

THE VILLAGE OF KIRKERSVILLE

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1101.01 TITLE.

These Regulations shall be known and may be cited as "The Planning and Zoning Code of the Village of Kirkersville, Ohio."

Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Planning and Zoning Code as those governing the interpretation of the Ohio Revised Code.

(Ord. 07-2025. Passed 10/01/2025.)

1101.02 AUTHORITY.

This Chapter is adopted pursuant to the authority contained in Chapter 713 of the Ohio Revised Code, et. seq.

(Ord. 07-2025. Passed 10/01/2025.)

1101.03 SCOPE.

The provisions of this Code shall apply to all land within the corporate boundaries of the Village of Kirkersville, Licking County, Ohio.

(Ord. 07-2025. Passed 10/01/2025.)

1101.04 PURPOSE AND INTERPRETATION.

This Planning and Zoning Code is adopted to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare by regulating and limiting the use of land areas and buildings to be used for residential, business, and industrial purposes; by regulating and limiting the erection, restoration, and alteration of buildings and the use thereof; by regulating the bulk, height, design, percent of lot occupancy, and location of buildings; and for the purpose of dividing the Village into various districts.

In their interpretation and application, the provisions of this Planning and Zoning Code shall be held to be minimum requirements. Whenever the requirements of this Zoning Code conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern. Whenever the requirements of this Planning and Zoning Code conflict with the Ohio Revised Code, the Ohio Revised Code shall govern.

(Ord. 07-2025. Passed 10/01/2025.)

1101.05 SEVERABILITY.

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

(Ord. 07-2025. Passed 10/01/2025.)

1101.06 CONFLICTING ORDINANCES; EFFECTIVE DATE.

All ordinances or parts of ordinances in conflict with this Planning and Zoning Code or inconsistent with the provisions of this Code are hereby repealed to the extent necessary to give this Code full force and effect. This Code shall become effective from and after the date of its approval and adoption, as provided by the Ohio Revised Code.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1103 Definitions

1103.01 Use of Terms.

1103.02 Definitions.

1103.01 USE OF TERMS.

Words and terms not specifically defined in Section 1103.02 carry their normal dictionary meanings as found in Webster's New Universal Unabridged Dictionary, latest edition.

Words used in the present tense include the future tense; the reverse also is true.

Words used in the singular include the plural; the reverse also is true.

The words "must," "will", and "shall" are mandatory requirements, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(Ord. 07-2025. Passed 10/01/2025.)

1103.02 DEFINITIONS.

ACCESS DRIVE: A way or means of approach to provide physical entrance to a property, as in driveway or curb cut.

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use or structure on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Included in this definition are detached residential garages, storage sheds and barns, carports, and picnic shelters.

ADULT ENTERTAINMENT FACILITIES: Definitions are located in Chapter 1145 (Adult Entertainment Business).

AGRICULTURE: Carries the same definition as provided by Section 1.61 of the Ohio Revised Code.

ALLEY or LANE: A public right-of-way not less than twenty (20) feet or more than thirty (30) feet wide which affords only a secondary means of access to property abutting thereon.

ALTERATION: Any change, rearrangement, or modification in the construction or in the exit facilities of a building, and/or the moving of partitions from one location to another within a structure.

ALTERATION, STRUCTURAL: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

AUTOMOBILE WASH and AUTOMATIC CAR WASH: Any building or premises or portions thereof where mechanical devices are used for washing automobiles.

AUTOMOTIVE REPAIR SERVICES AND/OR GARAGES: Establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public.

AUTOMOTIVE: Motor vehicle dealers (new and used, and used only), truck dealers (new and used, and used only), motorcycle dealers (new and used, and used only) tire, battery and accessory dealers, miscellaneous aircraft, marine and recreational vehicle dealers, automotive rentals, automobile services except repair.

BASEMENT: A space having one-half or more of its floor-to ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6 ½) feet.

BEDROOM: A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

BOARDING HOME FOR SHELTERED CARE: A profit or nonprofit boarding home, rest home, or other home for the sheltered care of adult persons which, in addition to providing food and shelter to four or more persons unrelated to the proprietor, also provides any personal care or service beyond orphans, foster children, the elderly, and battered persons.

BUFFER STRIP: A land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

BUILDABLE AREA: The area of a lot remaining after the minimum yard and open space requirements of the Planning and Zoning Code has been met.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

BUILDING, ACCESSORY: A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

BUILDING COVERAGE: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING HEIGHT: The vertical distance of a building measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the roof.

BUILDING LINE: The line within the property defining the required minimum distance between any structure and the property line.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which it is situated.

CALIPER (TREE): The diameter of a tree as measured approximately four (4) feet above the ground.

CARPORT: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

CARRY-OUT RESTAURANT: An establishment which, by design of physical facilities or by service or packaging procedures, permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted.

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.

CENSUS TRACT: Areas into which communities are divided by the U.S. Department of Commerce, Bureau of the Census, for statistical purposes.

CERTIFIED ARBORIST: Any individual certified by the National Arborist Association.

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

CHIMNEY: A structure lesser in function than a smokestack and containing one or more flues for drawing off emissions from stationary sources of combustion.

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

CLUSTER: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

COMMERCIAL USE: Any activity carried out for pecuniary gain.

COMMUNITY ASSOCIATION or HOMEOWNERS ASSOCIATION: An association organized to own, maintain, and operate common facilities and to enhance and protect their common interests.

CONDITIONAL USE: An uncommon or infrequent use permitted within a zoning district other than a principally permitted use, subject to compliance with certain standards or explicit conditions, following guidelines established by the Planning Commission.

CONDOMINIUM: A building or group of buildings in which units are owned individually, and the structures, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONDOMINIUM ASSOCIATION: The community association which administers and maintains the common property and common elements of a condominium.

CONGREGATE HOUSING: A dwelling providing shelter and services for the elderly which may include meals, housekeeping, and personal care assistance.

CONVENIENCE FOOD MARKET: A retail establishment offering for sale limited food, beverages, and related consumer products with or without on-premises preparation of food and beverages.

CRAWL SPACE: A space with more than one-half ($\frac{1}{2}$) of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of less than six and one-half ($6\frac{1}{2}$) feet.

CUSTOMARY AGRICULTURAL OPERATIONS: *See "Agriculture"*.

DAY CARE CENTER: A private establishment enrolling children and where tuition, fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a day care center.

DENSITY: A unit of measurement and number of dwelling units per acre of land.

DRIVE-IN USE: An establishment which, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DWELLING: A structure or portion thereof in which a person or persons reside.

DWELLING, ATTACHED: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

DWELLING, DETACHED: A dwelling which is not attached to any other dwelling by any means.

DWELLING, MULTI-FAMILY: A dwelling containing more than two (2) dwelling units.

DWELLING, SEMI-DETACHED: A one-family dwelling attached to one (1) other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot.

DWELLING, TOWNHOUSE: A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire-resistant walls.

DWELLING, TWO-FAMILY: A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT: One (1) or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

DWELLING UNIT, EFFICIENCY: A dwelling unit consisting of not more than one (1) habitable room together with kitchen or kitchenette and sanitary facilities.

EASEMENT: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

EXCAVATION: The removal or recovery by any means whatsoever of soil, rock, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

EXTENSION: A physical expansion of an existing structure.

FAMILY: One (1) or more individuals occupying a dwelling unit and living as a single household unit.

FARM: A parcel of land used for agricultural activities.

FARM ANIMALS: Those animals or livestock typically associated with a farm or agricultural operation.

FARM STAND: A booth or stall located on a farm from which produce and farm products are sold to the general public.

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FLOOR AREA, FINISHED: The sum of the gross horizontal area of all interior floors of a residential building that are finished and heated, excluding basements, breezeways, carports, garages, and storage areas with only outside access, porches, and other unheated and/or unfinished areas attached to the dwelling.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

FLOOR AREA, GROUND: The sum of the gross horizontal area of the ground floor of a residential building, excluding basements, breezeways, carports, garages, and storage areas with only outside access, porches, and other unheated and/or unfinished areas attached to the dwelling.

FLOOR AREA, NET: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FRONTAGE: That portion of a lot abutting on a dedicated right-of-way.

GARAGE: A building or wing of a building, with a footing or foundation, used or intended to be used, for the parking and storage of motor vehicles.

GLARE: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GROUP CARE FACILITY: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household.

HOTEL: Any structure consisting of one or more buildings, with more than five (5) sleeping rooms kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty (30) days or less.

HOME OCCUPATION: Any activity carried out for financial gain by a resident and conducted as a customary, incidental, and an accessory use in the resident's dwelling unit. Pursuant to Chapter 1151, certain Home Occupations require a permit.

IN-LIEU FEES: Fees paid by a private individual or party to the Village of Kirkersville to compensate for the mandatory land dedication provisions of the Zoning Code when said land dedication is waived by Village Council.

INDUSTRIAL PARK: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

INOPERABLE VEHICLE: A vehicle that is not mechanically operable.

INSTITUTIONAL USE: A nonprofit or quasi-public use or institution such as a church or similar house of worship, library, public or private school, hospital, or publicly-owned or operated building, structure, or land used for public purpose.

JUNK: Worn-out articles fit to be discarded. Something worthless or shoddy. Clutter. Stuff.

JUNK MOTOR VEHICLE: A motor vehicle three (3) years old or older, and apparently inoperable, and extensively damaged, including, but not limited to, missing wheels, tires, engine, or transmission.

JUNKYARD: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery, or two (2) or more unregistered, inoperable motor vehicles or other type of junk.

KENNEL, COMMERCIAL: Any lot or premises on which three (3) or more domesticated dogs or cats, of more than four (4) months of age, are housed, groomed, bred, boarded, trained, or sold and where pet care products, equipment, merchandise, and/or food is sold.

KENNEL, PRIVATE: Any lot or premises on which three (3) or more domesticated dogs or cats, of more than four (4) months of age, are housed, groomed, bred, boarded, trained, or sold.

LANDSCAPING: Any portion of a parcel of land that includes trees, shrubs, bushes, planting beds, hedges, and earth mounds, or other natural or decorative material or feature.

LOT: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

LOT, BUILDABLE: A lot having the required street frontage and yard spaces that would allow for the construction of a structure as permitted by the zoning classification of that lot.

LOT, CORNER: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT COVERAGE: The portion of the lot covered by buildings and structures.

LOT, DOUBLE FRONTAGE: A lot, other than a corner lot, with frontage on more than one (1) street.

LOT OF RECORD: A lot that has been platted and recorded at the Licking County Recorder's office before the effective date of this Ordinance or amendments thereof.

LOT SPLIT: The division of a parcel of land into one (1) or more smaller parcels.

MANDATORY LAND DEDICATION: The required dedication of private land to the Village of Kirkersville for the purpose of providing space for park recreation, open space, and other public uses.

MANUFACTURED HOME: Dwellings manufactured off-site in advance, usually in standard sections that can be easily shipped and assembled.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

MOBILE HOME: A house trailer serving as a permanent home and connected to required utilities.

MOTEL: *See* "Hotel".

MOTOR VEHICLE: Carries the same definition as provided by Section 4501.01 of the Ohio Revised Code.

MOTOR VEHICLE SALES or TRAILER SALES: The use of any building, land area, or other premises for the display, sale, and rental of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles, and where no warranty repair work and/or other repair service is conducted.

MOTOR VEHICLE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use, the sale and installation of lubricants, tires, batteries, and similar services.

NET DEVELOPABLE SITE: The remainder of a parcel(s) of land following the subtraction of all areas designated for public and private streets and alleys, open bodies of water excluding streams, creeks, and ditches, and all other dedicated rights-of-way.

NO-BUILD ZONE: An area or portion of a lot designated by deed not to contain any buildings, structures, or other built improvement on a permanent basis.

