a manufactured home park, the Planning Commission and the Village Council shall consider the following additional considerations, and may require the petitioner or applicant to demonstrate a degree of planning adequacy, through the submission of statements, plans, or arrangements that may be made part of the permit.

**Section 1321 Storm Drainage**

All areas of a manufactured home park should be graded in a manner so that there will be no poorly drained areas. Grading should not obstruct the natural drainage of surrounding properties or water courses. Runoff should not be permitted to flood or damage surrounding properties.

**Section 1322 Recreation and Open Space**

At least 5 percent of the gross land area of the manufactured home park should be reserved for recreational and open space uses. This figure is in addition to any other open areas required by yard requirements or other sections of this ordinance. A clustering of units is encouraged.

**Section 1323 Underground Utilities**

Within each manufactured home park, all utility lines, including those for electricity and telephone service should be located underground.

**Section 1324 Garbage and Refuse Storage**

The storage and collection of garbage and refuse within each manufactured home park should be conducted so as to create no health hazards, rodent harborage, insect breeding area, fire hazards, or air pollution. All garbage should be stored in fly-tight, rodent-proof containers. These containers should be located no more than 150 feet from any lot, and should be collected at least once each week.

**Section 1325 Service Buildings**

Service buildings may be provided by the management for offices, repair and storage; laundry facilities, and indoor recreation areas. No such building should be located closer than 50 feet to any manufactured home.

**Section 1326 Associated Commercial Development**

Associated commercial development may be provided and may include laundry facilities, limited convenience retail business, however, no commercial sales, storage or repair of mobile homes, boats, autos, or recreational vehicles will be allowed on land zoned specifically for a manufactured home park.

**Section 1327 Street Pavement**

The design standards for streets within a manufacturing home park shall be of asphalt pavement. The street shall comply with the Design Analysis according to the California Bearing Ratio (CBR) as follows:

<u>Design Analysis</u>	<u>Minor Street</u>	<u>Collector Street</u>	<u>Arterial Street</u>
CR-B-3	6 7/8"	9 3/8"	11 3/8"
CR-B-4	6 1/2"	8 3/8"	10"
CR-B-5	5 5/8"	7 3/4"	9 3/4"
CR-B-6	5 1/4"	7 1/8"	8 1/2"
CR-B-7	4 7/8"	6 3/4"	8"
CR-B-8	4 3/4"	6 3/8"	7 5/8"

The above chart shows the total asphalt thickness. The top inch shall be 404 asphalt and the remainder 301 asphalt. The above pavement thicknesses are based on full depth design, placing layers of asphalt concrete base course directly on the prepared subgrade without the use of granular base or subbase layers.

If a granular base is used and there is reduction of asphalt thickness proposed, this must be approved by the Village Engineer and approved by the Village Council. The pavement reduction shall have a strength equal to the CBR rating.

If the developer elects to construct streets totally out of portland cement concrete or if such pavement is required by the Village Engineer, thicknesses of six inches shall be required. The Village Planning Commission may require pavement of greater thickness, upon the recommendation of the Village Engineer, based upon his evaluation of the subgrade, traffic, and wheel load conditions.

**Section 1328 Sidewalks**

Where sidewalks are provided, they shall have a minimum width of four feet; located within the street right-of-way, constructed of Portland cement concrete; and, be at least four inches thick, underlaid by crushed stone.



RECORD OF ORDINANCES

ORDINANCE NO. 94- 623

PASSED 1-4-1995, 1994

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF KIRKERSVILLE, OHIO, (90-359) BY MODIFYING EXISTING CODE SECTIONS AND BY ADDING NEW CODE SECTIONS.

WHEREAS, Council has previously adopted a comprehensive Zoning Code in accordance with the provisions of Chapter 713 of the Ohio Revised Code; and,

WHEREAS, it is necessary to revise the existing Zoning Ordinance so as to more effectively address enforcement problems not sufficiently resolved by the present Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KIRKERSVILLE, LICKING COUNTY, OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

Section 1: The following sections of the Zoning Ordinance of the Village of Kirkersville, as enacted by Ordinance 90-359, adopted 11-7-90, is hereby amended by substituting the text of the proposed modifications attached hereto as Exhibit "A" for existing ordinance sections as set forth in Ordinance 90-359 or by adding the following Code Sections where such sections did not exist with the Zoning Ordinance as adopted by that Ordinance:

ARTICLE III, Section 301.

ARTICLE III, Section 304.

ARTICLE IV, Section 405, provisions 1, 2, and 4.

ARTICLE IV, Section 406, provisions 1 through 3.