NONCONFORMITIES: A building, structure, use of land, or parcel of real estate existing at the time of enactment of this Planning and Zoning Code, and which does not conform to the regulations of the zoning district in which it is situated.

NONCONFORMING LOT: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Planning and Zoning Code, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district in which it is situated.

NONCONFORMING STRUCTURE OR BUILDING: A structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the Planning and Zoning Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district in which it is situated.

NONCONFORMING USE: A use or activity which was lawful prior to the adoption, revision, or amendment of the Planning and Zoning Code, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district in which such use is requested.

NURSING HOME: An extended or intermediate care facility licensed or approved to provide full-time convalescent or long-term care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

OFF-STREET PARKING SPACE: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

ON-STREET PARKING SPACE: A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

ONE-AND-A-HALF-STORY: A residential dwelling having a ground floor and a second floor equal to less than one hundred percent (100%) of the finished floor area of the first floor, under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls (also known as "knee wall") are not more than five (5) feet above the floor of such story.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

OPEN SPACE, COMMON: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

OUTDOOR DISPLAY: The temporary outdoor display of material and/or merchandise for the purposes of retail sales.

OUTDOOR STORAGE: The keeping in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place.

PARK: A tract of land designated and designed for use by members of the public for active and passive recreation.

PERSON: Any person, corporation, partnership, company, contracting firm, or other entity, including those employed by the Village of Kirkersville, or under a contract with the Village of Kirkersville.

PERSONAL SERVICES: Establishments primarily engaging in providing services involving the care of a person or his or her apparel.

PLAT: A map representing a tract of land, showing the boundaries and location of individual properties and streets. A portable structure map of a subdivision or site plan.

PRETREATMENT: The private onsite treatment of wastewater before discharge into public wastewater system.

PRINCIPAL USE: The primary or predominant use of any lot.

PUBLIC USE: Land use that is owned and/or operated by the public and is accessible to the public.

RECONSTRUCTION: The rebuilding or substantial remodeling of an existing structure.

RECREATIONAL AND CAMPING EQUIPMENT: Boats, boat trailers, snowmobiles, snowmobile trailers, utility trailers, recreational and camping vehicles, horse trailers, and other similar equipment.

RECREATIONAL AND CAMPING VEHICLES: Vehicular-type structures primarily designed as temporary living quarters for recreation, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered.

REFUSE: Something rejected or discarded as worthless or useless.

RESIDENTIAL DISTRICT: Any of the following zoning districts: Single-Family Residential District (R1); and Two-Family Residential District (R2).

RESTRICTIVE COVENANT: A restriction on the use of land usually set forth in the deed.

RETAIL SERVICES: Establishments providing services or entertainment as opposed to products.

RUBBISH: Worthless material. Trash.

SATELLITE DISH: A dish used to receive or transmit radio, television, or data.

SATELLITE GROUND STATION: A ground station or other antenna, including dish antennas, designed to transmit or receive radio or television signals to or from Earth satellites.

SCHOOL: Any building or portion thereof which is designed, constructed, or used for educational or instruction in any branch of knowledge.

SELF-STORAGE FACILITY: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

SETBACK: The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

SETBACK LINE: Line that is required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

SIGN: *See* definitions included in Chapter 1153 (Signs).

SPLIT LEVEL: A residential dwelling containing finished floor area on two (2) or more levels with not less than three (3) feet nor more than six (6) feet vertical distance between the plane of one floor level and the plane of the next higher level.

SPOT ZONING: The re-zoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.

STORAGE BUILDING: The design and construction of approved units to be used as and for the storage of personal property for a monthly fee or other form of compensation.

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

STREET: Any vehicular way which: (1) is an existing state, county, municipal, or village roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the Licking County Recorder prior to the appointment of the Planning Commission and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved.

STREET, COLLECTOR: A street which collects traffic from local streets and connects with minor and major arterial.

STREET, LOCAL: A street designed to provide vehicular access to abutting property and to discourage through traffic.

STREET, MAJOR ARTERIAL: A street with access controls, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterial.

STREET, MINOR ARTERIAL: A street with access controls, signals at important intersections, and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

SUBDIVISION: The division or re-division of land into two or more parts, lots, parcels, sites, units, tracts, or interests for the purpose of transfer of ownership; lease or building developments, immediate or in the future. *See Village of Kirkersville Subdivision Regulations.*

SWIMMING POOL: A public or private in-ground or above-ground pool, pond, or open tank containing at least two (2) cubic feet of water at any point and having an area greater than twenty-five (25) square feet and maintained by a property owner or manager.

TRAILER: A structure standing on wheels, towed or hauled by another vehicle and used for carrying materials, goods or objects, or as a temporary office.

TRAVEL TRAILER: A recreation vehicle that is towed by a car or truck and used for short term human occupancy.

TREE: Any tree, shrub, or other woody plant.

TREE LAWN: That part of a street right-of-way not covered by sidewalk or other paving, lying between the property line and that portion of the street right-of-way that is paved and usually used for vehicular traffic.

TREE, LARGE: Any tree species which normally attains a full-grown height equal to or greater than forty-five (45) feet.

TREE, MEDIUM: Any tree species which normally attains a full-grown height of between twenty-five (25) and forty-five (45) feet.

TREE, SMALL: Any tree species which normally attains a full-grown height of under twenty-five (25) feet.

TWO-STORY: A residential dwelling having a ground floor and a second floor having a finished square footage equal to or exceeding one hundred percent (100%) of the required minimum ground floor finished square footage.

USE: The purpose or activity, for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

VARIANCE: A minor departure or exception from the strict rule or literal enforcement of the Planning and Zoning Code.

VEHICULAR USE AREA: Any area used by vehicles.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care of animals in need of medical or surgical attention. The boarding of animals is limited to short-term care incidental to the hospital or use.

YARD: A required open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Planning and Zoning Code.

YARD, FRONT: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

YARD, REAR: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building. For corner lots the rear yard shall constitute that area of the lot that is adjacent to the rear portion of the principal structure.

YARD, SIDE: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ZERO LOT LINE: The reduction, by official act, of the required setbacks and buildings lines established.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1105 Administration, Enforcement, and Penalty

1105.01 Enforcement by Zoning Inspector.

1105.02 Zoning Permit.

1105.03 Application procedure.

1105.04 Issuance and expiration.

1105.05 Certificate of occupancy.

1105.06 Violations and remedies.

1105.07 Complaints.

1105.08 Technical review group.

1105.09 Record keeping.

1105.10 Inspection and complaints.

1105.11 Construction standards.

1105.99 Penalty.

1105.01 ENFORCEMENT BY ZONING INSPECTOR.

There is hereby established the Office of Zoning Inspector, who shall be appointed by the Mayor. The Zoning Inspector shall report to the Mayor. It shall be the duty of the Zoning Inspector to enforce the Planning and Zoning Code of the Village of Kirkersville, Ohio. All departments, officials, public employees, and representatives of the Village, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of the Planning and Zoning Code and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of the Planning and Zoning Code. Any permit or license issued in conflict with the provisions of this Planning and Zoning Code shall be null and void.

(Ord. 07-2025. Passed 10/01/2025.)

1105.02 ZONING PERMIT.

No occupied or vacant land shall be changed in its use in whole or part until the Zoning Permit has been issued by the Zoning Inspector. The Zoning Inspector shall issue a Zoning Permit once he/she is satisfied that the structure, building, and/or premises, the proposed

use thereof, and the proposed methods of water supply and disposal of sanitary waste, conform with all requirements of the Planning and Zoning Code, subject to approval of the Planning Commission and/or Village Council, when required. This Section shall not be construed as requiring a certificate in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no alterations or additions are proposed.

(a) Use Prohibited Without Certificate. No owner, lessee, or tenant shall use or permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly, until a Zoning Permit shows such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of the Planning and Zoning Code.

(b) Building Permit. It is the responsibility of the owner to contact the Licking County Building Code Department to ascertain whether a building permit is necessary. The applicant shall comply with all Licking County Building Code Department requirements and shall provide the Office of the Zoning Inspector with a copy of such documentation. Building permits and all construction inspections are controlled through the Licking County Building Code Department. No building permit for the extension, erection, or alteration of any building shall be issued before an application has been made and a Zoning Permit issued, and no building shall be occupied until such certificate is approved.

(c) Approval of Health Officer. In every case where the lot is not serviced with public water supply and/or the public sanitary sewer system, the application shall be accompanied by written evidence of approval by the responsible Health Officer as to the proposed method of water supply and/or treatment and disposal of sanitary waste.

(d) Water and Sewer. Water taps and sewer capacity fees shall be paid before a Zoning Permit is issued.

(e) Preliminary Review. The Village of Kirkersville encourages a preliminary meeting with the Zoning Inspector to review all proposed projects.

(Ord. 07-2025. Passed 10/01/2025.)

1105.03 APPLICATION PROCEDURE.

(a) Application to Be Made. Written application for a Zoning Permit shall be made by the property owner(s) or lessee(s) to the Zoning Inspector.

(b) Application Fee. Village Council shall, by separate ordinance, establish a schedule of fees, charges, and expenses, and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of the Planning and Zoning Code 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 by Council from time to time. Until said fees are paid, no action shall be taken on any application.

(c) Site Plan Review Expenses. Site review expenses incurred by the Village shall be repaid to the Village by the applicant based on the fee schedule. All such amounts shall be paid no later than thirty (30) days after billing to the applicant.

(d) Contents of Application. The application for a Zoning Permit shall contain as a minimum:

(1) Name, address, and phone number of the applicant(s) and representative(s) if any, and the signature of the property owner(s).

(2) The Zoning Inspector may require a current survey of the property prepared by a licensed surveyor.

(3) If any new development, construction, or change in use is proposed, a plan drawn to scale showing:

A. Actual dimensions of the lot, including easements.

B. Exact size and location of all buildings and structures on the subject lot.

C. Any proposed new construction and/or alterations.

D. Existing and intended use of all parts of the land or buildings.

E. Proposed provisions of water, sanitary sewer facilities, surface drainage features, and underground storm drainage facilities.

F. As applicable, proposed landscaping and other site design treatment shall be indicated where required under Chapter 1155 (Landscaping and Screening).

(4) Applications for projects requiring site plans shall submit ten (10) sets of drawings, some of which may be electronic, upon request.

(5) Such other information to be determined by the Zoning Inspector and/or Planning Commission may be necessary to determine and provide for enforcement of this Planning and Zoning Code.

(Ord. 07-2025. Passed 10/01/2025.)

1105.04 ISSUANCE AND EXPIRATION.

An approved Zoning Permit shall be issued within ten (10) days of approval. One (1) copy of the plans submitted by the applicant shall be returned. All Zoning Permits shall be conditional upon the commencement of work within six (6) months of issuance. If the work has not been substantially completed, or an extension granted by the Zoning Inspector within eighteen (18) months of issuance, the Zoning Permit shall expire and shall be revoked by the Zoning Inspector. Written notice shall be provided to the applicant and any other affected party together with notice that further work as described in the canceled certificate shall not proceed unless a new certificate is issued, or an extension granted. If the applicant does not apply for an extension or new permit within one (1) year of expiration and revocation of the initial certificate, all alterations and any other work done to affected land, buildings, and structures shall be returned to the status prior to such alteration at the applicant's expense.

(Ord. 07-2025. Passed 10/01/2025.)

1105.05 CERTIFICATE OF OCCUPANCY.

No land or building or part thereof hereafter erected or changed in its use or structure shall be used until a Certificate of Occupancy has been issued indicating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of the Planning and Zoning Code.

(a) Change of Ownership. Any change of ownership of a commercial, manufacturing, or multi-family (3 or more family) building shall require an application for a Certificate of Occupancy.

(b) Change of Occupant. Any change of occupant in a conforming or nonconforming commercial or manufacturing building shall require an application for a Certificate of Occupancy.

(c) Application Required. Application for a Certificate of Occupancy shall be made to the Zoning Inspector on a form provided by his/her office. Upon determination that all provisions of the Planning and Zoning Code and other applicable ordinances, rules, and regulations have been complied with, a Certificate of Occupancy shall be issued. Temporary occupancy may be authorized by the Zoning Inspector for a specified period not to exceed six (6) months upon receipt of a performance bond equal to the cost of the remaining improvements, during which period any remaining work shall be completed.

(d) Occupying Without a Permit. Any person or business entity who occupies or permits to be occupied, or who sells, leases, or rents a building, building unit or structure for which a Certificate of Occupancy has not been issued, or in the case of alterations, additions or repairs, whoever occupies, or permits to be occupied or utilized or sells, leases or rents that portion of a building, building unit or structure added, altered or repaired for which a

Certificate of Occupancy has not been issued, shall be guilty of violating this Section and shall be subject to the penalties set forth in Section 1105.99.

(e) Site Plan Review Expenses, Easement Approval. A Certificate of Occupancy shall not be issued until all site plan review expenses have been paid and all easements have been approved.

(f) Fee. A fee, as established by Village Council, shall be paid by the applicant at the time of application to cover the costs of reviewing and reporting of the application. *See* Section 1105.03(b).

(Ord. 07-2025. Passed 10/01/2025.)

1105.06 VIOLATIONS AND REMEDIES.

If any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained, or used, or any land is, or is proposed to be used in violation of the Planning and Zoning Code or any amendment or supplement thereto, Village Council, the Solicitor, and/or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, demolition, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of such building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

(Ord. 07-2025. Passed 10/01/2025.)

1105.07 COMPLAINTS.

Whenever a violation of the Planning and Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint should state fully the causes and basis thereof and shall be filed with the Office of the Zoning Inspector. The Zoning Inspector shall record said complaint, timely investigate the allegations, and take appropriate action as provided by this Planning and Zoning Code.

(Ord. 07-2025. Passed 10/01/2025.)

1105.08 TECHNICAL REVIEW GROUP.

A Technical Review Group may be established for special projects, as a technical review body for the Village and may consist of, but not be limited to, the Mayor, Zoning Inspector, Village

Engineer, Village Administrator, Chief of Police, Fire Chief, and any other necessary Village staff member.

(Ord. 07-2025. Passed 10/01/2025.)

1105.09 RECORD KEEPING.

The Zoning Inspector shall make and keep all records necessary and appropriate to the office, including record of the issuance and denial of all Certificates of Zoning Compliance, Zoning District Map amendments, variances, conditional use permits, building permits, receipts, investigation and enforcement of complaints of violations, and any other permit or certificate required herein. The Zoning Inspector shall prepare an annual summary of all records. (Ord. 07-2025. Passed 10/01/2025.)

1105.10 INSPECTION AND COMPLAINTS.

The Zoning Inspector shall inspect, or cause to be inspected, all buildings or land within the Village to determine whether any violation(s) of the Planning and Zoning Code and/or other related ordinances, rules, and regulations have been committed or exist, and to receive and investigate complaints and notices of alleged violations. Written complaints of alleged violations shall be filed with the Office of the Zoning Inspector, who shall investigate said complaints and prepare a report to be submitted to the Planning Commission and Solicitor.

The Zoning Inspector shall monitor, or cause to be monitored, regularly all buildings and land within the Village to identify potential violations, situations of non-compliance, and any potentially illegal zoning situations. The Zoning Inspector shall take all necessary and needed action to help gain compliance with the Planning and Zoning Code.

(Ord. 07-2025. Passed 10/01/2025.)

1105.11 CONSTRUCTION STANDARDS.

The specifications, rules, and regulations governing the repair, construction, or reconstruction of sidewalks, driveways, curbs, and gutters in streets, alleys, and public rights-of-way in the Village shall be found in the Village of Kirkersville Subdivision Regulations.

(Ord. 07-2025. Passed 10/01/2025.)

1105.99 PENALTY.

(a) Unless another section of the Planning and Zoning Code contains its own specific penalty provision, this Section applies. The first violation of the provisions of the Planning and Zoning Code or failure to comply with any of its requirements shall constitute a minor misdemeanor. Upon conviction thereof, any person may be fined not more than one hundred, fifty dollars (\$150.00), and in addition shall pay all costs and expenses involved in the case.

(b) If the same violation occurs a second time within one (1) year of the first violation, the offense shall constitute a misdemeanor of the Fourth Degree and upon conviction, the fine shall be not more than two hundred, fifty dollars (\$250.00) and/or imprisonment for not more than thirty (30) days. In addition, the offender shall pay all costs and expenses involved in the case.

(c) Each day any such violation continues after receipt of a violation notice shall constitute a separate offense. The owner of any building, structure, premises, or part thereof, and any 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 violations.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1107 Planning Commission

1107.01 General.

1107.02 Meetings.

1107.03 Procedure; Quorum.

1107.04 Duties.

1107.05 Appeals.

1107.06 Appeals from decisions of the Planning Commission.

1107.01 GENERAL.

A Planning Commission is hereby created under the authority of Chapter 713 of the Ohio Revised Code, et seq., which shall serve dual functions as both a Planning Commission and Board of Zoning Appeals. The Planning Commission shall consist of five (5) members: the Mayor, one (1) member of Village Council to be elected thereby for the remainder of his/her term on Village Council, and three (3) residents of the Village to be appointed by the Mayor for terms of six (6) years each. All members shall serve without compensation. A vacancy occurring during the appointed term of any of the three (3) resident members shall be appointed by the Mayor for the remainder of the vacated term. The Planning Commission shall adopt rules necessary to conduct its affairs in keeping with the provisions of this Planning and Zoning Code.

(Ord. 07-2025. Passed 10/01/2025.)

1107.02 MEETINGS.

Meetings of the Planning Commission shall be held at the call of the chairman or at such other times as the Commission may determine. A minimum of four (4) meetings shall be held annually, with one meeting to be scheduled during each calendar quarter. All meetings shall be open to the public. A record of all proceedings, hearings, examinations, and all other official actions of the Board, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, shall be kept, all of which shall be public record and made available to Village Council upon request.

(Ord. 07-2025. Passed 10/01/2025.)

1107.03 PROCEDURE; QUORUM.

The Planning Commission shall organize and elect a Chairperson, Vice Chairperson, and Secretary from its membership at its first meeting in each calendar year. The Chairperson, or in his/her absence, the Vice Chairperson, may administer oaths and compel the attendance of witnesses. The Secretary shall keep minutes of all Board proceedings. The Zoning Inspector shall keep records of the Commission's examinations and other official actions, all of which shall be public record and filed in the Village Municipal Building.

Three (3) members of the Commission shall constitute a quorum. The affirmative vote of three (3) members shall be necessary to decide any matter over which the Commission has original jurisdiction.

(Ord. 07-2025. Passed 10/01/2025.)

1107.04 DUTIES.

For the purpose of the Planning and Zoning Code, the Planning Commission has the following specific responsibilities:

(a) To review and initiate proposed amendments to this Planning and Zoning Code in accordance with Chapter 1111 and make recommendations to Village Council.

(b) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.

(c) Conditional Uses. To review and act upon applications for conditional use permits in accordance with Chapter 1113 with such additional safeguards as will uphold the intent of this Planning and Zoning Code.

(d) To authorize the substitution or extension of nonconforming uses in accordance with Chapter 1117.

(e) To make plans which show the Commission's recommendations for the character, design, location, and extension of both public and private streets, street fixtures, public art, bridges, parks, open spaces, waterways, and utilities.

(f) To review and implement development and landscape standards in accordance with Chapter 1155.

(g) To administer and make recommendations for the application of the Comprehensive Community Plan.

(h) To act on all proposed planned developments in accordance with Chapter 1141, and to make recommendations to Village Council.

(i) To review and implement performance standards in accordance with Section 1147.03.

(j) To administer the Subdivision Regulations and Construction Standards.

(k) To authorize such variances from the terms of the Planning and Zoning Code in accordance with Chapter 1115.

(l) To maintain and interpret a current Zoning District Map.

(Ord. 07-2025. Passed 10/01/2025.)

1107.05 APPEALS.

Appeals to the Planning Commission concerning interpretation or administration of this Planning and Zoning Code may be taken by any person aggrieved, including a tenant, governmental officer, department, board, or bureau. Such appeals shall be taken within thirty (30) days after the date of the decision, by filing with the Zoning Inspector a notice of appeal specifying the grounds thereof.

(a) The Zoning Inspector shall transmit to the Planning Commission all the papers constituting the record from which the action appealed was taken.

(b) Public Hearings and Notices. The Planning Commission shall hold a public hearing within thirty (30) days after receiving an application for an appeal. The appellant and the Commission can agree to extend this period if the circumstances warrant more time. At least ten (10) days before the hearing date, written notice of the hearing shall be given to the appellant, parties in interest, and all property owners within two hundred (200) feet of the property in question.

(c) Decision. Within thirty (30) days of the public hearing, the Planning Commission shall review the appeal and render one of the following:

- (1) Rule on the appeal of a decision of the Zoning Inspector.
- (2) Approval of a conditional use or variance(s) as requested.
- (3) Approval of a conditional use or variance(s) with conditions.
- (4) Disapproval of the conditional use or variance(s).

(d) Decision Transmitted. A certified copy of the Commission's decision shall be transmitted to the appellant.

(e) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Commission, after notice

of appeal shall have been filed with him/her, that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life or property.

(Ord. 07-2025. Passed 10/01/2025.)

1107.06 APPEALS FROM DECISIONS OF THE PLANNING COMMISSION.

Appeals from decisions of the Planning Commission shall be made pursuant to Chapter 2506 of the Ohio Revised Code.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1109 Site Development Plans

- 1109.01 Purpose and intent.
- 1109.02 Site development plans required.
- 1109.03 Preparation.
- 1109.04 Approval process.
- 1109.05 Preliminary site plans.
- 1109.06 Final site plan.
- 1109.07 Required improvements and specifications.

1109.01 PURPOSE AND INTENT.

Site development plans are intended to ensure the efficient use of land and to promote high standards in the layout, design, landscaping, and construction of subdivision and non-subdivision developments.

The purpose of this Chapter is to state specific requirements applicable to the development of land in certain zoning districts, and to prescribe the standards for the preparation and submission of site development plan drawings and for the design and construction of required improvements.

(Ord. 07-2025. Passed 10/01/2025.)

1109.02 SITE DEVELOPMENT PLANS REQUIRED.

A site development plan is required and shall be submitted for the following:

- (a) Any use or development, involving new construction, reconstruction, or expansion except for single family detached dwelling units, duplexes, or unattached accessory buildings in residential districts.
- (b) Any development in which automobile parking spaces are to be used by more than one (1) establishment.
- (c) Whenever a change is proposed in the exterior design of a previously approved site development plan.

(d) Whenever an existing residential use is proposed for change to a commercial, industrial, or multifamily residential use.

(e) All public buildings.

(f) Any major subdivision.

(g) All Planned Unit Developments (PUD) which shall adhere to the application and review procedures set forth in Chapter 1141.

(h) Any use or development requiring the extension or the installation of municipal utilities.

(i) Any Floodplain, Floodway, or Flood Fringe development as administered by the Licking County Planning Commission.

(j) Any public access drive and/or parking lot construction.

(Ord. 07-2025. Passed 10/01/2025.)

1109.03 PREPARATION.

Site development plans shall be prepared and signed by persons professionally qualified to do such work. Final site plans shall be certified by an engineer duly registered by the State of Ohio and include a boundary survey certified by a land surveyor duly registered by the State of Ohio.

(Ord. 07-2025. Passed 10/01/2025.)