ARTICLE IV, Section 407, provisions 1, 2, 4, and 5.

ARTICLE VIII, Section 804, "Lot Area, Width and Depth" provisions under General Requirements.

ARTICLE VIII, Section 805, Addition of an "Existing Lots" provision under General Requirements.

ARTICLE VIII, Section 808, addition of #32 "Single Family Dwelling" under permitted uses provision.

ARTICLE VIII, Section 808, General Requirements provisions.

ARTICLE VIII, Section 809, General Requirements provisions.

ARTICLE IX, Section 905.

ARTICLE IX, Section 908.

ORDINANCE 92-015, Section One, passed 10-7-92.

Paul D. Casto  
Paul Casto, Pres. Pro tempore

Richard Van Buren  
Richard Van Buren, Mayor

ATTEST:

Janet Fishbaugh  
Janet Fishbaugh, Clerk-Treasurer

SPONSOR:

Kevin C. Shannon

APPROVED AS TO FORM:

Kevin C. Shannon  
Kevin C. Shannon, Village Solicitor

## EXHIBIT "A"

### ARTICLE III

#### Section 301 Contents of Application for Zoning Permits

Each application shall clearly state that building permits shall expire after one (1) one year and may be revoked if work has not been started and/or the exterior has not been completed in the first six (6) months of construction.

11. Valid sewer and water permit.

#### Section 304 Expiration and/or Revocation of Zoning Permit

All zoning permits shall expire within one (1) year from the date of issuance thereof. Further, if the work described in any zoning permit has not been started and/or the exterior has not been completed within six (6) months, said permit may be revoked by the Zoning Inspector. Written notice of expiration or possible revocation of said permit shall be given to the parties affected along with notice that no further work may proceed until a new zoning permit has been obtained.

### ARTICLE IV

#### Section 405 Non-Conforming Uses of Land

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance unless approved otherwise by the Board of Zoning Appeals.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance unless approved otherwise by the Board of Zoning Appeals.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land unless approved otherwise by the Board of Zoning Appeals.

#### Section 406 Non-Conforming Structures

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity unless approved otherwise by the Board of Zoning Appeals, but any structure or portion thereof may be altered to decrease its non-conformity.

2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this ordinance unless approved otherwise by the Board of Zoning Appeals.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved unless approved otherwise by the Board of Zoning Appeals.

**Section 407 Non-Conforming Uses of Structures of Land in Combination**

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located unless otherwise approved by the Board of Zoning Appeals.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building unless approved otherwise by the Board of Zoning Appeals.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed unless approved otherwise by the Board of Zoning Appeals.
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located unless approved otherwise by the Board of Zoning Appeals.

**ARTICLE VIII**

**Section 804 Single-Family Residential District (R-1)**

**General Requirements**

Lot Area, Width and Depth:

If on-lot sewage disposal permits cannot be installed on one-half (1/2) acre lot(s) and the lots are not served by water and sewer, then the lot area shall be one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record, and a lot width of 125 feet at the edge of the road right-of-way.

Section 805 Two-Family Residential District (R-2)

General Requirements

Existing Lots: Existing lots shall have a minimum of five feet for a side yard and a minimum of five feet for a rear yard and a minimum of ten feet for a front yard.

Section 808 Business District (B)

Permitted Uses:

32. Single Family Dwelling

General Requirements

Lot Area, Width and Depth: Every lot shall have a minimum width of 200 feet and a minimum lot area of not less than one acre (43,560 square feet) unless public utility supplies of water and sewer are available. If sewer and/or water utilities are available to provide service, the minimum lot size can be reduced to meet service, the minimum lot size can be reduced to meet these requirements:

Section 809 Accommodation Business District (AB)

General Requirements

Parking Requirements: Parking requirements shall be as regulated in Article 10 of these regulations.

Signs: Signs shall be as regulated in Article 11 of these regulations.

ARTICLE IX

Section 905 Junk Motor Vehicles

This section has been replaced by Ordinance No. 94-009.

Section 908 Setback Requirements for Corner Buildings

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard

in the district in which such structures are located and existing lots shall have a minimum of five feet for a side yard and a minimum of five feet for rear yard and a minimum of ten feet for front yard.

Ordinance 92-015

SECTION ONE: The Zoning Fee Schedule for the Village of Kirkersville shall be:

5. Variance - Conditional Use Requests \$50.00 and added cost.
7. Zoning Book - at cost.
10. Commercial Buildings - \$100.00 plus \$0.25 per square foot for every square foot over 5000 square feet.
14. Zoning Maps - at cost.