1109.04 APPROVAL PROCESS.

The following procedures shall be used to secure approval of site development plans:

(a) A Preliminary Site Plan together with an application and application fee shall be filed with the Zoning Inspector. Copies of the Preliminary Site Plan and application will be forwarded to the Planning Commission and Village Engineer for review.

(b) Within thirty (30) days of submission, the Planning Commission shall hold a public hearing to consider the Preliminary Site Plan and to report its recommendations to the Zoning Inspector. At least ten (10) days' advance notice of the hearing shall be given to the applicant and all contiguous property owners. The Planning Commission shall review the Preliminary Site Plan, authorize any conditions for approval, and make a recommendation for action to the Zoning Inspector. The Zoning Inspector shall thereafter act on the

Preliminary Site Plan and notify the applicant in writing of his/her decision, along with any requested changes and/or conditions to the Preliminary Site Plan noted thereto.

(c) Within six (6) months of notice of approval of the Preliminary Site Plan, unless otherwise extended by the Planning Commission for good cause shown, the applicant shall submit a Final Site Plan to the Zoning Inspector. Copies of the Final Site Plan will be forwarded to the Planning Commission and Village Engineer for review. Copies of the Final Site Plan shall also be forwarded to such officials and agencies as may be necessary for the purpose of study and recommendation. These include, but are not limited to, Village Fire, Police and Street Departments, ODOT, and/or the Ohio EPA.

(d) Within forty-five (45) days of submission, the Planning Commission shall hold a public hearing to consider the Final Site Plan and to report its recommendations to the Zoning Inspector. At least ten (10) days' advance notice of the hearing shall be given to the applicant and all contiguous property owners. The Planning Commission shall review the Final Site Plan, authorize any conditions for approval, and make a recommendation for action to the Zoning Inspector. The Zoning Inspector shall thereafter act on the Final Site Plan and notify the applicant in writing of his/her decision.

(e) Final approval shall be designated by the written signature of the Zoning Inspector on the Final Site Plan, in addition to issuance of a Zoning Permit upon approval by the Village Engineer. Prior to final approval, the applicant shall post any required bonds and applicable fees. Approval of a Final Site Plan shall expire within twelve (12) months, unless building permits have been obtained for construction in accordance therewith. A single extension, not to exceed six (6) months, may be given by the Planning Commission upon written request. No construction or site improvements shall be initiated until the Final Site Plan has been approved.

(f) Upon satisfactory completion of all work described under this Planning and Zoning Code, Village Council shall release all remaining bonds submitted by applicants in accordance with the Village of Kirkersville Subdivision Regulations.

(Ord. 07-2025. Passed 10/01/2025.)

1109.05 PRELIMINARY SITE PLANS.

Preliminary Site Plans submitted in accordance with this Chapter shall adhere to the following requirements and contain the following information:

- (a) Seven (7) copies of the Preliminary Site Plan shall be submitted.
- (b) Location and acreage of various types of land use.
- (c) Location, names, and dimensions of proposed and existing streets, buildings, easements and drainage ways and a survey showing boundary information, existing and

proposed development, location of existing water bodies, streams, drainage ditches, stands of trees and trees with a caliper of more than six (6) inches in diameter.

(d) Preliminary plans for the provision of utilities, including but not limited to, the methods for handling drainage, water supply, and sewage disposal.

(e) Proposed parking and loading layout including ingress and egress.

(f) All driveways and curb cuts shall be indicated, including major aisleways and service routes. Pedestrian circulation shall also be indicated.

(g) Handling of all waste and refuse materials shall be indicated.

(h) Proposed landscaping shall be shown in accordance with Chapter 1155.

(i) Signage may be required to be shown in accordance with Chapter 1153.

(j) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.

(k) Any portion of site in 100-year floodplain, along with firm panel number and date.

(l) Name, address, and phone number of the Development, Developer, and property owner.

(m) Building elevations depicting the proposed composition and architectural style for all proposed structures.

(Ord. 07-2025. Passed 10/01/2025.)

1109.06 FINAL SITE PLAN.

Final Site Plans submitted in accordance with this Chapter shall adhere to the following requirements and contain the following information:

(a) Items Common to All Plans.

(1) Plan sheets shall be a minimum of 24 inches by 36 inches mylar material.

(2) North arrow, horizontal scale, and vertical scale (engineering scales only).

(3) Engineering design firm name, address, and telephone number.

- (4) Phasing lines (or future phasing lines) with description.
 - (5) Proposed and existing rights-of-way and easements.
 - (6) Distinct separation between proposed and existing elements of the plan.
 - (7) Centerline and edges of pavement of all abutting streets.
 - (8) Street names, municipal corporate boundaries, and site boundaries.
 - (9) Identification of adjacent parcels, property lines, and property owners.
 - (10) Building and parking setbacks and no build zones.
 - (11) 100-year floodplain elevation, along with firm panel number and date.
- (b) Cover Sheet.
- (1) Project name, address, and location map.
 - (2) Index of sheets and benchmark list (referenced to NAWD 88 datum).
 - (3) Index map at a 1" = 200' scale showing adjoining properties, owners, streets, bearing and distance of the project boundaries, and general site layout.
 - (4) Summary of quantities containing at minimum water services length and size; sidewalk and bike path within right-of-way and public easements, driveway pavement, street trees, sanitary services length and size.
 - (5) Signature lines for the Mayor, Village Administrator, Village Engineer, Fire Chief and Zoning Inspector.
 - (6) Drawing block with revision dates, project title and code table.
- (c) Site Dimension Plan.
- (1) Paved surfaces, curbs, landscape islands, mounding limits, and street tree locations.
 - (2) Parking spaces, drive aisles, driveways and radii, sidewalks and bike paths.
 - (3) Edges of existing and proposed street pavement.
 - (4) Handicap access and parking.
 - (5) Impermeable surface area.

- (6) Interior landscaping area of parking lot.
- (7) Signage for traffic flow control.
- (d) Site Utility Plan.
 - (1) All existing and proposed utilities.
 - (2) Size, slope, and type of proposed and existing utility services and mains.
 - (3) Existing and proposed storm sewers in dashed lines.
 - (4) Invert and tap elevations of sanitary services.
 - (5) Proposed pad and finished floor elevations.
 - (6) Provisions to comply with Kirkersville's Pretreatment Program.
- (e) Site Grading Plan.
 - (1) Existing contours hatched or dashed.
 - (2) Proposed elevations.
 - (3) Benchmark elevations, designations and locations.
 - (4) Storm sewer and sanitary sewer top of casting & invert elevations.
 - (5) Proposed landscape mounding contours.
 - (6) Major flood routing.
 - (7) Ponding limits, elevation, and provisions to detain or retain surface water runoff, along with water quality requirements.
 - (8) Ditch direction of flow and slope.
 - (9) Size, type, and slope of existing and proposed storm sewers.
 - (10) Ponding tabulations.
 - (11) Orifice plate details.
 - (12) Critical year storm.
 - (13) Proposed pad and finished floor elevations. (100-year flood level: 1st floor shall be in accordance with the Village of Kirkersville Flood Damage Reduction Plan, Ordinance 2007-010 adopted April 4, 2007.

(14) Driveway slope(s) from building lines to right-of-way lines (not to exceed ten percent (10%)).

(15) Head wall standards identification.

(16) Typical cross-section of parking lot pavement, sidewalks, and curbs.

(17) Cross-sections of ditches in right-of-way (at fifty (50) foot spacing).

(f) Site Erosion and Sedimentation Plan.

(1) Inlet protection locations, silt fence locations, and ditch check locations.

(2) Erosion control standards details including during construction.

(3) Construction entrance location and detail (if applicable).

(4) Tree preservation and location of all trees (if applicable).

(5) Major flood routing.

(g) Elevation Plan.

(1) Building elevations depicting actual composition and architectural style for all proposed structures.

(2) Number of floors, floor area, height and location of each building, and proposed general use for each building.

(3) In a multi-family residential building, the number, size, and type of dwelling units shall be shown.

(4) Exterior lighting, showing location, size, and height of all lights including provisions for the elimination of glare to adjoining properties.

(5) Maximum height requirement.

(6) Landscape design plan, to include signage and building numbers.

(Ord. 07-2025. Passed 10/01/2025.)

1109.07 REQUIRED IMPROVEMENTS AND SPECIFICATIONS.

All improvements required by this Chapter, and as included in any Preliminary and Final Site Plans, shall be installed at the cost of the developer and in accordance with the following specifications:

(a) Bonds. Prior to approval of any site plan, there shall be executed by the owner or developer and submitted with the site plan an agreement to construct such required physical improvement as are located within public rights-of-way or easements or as are connected to any public facility in form and substance as approved by the Village, together with a bond with surety, cashier's check or escrow account in the amount of the estimated cost of the required improvements as submitted by the developer and approved by the Village Engineer. The aforesaid agreement and bond or condition shall be provided for completion of all work covered thereby within the time to be determined by the Zoning Inspector, which time may be extended upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The Village Engineer may also require a restoration bond. Said bond shall be to insure repair of any damage done to existing curb, gutter, sidewalk, street pavement, landscaping, or other items within the right-of-way adjacent to a project. The amount of said bond shall be determined by the Village Engineer based on his estimate of potential damage.

(b) Construction Standards. All street construction standards and geometric design standards shall be in accordance with those specified by the Village Engineer. All street signs and striping will be provided by the developer.

(c) Access. Private vehicular travel lanes or driveways designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be constructed not less than twenty (20) feet in width. All access points shall comply with the Licking County Thoroughfare Plan.

(d) Easements. No permanent structure shall be located less than five (5) feet from any easement. All easements shall be approved by the Village Engineer and recorded prior to occupancy.

(e) Surface Water. Adequate drainage, flow control, detention/retention, and ponding provisions for the disposition of storm and natural waters both on and off-site shall be provided. The Mid-Ohio Regional Planning Commission Storm Water Design Manual shall be used as a guide for surface water control. The extent of both on-site and off-site treatment shall be approved by the Village Engineer.

(f) Landscaping. Landscape planting, screening, buffering, fences and other physical improvements shall be provided in accordance with Chapter 1155.

(g) Water Service and Wastewater. Water service and sanitary sewer facilities shall be constructed in accordance with the requirements of the EPA, Village Water and Wastewater Superintendent, and Village Engineer. All requirements of the Village's Pretreatment Program shall be complied with. All EPA Permits shall be presented before construction begins.

(h) Open Space, Parks. In the preparation of site development plans, consideration will be given to provide suitable areas for parks, schools, open space, and other areas of public recreational use, especially when such facilities are proposed in the area under consideration of the Community Plan of the Village.

(i) Fire Hydrants. Fire hydrants shall be located within three hundred (300) feet of any proposed structure as approved by the Village Engineer and Fire Department.

(j) Sidewalks. Provision shall be made for sidewalks and pedestrian walkways which will enable patrons, residents and/or tenants to walk safely and conveniently from one building to another within the site and to adjacent sites as well. Sidewalks shall be constructed per approval by the Street Superintendent.

(k) Dedicated Improvements. All improvements that will ultimately be dedicated and become a part of the Village-owned infrastructure system shall be inspected full-time during construction by a designated representative of the Village. The costs of such inspection shall be paid by the developer. The developer will provide the Village with a one (1) year warranty covering all dedicated improvements and public utilities installed.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1111 Amendments

1111.01 Initiation.

1111.02 Application procedure.

1111.03 Criteria for review.

1111.04 Review procedure.

1111.01 INITIATION.

Unless specifically governed by Chapter 1141, the following general requirements apply to all requests to amend, supplement, change or repeal the regulations, zoning district boundaries, or zoning district classifications of property established by this Planning and Zoning Code and/or Zoning District Map. Changes to existing zoning may be initiated in one of three ways:

- (a) By adoption of a motion by the Planning Commission.
- (b) By adoption of a resolution by Village Council.
- (c) By filing of an application by one or more owners of property within the area proposed to be changed or affected by amendments to this Planning and Zoning Code.

(Ord. 07-2025. Passed 10/01/2025.)

1111.02 APPLICATION PROCEDURE.

(a) Application. If initiated by application, two (2) copies of a completed application form and fee for proposed change or amendment to this Planning and Zoning Code and Zoning District Map shall be submitted to the Zoning Inspector, who shall review the application and determine whether such application is complete and meets the requirements set forth in this Section.

(b) Application Fee. A fee, as established by Village Council, shall be paid by the applicant at the time of application to cover the costs of reviewing and reporting of the application. See Section 1105.03(b).

(c) Application Contents. The application must contain the following:

(1) Name, address, and phone number of the applicant(s) and representative(s) if any, and signatures of the property owner(s) or designee.

- (2) A current and accurate legal description of the property in question.
- (3) The proposed amendment to the Planning and Zoning Code, the proposed use and the proposed zoning district of the property.
- (4) The present use and present zoning district of the property.
- (5) A list of all property owners within, contiguous to, and directly across the street from the property in question, taken from a current County Auditor's tax list or the County Treasurer's mailing list.
- (6) A statement of the relation of the proposed change or amendment to the general welfare of the community, to appropriate plans for the area, and to the changed or changing conditions behind the request to rezone.
- (7) A map drawn to scale which shows property lines, lot sizes, structures, streets, parking, lighting, landscaping, signs, existing and proposed utility service, and existing and proposed zoning. The Planning Commission may request the applicant to supplement this information.
- (8) Any deed restrictions, easements, covenants and encumbrances to be used to control the use, development and maintenance of land, and proposed uses, shall be fully denoted by text and map.
- (9) At the discretion of the Planning Commission, an engineer's estimate of utility needs of the proposed use of the area being considered for rezoning, to include sewer, water, storm water, refuse, and electricity demand may be required. In addition, an engineer's estimate of potential traffic generation for the proposed uses may also be required.
- (10) Any such additional information as may be required by this Planning and Zoning Code and/or requested by the Planning Commission.

(Ord. 07-2025. Passed 10/01/2025.)

1111.03 CRITERIA FOR REVIEW.

The following general standards may be considered as criteria for approval of all proposed changes or amendments to this Planning and Zoning Code and Zoning District Map:

- (a) Compatibility of the proposed amendment to adjacent land use, adjacent zoning and to appropriate plans for the area.
- (b) Relationship of the proposed amendment to access and traffic flow and utility services including sanitary sewer, water, and storm drainage.

(c) Relationship of the proposed amendment to public health, safety, and general welfare.

(d) Relationship of the proposed use to the adequacy of available services and to general expansion plans and planned capital improvements.

(e) A report by the Technical Review Group, if requested.

(Ord. 07-2025. Passed 10/01/2025.)

1111.04 REVIEW PROCEDURE.

(a) Transmittal of Resolution or Application. Upon referral of the proposed resolution by Village Council, or the filing of an application by at least one (1) owner or lessee of the property, said proposed resolution or application shall be transmitted to the Planning Commission.

(b) Public Hearing by Planning Commission. A public hearing of the Planning Commission shall be scheduled within sixty (60) days from the date of the acceptance of a resolution, motion or complete application to amend this Planning and Zoning Code and/or Zoning District Map. The Planning Commission may continue a public hearing by a majority vote of those members in attendance or at the applicant's request.

(c) Public Notice of Hearing by Planning Commission. Notice of the date set for hearing shall be published in one (1) or more newspapers of general circulation in the Village, at least ten (10) days prior to the scheduled hearing. Such notice shall include the time, date and place of the hearing and the nature of the proposed amendment.

(d) Notice to Property Owners. If the proposed amendment intends to rezone or redistrict parcels of land, as listed on the tax duplicate, written notice of the hearing shall be sent by the Village, by certified mail, at least ten (10) days prior to the date of a scheduled public hearing to all property owners described in Section 1111.02(c)(5). The notice shall correspond to Section 1111.04(c) above.

(e) Action by Planning Commission. Within thirty (30) days of the public hearing, the Planning Commission shall review the application and make one of the following recommendations to Village Council:

(1) Recommend the amendment be granted as requested.

(2) Recommend the amendment be granted with conditions.

(3) Recommend the amendment be denied.

(f) Public Hearing by Council. Upon receipt of such recommendation, Village Council shall schedule a public hearing within forty-five (45) days. Village Council may

continue a public hearing by a majority vote of those members in attendance or at the applicant's request.

(g) Public Notice of Hearing by Council. Notice of the date set for hearing shall be published in one (1) or more newspapers of general circulation in the Village, at least thirty (30) days prior to the scheduled hearing. Such notice shall include the time, date and place of the hearing, nature of the proposed amendment, and a summary of the Planning Commission's recommendation. During such thirty (30) days, a copy of the proposed amendment, together with maps, plans, and reports submitted by the Planning Commission, shall be on file, for public examination, in the Office of the Zoning Inspector.

(h) Notice to Property Owners. If the proposed amendment intends to rezone or redistrict parcels of land, as listed on the tax duplicate, written notice of the hearing shall be sent by the Village, by first class mail, at least twenty (20) days prior to the date of the public hearing to all property owners described in Section 1111.02(c)(5). Notice shall correspond to Section 1111.04(c) above.

(i) Action by Village Council. Within thirty (30) days of the public hearing, Council shall adopt or deny the recommendation of the Planning Commission. Amendments to this Planning and Zoning Code shall be by Ordinance. The recommendation of the Planning Commission shall be determined to be passed and take effect only upon the concurrence of at least a majority of the members elected to Village Council. No Ordinance which violates, differs from, or departs from the recommendations of the Planning Commission shall take effect unless approved by not less than three-fourths (3/4) of the members elected to Village Council.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1113 Conditional Uses

1113.01 Purpose.

1113.02 Application for a conditional use; procedure.

1113.03 Review procedure for application.

1113.04 Issuance of permit/expiration.

1113.01 PURPOSE.

Certain uses more intensely affect the surrounding area in which they are located than permitted uses in the same zoning district and, if properly controlled and regulated, these uses can be compatible within the zoning district. To provide this necessary control such uses shall be designated as conditional uses and allowable only upon review and approval by the Planning Commission. Because of the uniqueness or special nature of a conditional use with respect to location, design, size, and method of operation, each such use that comes before the review of the Board shall be considered individually.

(Ord. 07-2025. Passed 10/01/2025.)

1113.02 APPLICATION FOR A CONDITIONAL USE; PROCEDURE.

(a) Written Application. Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Code in the Zoning District in which the property is located.

(b) Fee. A fee, as established by Village Council, shall be paid by the applicant at the time of application to cover the costs of reviewing and reporting of the application. See Section 1105.03(b).

(c) Application Contents. The application for a conditional use shall contain the following items, unless additional or different information is requested by the Zoning Inspector:

- (1) Name, address and phone number of the applicant(s) and representative(s) if any, and the signature of the property owner(s).
- (2) A legal description of the property.
- (3) A description of the existing use, current zoning district, and proposed conditional use.

(4) A list of all property owners and their addresses within two hundred (200) feet of the property. The list of addresses may be taken from the County Auditor's current tax list.

(5) A statement of the relationship of the proposed use to the general welfare of the community, to appropriate plans for the area, and to the changed or changing conditions behind the request.

(6) A statement of the relationship of the proposed use to adjacent land use in terms of traffic, parking, noise, and other potential nuisances and general compatibility.

(7) A plot plan to show:

A. Boundaries and dimensions of the lot and the size and location of all proposed and existing structures.

B. The size and location of existing and proposed structures.

C. The use of land and location of structures on adjacent property.

D. Traffic access, traffic circulation, existing and proposed utilities, parking, lighting and illumination, landscaping, signs, and other such information relevant to the proposed use.

(8) Such additional information as may be required by this Planning and Zoning Code and/or requested by the Board and/or Zoning Inspector to review the application.

(Ord. 07-2025. Passed 10/01/2025.)

1113.03 REVIEW PROCEDURE FOR APPLICATION.

(a) Filing of Application. Two (2) copies of a completed application shall be filed with the Zoning Inspector at least fifteen (15) days prior to a regularly scheduled meeting of the Planning Commission. Prior to accepting such application, the Zoning Inspector shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application and application fee, as determined by the Zoning Inspector, shall result in a refusal of acceptance.

(b) Planning and Zoning Meeting. The Planning Commission shall hold a public hearing on a Conditional Use Application. The applicant must attend this hearing. At least ten (10) days before the hearing date, written notice of the meeting shall be given to the applicant and all property owners within 200 feet of the property in question.

(c) Approval. The Planning Commission shall approve an application for a Conditional Use if the following conditions are met:

(1) Is in fact a conditional use as established under the provisions of this Code for the specific zoning district of the parcel(s) listed on the application.

(2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village and/or this Code.

(3) Will be designed, constructed, operated, and maintained so as to be harmonious 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 for 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 operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.

(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 destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(d) Approval with conditions. The Planning Commission may approve with conditions an application for a Conditional Use, if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met, but the Board believes, in its sole discretion, conditions are necessary and required:

(1) To be in accord with appropriate plan for the area.

(2) To prevent undesirable effects on adjacent property and the surrounding area.

(e) Findings of Fact. The Board's determination in acting on a requested conditional use shall be accompanied by findings of fact and a statement of the reasons for the decision reached.

(Ord. 07-2025. Passed 10/01/2025.)

1113.04 ISSUANCE OF PERMIT/EXPIRATION.

Upon approval and with such conditions attached by the Planning Commission, the Zoning Inspector shall issue a conditional use permit to the applicant within ten (10) days. Such permit shall authorize one particular conditional use and such permit shall automatically expire if, for any reason, the conditional use shall not be commenced within six (6) months after date of approval.

If the conditional use is not carried out within six (6) months after the date of approval, the Planning Commission may grant one extension of a conditional use permit for an additional period of six (6) months, upon good cause shown for the extension.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1115 Variances

1115.01 Purpose.

1115.02 Application for variance.

1115.03 Review procedure.

1115.04 Issuance of permit.

1115.01 PURPOSE.

The issuance of a variance from the strict interpretation of the applicable regulations in this Planning and Zoning Code shall be under the authority of the Planning Commission, except however, in those limited instances specified by the Planning and Zoning Code. In no case shall a variance be granted to allow a use not permitted under the applicable district regulations.

(Ord. 07-2025. Passed 10/01/2025.)

1115.02 APPLICATION FOR VARIANCE.

(a) Application. Written application for a variance shall be made by any person owning or having an interest in the property to the Planning Commission.

(b) Fee. A fee, as established by Village Council, shall be paid by the applicant at the time of application to cover the costs of reviewing and reporting of the application. See Section 1105.03(b).

(c) Application Contents. The application shall contain the following items, unless additional or different information is requested by the Zoning Inspector:

(1) Name, address, and telephone number of the applicant(s) and representative(s) if any, and the signature of the property owner(s).

(2) The legal description of the property(s) .

(3) The nature of the variance being requested and what provisions of the Zoning Code are affected.

(4) The specific reasons why the variance is justified according to this Chapter.

(5) A list of all property owners and their addresses within two hundred (200) feet of the property in question. The list of addresses may correspond to the County Auditor's current tax list.

(6) A plot plan to show:

A. Boundaries and dimensions of the property and the size and location of all proposed and existing structures.

B. The nature of the special conditions or circumstances giving rise to the variance application.

C. The proposed use of all parts of the lot and structures.

D. The use of land and location of structures on adjacent properties.

(Ord. 07-2025. Passed 10/01/2025.)

1115.03 REVIEW PROCEDURE.

(a) Filing of Application. Two (2) copies of a completed application shall be filed with the Zoning Inspector at least forty-five (45) days prior to a regularly scheduled meeting of the Planning Commission. Prior to accepting such application, the Zoning Inspector shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application and application fee, as determined by the Zoning Inspector, shall result in a refusal of acceptance.

(b) Planning and Zoning Meeting. The Planning Commission shall hold a public hearing on a Variance Application. The applicant must attend this hearing. At least ten (10) days before the hearing date, written notice of the meeting shall be given to the applicant and all property owners within 200 feet of the property in question.

(c) Actions of the Board. Within thirty (30) days after the public hearing, the Planning Commission shall either approve, approve with conditions, or disapprove the request for variance. The Planning Commission shall approve a variance or approve a variance with supplementary conditions only if the Board determines the applicant would have practical difficulty in meeting the Code requirements if a variance was not granted. Factors that should be considered when determining whether practical difficulties exist include, but are not limited to:

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(2) Whether the variance is substantial;

(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

(4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage, etc.);

(5) Whether the property owner purchased the property with knowledge of the zoning restrictions;

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance, and

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

(d) Findings of Fact. The Board's determination in taking action on a requested variance shall be accompanied by findings of fact and a statement of the reasons for the decision reached.

(Ord. 07-2025. Passed 10/01/2025.)

1115.04 ISSUANCE OF PERMIT.

Upon approval and with such conditions attached by the Planning Commission, the Zoning Inspector shall issue and attach to the Zoning Certificate a Certificate of Variance for all approved variances within ten (10) days of approval.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1117 Nonconforming Lots, Uses, and Structures

1117.01 General.

1117.02 Nonconforming lots.

1117.03 Nonconforming structures.

1117.04 Nonconforming uses.

1117.01 GENERAL.

The lawful use of any dwelling, building, structure, or lot, as existing and lawful at the time of adoption or amendment of this Planning and Zoning Code, may be continued, although such use does not conform with the provisions of this Planning and Zoning Code, but if any such nonconforming use is voluntarily discontinued for a period of one (1) year or more, any future use shall be in conformity with this Planning and Zoning Code. It is the intent of this Planning and Zoning Code that such nonconformities shall not be enlarged, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district, except as provided for herein.

(Ord. 07-2025. Passed 10/01/2025.)

1117.02 NONCONFORMING LOTS.

A principal and/or accessory structure may be permitted on any nonconforming lot of record, notwithstanding limitations imposed by other requirements of that zoning district. This provision shall apply even though such lot fails to meet the requirements for area and/or width for the zoning district in which such lot is located. Such nonconforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership.

(Ord. 07-2025. Passed 10/01/2025.)

1117.03 NONCONFORMING STRUCTURES.

A principal and/or accessory structure, which, by reason of size, type, or location on the lot, is nonconforming with the Zoning District in which it is located may be altered, reconstructed or expanded on application to the Planning Commission, in the manner prescribed by the Board, provided the applicant shows the following:

(a) The nonconforming structure and development was lawful at the time of adoption or amendment of this Planning and Zoning Code;

(b) Such alteration, reconstruction or expansion is necessary and incidental to such existing lawful nonconforming use as demonstrated by the applicant; and,

(c) Such alteration, reconstruction or expansion shall not increase the total floor area of the structure by more than fifty percent (50%).

(d) No such alteration, reconstruction or expansion shall be requested within two (2) years of the last previous alteration, reconstruction or expansion as approved by the Planning Commission.

(Ord. 07-2025. Passed 10/01/2025.)

1117.04 NONCONFORMING USES.

The lawful nonconforming use of a dwelling, building, structure, or lot may be continued, expanded, substituted, changed, or re-established subject to the following provisions:

(a) Continuation. A lawful nonconforming use shall only be continued, expanded, substituted, changed, or re-established within the same zoning district in which it is located.

(b) Expansion. A lawful nonconforming use may be expanded within an existing structure manifestly arranged or developed for such use on application to the Planning Commission, in the manner prescribed by the Board, provided the applicant shows:

(1) The nonconforming use was lawful at the time of adoption or amendment of this Planning and Zoning Code;

(2) Such expansion is necessary and incidental to such existing lawful nonconforming use as demonstrated by the applicant; and,

(3) No expansion shall be requested within two (2) years of the last previous expansion as approved by the Planning Commission.

(c) Substitution. On application to the Planning Commission, in the manner prescribed by the Board, a lawful nonconforming use may be changed to another lawful nonconforming use of the same or more restricted classification, provided the applicant shows:

(1) The nonconforming use was lawful at the time of adoption or amendment of this Planning and Zoning Code;

(2) The nonconforming use occurs on a lot that has been under the same ownership for at least the previous two (2) years;

(3) Such substitution is harmonious with the general objectives of this Planning and Zoning Code; and,

(4) No substitution shall be requested within two (2) years of the last previous substitution as approved by the Planning Commission.

(d) Re-establishment. A lawful nonconforming use of any structure damaged by fire, explosion, flood, riot, or act of God may be continued and re-established, provided that the restoration or reconstruction of the structure is commenced within twelve (12) months of the time of damage, and that such restoration or reconstruction would not extend or expand the existing use.

(Ord. 07-2025. Passed 10/01/2025.)

TITLE THREE - ZONING DISTRICTS

- Chap. 1119. Districts Established.
- Chap. 1121. General Zoning Regulations.
- Chap. 1123. Single-Family Residential District (R1).
- Chap. 1125. Two-Family Residential District (R2).
- Chap. 1133. Business District (B).
- Chap. 1135. General Commercial District (GC).
- Chap. 1136. Accommodation Business District (AB).
- Chap. 1137. Manufacturing District (M1).
- Chap. 1139. Light Manufacturing and Office District (M2).
- Chap. 1141. Planned Unit Development (PUD).
- Chap. 1143. Conservation District (C1).
- Chap. 1145. Adult Entertainment Business.
- Chap. 1146. Agricultural District (AG).

CHAPTER 1119 Districts Established

- 1119.01 Division into districts.
- 1119.02 Zoning district map adopted.
- 1119.03 Vacated street or alley.

1119.01 DIVISION INTO DISTRICTS.

All land in the Village subject to this Planning and Zoning Code is hereby placed into Zoning Districts. Such Zoning Districts are designated as follows:

RESIDENTIAL DISTRICTS:

Single-Family Residential District (R1)

Two-Family Residential District (R2)

COMMERCIAL DISTRICTS:

Business District (B)

General Commercial District (GC)

Accommodation Business District (AB)

MANUFACTURING DISTRICTS:

Manufacturing District (M1)

Light Manufacturing and Office District (M2)

PLANNED UNIT DEVELOPMENTS:

Planned Unit Development (PUD)

SUPPLEMENTAL DISTRICTS:

Conservation District (C1)

(Ord. 07-2025. Passed 10/01/2025.)

1119.02 ZONING DISTRICT MAP ADOPTED.

(a) Zoning Districts Established. The Zoning Districts of the Village shall be designated as shown on the Zoning District Map of the Village of Kirkersville, Ohio, which is hereby adopted and declared to be a part of this Planning and Zoning Code.

(b) Zoning District Boundaries. Except when otherwise referenced on the Zoning District Map, the Zoning District boundary lines follow property lot lines, the center lines of watercourses, or the center lines of rights-of-way, both streets and alleys, as they existed at the adoption of this Planning and Zoning Code.

(c) Final Authority. The Zoning District Map, as amended from time to time, shall be the final authority for the current Zoning District status of land under the jurisdiction of

this Planning and Zoning Code, and shall be identified by the signatures of the Mayor and Zoning Inspector of the Village.

(Ord. 07-2025. Passed 10/01/2025.)

1119.03 VACATED STREET OR ALLEY.

Whenever any street, alley or other public right-of-way is vacated by official action of Village Council as provided by law, the Zoning District adjoining the side of such public right-of-way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way that has been vacated.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1121 General Zoning Regulations

1121.01 Compliance with regulations.

1121.02 Prohibited uses.

1121.03 Corner lot visibility.

1121.04 Corner lot setbacks.

1121.05 Storage of construction materials.

1121.06 Platting required.

1121.07 Lot splits.

1121.08 Setbacks established.

1121.09 Lot of record.

1121.10 Pretreatment ordinance.

1121.01 COMPLIANCE WITH REGULATIONS.

No building shall be erected, converted or altered, nor shall any building or land be used except for a purpose permitted in the Zoning District in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged or altered except in conformity with the area regulations, minimum yard requirements and all other applicable requirements of this Planning and Zoning Code for the Zoning District in which such building is located.

(Ord. 07-2025. Passed 10/01/2025.)

1121.02 PROHIBITED USES.

Uses are considered to be prohibited unless specifically permitted as outlined in this Planning and Zoning Code. In addition to all other prohibited uses included within the Zoning District regulations or other provisions of this Planning and Zoning Code, the following uses are generally prohibited within the Village of Kirkersville:

(a) Soil Treatment, Hazardous Substances, and Landfills. The construction and/or operation of landfills, waste transfer stations, medical waste facilities, toxic material disposal facilities, and facilities for the treatment of soil contaminated by regulated or non-regulated petroleum products or hazardous substances.

(b) Mineral Extraction. The extraction of oil, natural gas, coal, limestone, gravel, sand, clay and other similar minerals, excluding water.

(c) Junkyards. Junkyards as defined in Chapter 1103.

(d) Dangerous Element or Condition. No land, building or structure in any Zoning District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises.

(Ord. 07-2025. Passed 10/01/2025.)

1121.03 CORNER LOT VISIBILITY.

On a corner lot in any Zoning District, no fence, structure or planting shall be erected or maintained within twenty-five (25) feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

(Ord. 07-2025. Passed 10/01/2025.)

1121.04 CORNER LOT SETBACKS.

(a) In any Zoning District, the front of a corner lot shall be deemed to be the shorter of the two (2) sides fronting on streets.

(b) The minimum setback on the side facing the street shall be thirty-five (35) feet.

(Ord. 07-2025. Passed 10/01/2025.)

1121.05 STORAGE OF CONSTRUCTION MATERIALS.

In any R1, R2, or PUD District, the storage of construction materials on any one (1) lot shall be limited to the quantity of material required for the construction, renovation or enlargement of the dwelling unit or units proposed for said lot, provided the plans for such dwelling unit or units have been previously reviewed by the Zoning Inspector and approved by the Building Inspector.

(Ord. 07-2025. Passed 10/01/2025.)

1121.06 PLATTING REQUIRED.

No use shall be established or altered, and no structure shall be constructed or altered except upon a lot that has been platted in accordance with or which otherwise meets the requirements of the Village of Kirkersville Subdivision Regulations. Development standards of the Village of Kirkersville Planning and Zoning Code are minimum requirements, unless otherwise stated, for the arrangement of lots and spaces to be achieved in all developments.

(Ord. 07-2025. Passed 10/01/2025.)

1121.07 LOT SPLITS.

See Article 3: Procedures for Minor Lot Division & Subdivision Approval in the Village of Kirkersville Subdivision Regulations.

(Ord. 07-2025. Passed 10/01/2025.)

1121.08 SETBACKS ESTABLISHED.

(a) Required Setback Defined. The required setback is governed by applicable regulations for each Zoning District and is measured as the distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps. Unless otherwise stated in this Planning and Zoning Code, no structure or other use of land shall be located in the required setback.

(1) Increased setbacks required: the Village of Kirkersville has adopted the Licking County Thoroughfare Plan. Setbacks on applicable streets and highways within the Village shall conform to the setback requirements outlined in the Licking County Thoroughfare Plan.

(2) Varied setbacks: to enhance the aesthetic appearance of a proposed subdivision or Planned Development, the use of varied setbacks may be allowed upon approval of the Planning Commission.

(b) Parking Within the Required Setback. Open parking or loading spaces shall be permitted to extend toward the street right-of-way from the established building line a distance equal to forty percent (40%) of the required setback distance as measured from the actual or proposed right-of-way. In no case shall any part of a parking area be closer than fifteen (15) feet to any established or proposed right-of-way.

(c) Platted Setback. No structure or other use, including parking, shall be located between the street right-of-way and the platted building line as shown on an approved and recorded subdivision plat.

(d) Display in Front Set Back Prohibited. Within the front building setback and side building setbacks adjacent to public right-of-way, there shall be no storage or display of any materials, equipment, inventory, merchandise or wares.

(Ord. 07-2025. Passed 10/01/2025.)

1121.09 LOT OF RECORD.

In any Zoning District where dwellings are permitted, a permitted single-family dwelling(s) may be erected on any lot of official record at the effective date of this Planning and Zoning Code, even though such lot does not comply with the minimum lot area and minimum width requirements of such District, provided the following conditions are met:

(a) The lot has a minimum of fifty (50) feet of frontage on an improved public street;

(b) In no case shall the depth of the required side yard be less than four (4) feet;

(c) In no case shall the depth of the required rear yard be less than twenty-five percent (25%) of the lot depth, or fifteen (15) feet, whichever is greater; and,

(d) If the owner of such lot owns adjoining property in the same District, owned such property at the effective date of this Planning and Zoning Code, and the combination of both lots into a single combined parcel would satisfy District requirements, such lots shall be so combined.

(Ord. 07-2025. Passed 10/01/2025.)

1121.10 PRETREATMENT ORDINANCE.

The Village of Kirkersville has a sewage pretreatment policy in effect, Ordinance Number 02-03. The Village will monitor all discharges to determine potential pollutants introduced into the sanitary sewer system. Occupants will bear expenses necessary to monitor effluent streams to meet guidelines set forth by the Village of Kirkersville, the Ohio EPA, and the U.S. EPA. Occupants will also bear costs to prevent pollutants from entering the sanitary sewer system.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1123 Single-Family Residential District (R1)

1123.01 Purpose.

1123.02 Permitted uses.

1123.03 Conditional uses.

1123.04 Development standards.

1123.01 PURPOSE.

The Single-Family Residential District (R1) is established as a low density, detached, single-family residential district serviced by public water, if available to the parcel, and sanitary sewer.

(Ord. 07-2025. Passed 10/01/2025.)

1123.02 PERMITTED USES.

- (a) Single-family dwelling.
- (b) Accessory structures to single-family dwellings.
- (c) Home occupations in accordance with Chapter 1151.
- (d) Single-family dwelling with attached suite.

(Ord. 07-2025. Passed 10/01/2025.)

1123.03 CONDITIONAL USES.

The following conditional uses are allowed in the Single-Family Residential District (R1), subject to approval in accordance with Chapter 1113:

- (a) Churches and other places of worship.
- (b) Parks, playgrounds, recreation and community center buildings and grounds, golf courses, tennis courts and similar recreational uses, provided that any principal building used therefore shall be located not less than one hundred fifty (150) feet from the property line of all residentially zoned parcels.

(Ord. 07-2025. Passed 10/01/2025.)

1123.04 DEVELOPMENT STANDARDS.

(a) Lot and Building Requirements. The following lot and building requirements are minimum standards, except where noted, and shall apply in the Single-Family Residential District (R1):

(1) Lot area: one (1) acre (43,560 square feet); two (2) acres gross land per house in a development.

(2) Lot coverage, maximum: thirty-five percent (35%).

(3) Lot width: one hundred fifty (150) feet of frontage on an improved public right-of-way.

(4) Lot width on a curving street or cul-de-sac: sixty (60) feet of frontage on an improved public right-of-way and lot width shall be one hundred (100) feet at the minimum building line.

(5) Front yard setback: thirty-five (35) feet as measured between the street right-of-way line and the building setback line.

(6) Side yard setback: a minimum of thirteen (13) feet on any one side; for a Conditional Use, the side yard setback shall be twenty-five (25) feet.

(7) Rear yard setback: forty-five (45) feet as measured from the rear property line.

(8) Dwelling dimensions: the following dwelling dimensions measured in terms of square footage apply to all (R1) residential structures; one thousand, five hundred (1,500) square feet living area minimum, excluding basement.

(9) Garage required: all (R1) residential structures shall have an attached two (2) car garage, and five hundred, seventy-six (576) square feet minimum.

(10) Corner lots: corner lots shall meet the following requirements:

A. In any district the front of a corner lot shall be deemed to be the shorter of the two (2) sides fronting on streets.

B. The minimum setback on the side facing the side street shall be thirty-five (35) feet.

(b) Supplemental Standards. The following supplemental standards shall apply within the Single-Family Residential District (R1):

(1) No building shall exceed thirty-five (35) feet in height, or more than two (2) stories in height.

(2) A one (1) foot overhang shall be required on the roof lines of all new primary residential structures.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1125 Two-Family Residential District (R2)

1125.01 Purpose.

1125.02 Permitted uses.

1125.03 Conditional uses.

1125.04 Development standards.

1125.01 PURPOSE.

The purpose of the Two-Family Residential District (R2) 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.

(Ord. 07-2025. Passed 10/01/2025.)

1125.02 PERMITTED USES.

- (a) Single-family dwellings*
- (b) Two-family dwellings*
- (c) Churches
- (d) Public and private schools
- (e) Public parks and playgrounds
- (f) Government buildings
- (g) Clubs, golf courses
- (h) Nurseries (plant materials and sales)
- (i) Accessory uses and structures

*Centralized public water and sewer facilities required.

(Ord. 07-2025. Passed 10/01/2025.)

1125.03 CONDITIONAL USES.

After obtaining a valid Conditional Use Permit in accordance with Chapter 1113, and the other conditionally permitted and specific criteria for conditional uses are met, the following conditions are allowed:

- (a) Home occupations
- (b) Institutions / Nurseries / Nursing Homes

(Ord. 07-2025. Passed 10/01/2025.)

1125.04 DEVELOPMENT STANDARDS

(a) Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 ½) stories or thirty-five (35) feet.

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

(c) Front Yard: There shall be a front yard of not less than thirty (30) feet in depth, provided, however, that where normal lots comprising of forty percent (40%) or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) 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.

(d) Side Yard: Side yards shall not be less than ten (10) feet on each side.

(e) Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

(f) Existing Lots: Existing lots shall have a minimum of five (5) feet for side yards, and a minimum of five (5) feet for the rear yard, and a minimum of ten (10) feet for the front yard.

(g) Dwelling Bulk: Dwellings or structures shall have a minimum of nine hundred (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 twenty-four (24) feet in width or depth, whichever is the small dimension.

(h) Parking Requirements: Parking requirements shall be as regulated in Chapter 1149 of this Planning and Zoning Code.

(i) Signs: Signs shall be as regulated in Section 1153 of this Planning and Zoning Code.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1133 Business District (B)

1133.01 Purpose.

1133.02 Permitted uses.

1133.03 Conditional uses.

1133.04 Prohibited uses.

1133.05 Development standards.

1133.01 PURPOSE.

The Business District (B) is intended to encourage the clustering of small individual retail and personal service establishments to promote convenience in serving the daily staple needs of the surrounding residential areas.

(Ord. 07-2025. Passed 10/01/2025.)

1133.02 PERMITTED USES.

(a) Structure Size. The floor area of any one single use shall not exceed five thousand (5,000) square feet.

(b) Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods (including the buying or processing of goods for resale) including:

- (1) Hardware stores
- (2) Grocery stores
- (3) Meat and fish (seafood) markets
- (4) Fruit stores and vegetable markets
- (5) Candy, nut, and confectionery stores
- (6) Dairy products stores
- (7) Retail bakeries
- (8) Drug stores and proprietary stores

- (9) Florists
- (10) Antique shops, gift stores

(c) Personal Services. Personal services generally involving the care of the person or his/her personal effects including:

- (1) Beauty shops
- (2) Barber shops
- (3) Shoe repair shops
- (4) Pressing, dry-cleaning, alteration, and garment repair
- (5) Tattoo shops and body art

(d) Business and Professional Offices. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers and professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions including:

- (1) Commercial and stock savings banks
- (2) Credit agencies other than banks
- (3) Personal credit institutions
- (4) Insurance agents, brokers, and services
- (5) Real estate agents, brokers, and managers
- (6) Combinations of real estate, insurance, loan, and law offices
- (7) Health and medical services
- (8) Legal services
- (9) Veterinarians

(e) Children's Nurseries and Day Care Centers.

(f) Single-Family Dwellings.

(Ord. 07-2025. Passed 10/01/2025.)

1133.03 CONDITIONAL USES.

The following uses may be allowed in the Business District (B) subject to approval in accordance with Chapter 1113:

(a) Drive-in Facility. Drive-in or outdoor service facility developed in association with and subordinate to a permitted use.

(b) Schools. Public or private schools.

(Ord. 07-2025. Passed 10/01/2025.)

1133.04 PROHIBITED USES.

Any business or establishment which caters to or provides for the parking of commercial vehicles, trucks, semi-trucks, or commercial trailers shall be prohibited in the Business District (B).

(Ord. 07-2025. Passed 10/01/2025.)

1133.05 DEVELOPMENT STANDARDS.

(a) Lot and Building Requirements. The following lot and building requirements are minimum standards, except where noted, and shall apply in the Business District (B):

(1) Lot area: no minimum lot area is required, however, all lots shall abut an improved public right-of-way and lot area shall be adequate to provide the required yard space.

(2) Lot coverage, maximum: no maximum lot coverage is required; however, the lot coverage shall be adequate to provide the yard space required.

(3) Lot width: no minimum lot width is required, however, all lots shall abut an improved public right-of-way and have adequate width to provide the required yard space and meet minimum access requirements.

(4) Front yard setback: the minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the building line shall not be less than fifty (50) feet measured from the street right-of-way.

(5) Side yard setback: for main and accessory structures, including open service and loading areas, the required side yard shall be not less than twenty (20)

feet, unless adjacent to any residential zoning district, Planned Residential District, and Planned Unit District whereby the side yard shall be no less than fifty (50) feet.

(6) Rear yard setback: for main and accessory structures, the required rear yard shall be not less than twenty-five (25) feet, unless adjacent to any residential zoning district, Planned Residential District, and Planned Unit District whereby the side yard shall be no less than fifty (50) feet.

(7) Corner lots: corner lots shall meet the following requirements:

A. In any district the front of a corner lot shall be deemed to be the shorter of the two (2) sides fronting on streets.

B. The minimum setback on the side facing the side street shall be thirty-five (35) feet.

(b) Supplemental Standards. The following supplemental standards shall apply within the Business District (B):

(1) No building shall exceed thirty-five (35) feet in height, or more than two (2) stories in height.

(2) Applicable standards shall be met in corresponding chapters of this Planning and Zoning Code.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1135 General Commercial District (GC)

1135.01 Purpose.

1135.02 Permitted uses.

1135.03 Conditional uses.

1135.04 Development standards.

1135.01 PURPOSE.

The General Commercial District (GC) is intended to encourage and provide suitable areas for the development of traffic-oriented business service facilities and restricted types of retail stores, operations, and community service facilities.

(Ord. 07-2025. Passed 10/01/2025.)

1135.02 PERMITTED USES.

(a) Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods (including the buying or processing of goods for resale) including:

(1) General merchandise: hardware stores, department stores, mail-order houses, limited price variety stores, and miscellaneous general merchandise stores.

(2) Food: grocery stores, meat and fish (seafood) markets, fruit stores and vegetable markets, candy, nut and confectionery stores, dairy products stores, retail bakeries, and miscellaneous food stores.

(3) Building materials, retail: lumber and other building materials, heating and plumbing equipment, electrical supply equipment, and hardware and farm equipment.

(4) Apparel: clothing, accessories and personal furnishing stores, shoe stores, custom tailors, furriers and fur shops, and miscellaneous apparel and accessory stores.

(5) Home furnishings: furniture, home furnishings, and equipment stores, household appliance stores, and radio, television and music stores.

(6) Restaurants.

(7) Miscellaneous retail: drug stores and proprietary stores, liquor stores, antique stores and secondhand stores, stationery stores, sporting goods stores and bicycle shops, jewelry stores, florists, cigar stores, news dealers, camera and photographic supply stores, gift, novelty and souvenir shops, optical goods stores, and miscellaneous retail stores not otherwise classified.

(8) Business services: advertising, duplicating, addressing, blueprinting, photocopying, mailing, stenography, and business services not otherwise classified.

(9) Automotive repair services and garages: provided that no structure or equipment shall be located in front of the established building line.

(10) Public parks and playgrounds.

(11) Nurseries and/or greenhouses.

(12) Wholesale business or warehousing when no processing, fabrication, or assembly is involved, if conducted entirely in an enclosed building.

(13) Single family dwellings.

(14) Accessory buildings.

(b) Business and Professional Offices. Business offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, including:

(1) Administrative, business and professional offices: administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions, and professional offices engaged in providing tangible and intangible services to the general public, involving both persons and possessions, including the following:

- A. Commercial and stock savings banks
- B. Credit agencies, other than banks
- C. Personal credit institutions
- D. Insurance agents, brokers, and managers
- E. Loan and law offices

(2) Professional: health and medical services, health and allied sciences not elsewhere classified, legal services, design services including engineering, architecture, landscape architecture, urban planning, graphic arts and interior design, and accounting, auditing and bookkeeping services.

(c) Personal and Consumer Services. Personal services generally involving the care of the person or his/her personal effects and consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, including:

(1) Personal: photographic studios, including commercial photography, beauty shops, barber shops, therapeutic massage clinics, laundromats, funeral services, shoe repair shops, dry cleaning, pressing, alteration and garment repair, and miscellaneous personal service.

(2) Repair services: electrical repair shops, watch, clock and jewelry repair, re-upholstery and furniture repair, and similar household item repair shops and related services.

(3) Offices of veterinarians and animal hospitals: limited overnight boarding of pets, dogs, cats, etc., may be permitted if for medical reasons and such boarding is located inside of the primary structure.

(4) Children's nurseries and day care centers.

(Ord. 07-2025. Passed 10/01/2025.)

1135.03 CONDITIONAL USES.

The following conditional uses are allowed in the General Commercial District (GC) subject to approval in accordance with Chapter 1113:

(a) Drive-In Facility or Open Display. Drive-in, outdoor service, or open display facility, developed in association with a principal permitted use.

(b) Residential. Living quarters as an integral part of and subordinate to a principal permitted use.

(c) Gasoline Stations.

(d) Recreation. Theaters, dance halls, dance studios, dance schools, bowling, swimming pools, and skating rinks.

(e) Automobile Parking Lots.

(f) Private Assembly Halls.

(g) Significant Developments. Any proposed structure in the General Commercial District (GC) that contains at least fifty thousand (50,000) square feet of gross floor area shall be considered a Significant Development and may be allowed as a conditional use subject to approval in accordance with Chapter 1113.

(h) Establishments Providing Commercial Vehicle Parking. Any business or establishment which provides for the parking of commercial vehicles, trucks, semi-trucks, or commercial trailers shall be a conditional use and only permitted upon approval of the Planning Commission and upon meeting the provisions of Chapter 1113.

(i) Retail Stores not falling under any category specified by Section 1135.02.

(Ord. 07-2025. Passed 10/01/2025.)

1135.04 DEVELOPMENT STANDARDS.

(a) Lot and Building Requirements. The following lot and building requirements are minimum standards, except where noted, and shall apply in the General Commercial District (GC):

(1) Lot area: no minimum lot area is required; however, all lots shall abut an improved public right-of-way and lot area shall be adequate to provide the required yard space.

(2) Lot coverage, maximum: no maximum lot coverage is required; however, the lot coverage shall be adequate to provide the yard space required.

(3) Lot width: no minimum lot width is required, however, all lots shall abut an improved public right-of-way and have adequate width to provide the required yard space and meet minimum access requirements.

(4) Front yard setback: the minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the building line shall not be less than fifty (50) feet measured from the street right-of-way.

(5) Side yard setback: for main and accessory structures, including open service and loading areas, the required side yard shall be not less than twenty (20) feet, unless adjacent to any residential zoning district, Planned Residential District, and Planned Unit District whereby the side yard shall be no less than fifty (50) feet.

(6) Rear yard setback: for main and accessory structures, the required side yard shall be not less than twenty-five (25) feet, unless adjacent to any residential zoning district, Planned Residential District, and Planned Unit District whereby the side yard shall be no less than fifty (50) feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet in width.

(7) Corner lots: corner lots shall meet the following requirements:

A. The front of a corner lot shall be deemed to be the shorter of the two (2) sides fronting on streets.

B. The minimum setback on the side facing the side street shall be thirty-five (35) feet.

(b) Supplemental Standards. The following supplemental standards shall apply within the General Commercial District (GC):

(1) No structure shall exceed forty (40) feet in height, or more than three (3) stories in height.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1136 Accommodation Business District (AB)

1136.01 Permitted Uses

1136.02 Conditional Uses

1136.03 Development Standards

1136.01 PERMITTED USES.

- (a) Auto service stations with or without the sale of petroleum products (indoor repair only).
- (b) General auto repair (indoor only).
- (c) Hotels and Motels. Lodging facilities and subordinate eating and drinking facilities and recreational facilities, provided that the minimum lot area is two (2) acres.
- (d) Restaurants, with or without entertainment.
- (e) Gift shops.
- (f) Open fruit and vegetable markets or farm markets.
- (g) Drive-in eating and drinking establishments.

(Ord. 07-2025. Passed 10/01/2025.)

1136.02 CONDITIONAL USES.

- (a) Public garages.
- (b) Watercraft and/or recreational vehicle, sales and/or service.
- (c) Mobile home, recreational vehicle, sales and/or service lots.
- (d) Coin-operated amusement devices, if provided more than one thousand, five hundred (1,500) feet from any school or religious building.
- (e) Truck Stops. Any establishment which provides service, fueling, restaurant, personal services, overnight sleeping in vehicles, lodging facilities, or repairing of commercial vehicles, commonly known as a truck stop.

- (f) Self-operating autowashes, commercial autowashes, and truck washes.

(Ord. 07-2025. Passed 10/01/2025.)

1136.03 DEVELOPMENT STANDARDS.

(a) Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 ½) stories or thirty-five (35) feet.

(b) Lot Area, Width, Depth: Every lot shall have a minimum width of two hundred (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 easements of record. If public water and sewer facilities are available for service to the use permitted or conditional use, the minimum lot size may be reduced to meet these requirements:

(1) Minimum width: One hundred, thirty (130) feet;

(2) Minimum lot area: Not less than twenty-one thousand, seven hundred, eighty (21,780) square feet;

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

(c) Front Yard: There shall be a front yard of not less than fifty (50) feet in depth.

(d) Side Yard: There shall be a side yard of not less than fifty (50) feet.

(e) Parking Requirements: Parking requirements shall be as regulated in Chapter 1149 of these Regulations.

(f) Signs: Signs shall be as regulated in Chapter 1153 of these Regulations.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1137 Manufacturing District (M1)

1137.01 Purpose.

1137.02 Permitted uses.

1137.03 Conditional uses.

1137.04 Development standards.

1137.01 PURPOSE.

The Manufacturing District (M1) is established for the purpose of promoting the responsible development of an industrial corridor in the Village without compromising or interfering with adjacent land. The M1 District shall include a mixture of services, facilities, and commercial uses typically operating within enclosed structures. The intent of the district is to encourage industrial development that is architecturally sensitive, incorporating landscaping, generous setbacks, and minimal signage.

(Ord. 07-2025. Passed 10/01/2025.)

1137.02 PERMITTED USES.

(a) Manufacturing.

- (1) Canning and preserving fruits, vegetables, and seafood.
- (2) Bakery products, candy, and other confectionary products.
- (3) Clothing, apparel, and accessories.
- (4) Fabricated textile products; broad and narrow woven fabric mills, including cotton, man-made fiber and silk, and dyeing and finishing, floor covering mills, and yarn and thread mills.
- (5) Publishing and printing of newspapers, magazines, books and other publications, and commercial printing; manifold business forms, greeting cards, bookbinding and related industries, and service industries for the printing trade.
- (6) Pharmaceuticals.
- (7) Footwear, gloves and mittens, luggage, handbags and other personal leather goods, boot and shoe cut stock and findings.

(8) Glass products, plastic products and processing, farm equipment, metal stamping and shaping, industrial and household cleaners.

(9) Communication equipment, electronic components and accessories, engineering, laboratory, scientific and research instruments and associated equipment, and instruments for measuring, controlling, and indicating physical characteristics.

(10) Optical instruments and lenses, surgical, medical and dental instruments and supplies, and ophthalmic goods, photographic equipment and supplies.

(11) Watches, clocks, clockwork operated devices and parts, jewelry, silverware, and plated ware.

(12) Automobile accessories and electronic components.

(13) Sausages and other prepared meat products, dairy products, grain mill products, and beverage industries.

(14) Household and office furniture, partitions, shelves, lockers, and office and store fixtures.

(15) Nonferrous foundries, sheet metal work, and machine shops, jobbing and repair.

(16) Household appliances, electrical lighting and wiring equipment, and electrical machinery, equipment, and supplies.

(17) Musical instruments and parts, toys, amusements, sporting and athletic goods.

(18) Pens, pencils, and other office and artists' materials, costume jewelry, costume novelties, buttons, and sewing supplies.

(b) Wholesaling.

(1) Pharmaceuticals, chemicals, and allied products.

(2) Dry goods and apparel.

(3) Groceries and related products.

(4) Electrical goods.

(5) Hardware, plumbing, and heating equipment and supplies.

(6) Machinery, equipment, and supplies.

- (7) Tobacco and related products.
 - (8) Beer, wine, and distilled alcoholic beverages.
 - (9) Paper and related products.
 - (10) Furniture and home furnishings.
- (c) Warehousing and Transportation Services.
- (1) Trucking, local and long distance.
 - (2) Public warehousing and freight forwarding.
 - (3) Terminal and joint terminal maintenance facilities for motor freight transportation and services incidental to transportation.
 - (4) Motor vehicles and automotive equipment.
 - (5) Pharmaceuticals, chemicals and allied products, dry goods, apparel, groceries, and related products.
 - (6) Farm products and raw materials, electrical goods, hardware, plumbing, and heating equipment and supplies.
 - (7) Machinery, equipment, and supplies.
 - (8) Miscellaneous wholesalers except scrap and waste materials.
 - (9) Self-storage facilities and vehicle storage, to include motor homes, motor vehicles, campers, trailers, boats, watercraft, and recreation vehicles.
- (d) Service Industries.
- (1) General construction contractors.
 - (2) Plumbing, heating and air conditioning, painting, paperhanging and decorating.
 - (3) Electrical work, masonry, stonework, tile setting and plastering, carpentering and wood flooring, roofing and sheet metal work, concrete work, and water well drilling.
 - (4) Special trade contractors.
 - (5) Bulk product sales, mulch plants, coal yards.

(e) Commercial Retail. Commercial retail uses associated with and subordinate to another permitted use and limited to no more than twenty-five percent (25%) of the total gross floor area of all structures on the subject lot(s).

(f) Research, Development and Testing Laboratories.

(g) Commercial and Office Uses.

A. Commercial and stock savings banks, savings and loan associations, personal credit institutions, and business credit institutions.

B. Health and medical services.

C. Design services include engineering, architecture, landscape architecture, urban planning, graphic arts, and interior design.

D. Accounting, auditing, and bookkeeping services.

(h) Administrative Offices. Administrative offices primarily engaged in general administrative supervision, purchasing, accounting, and other management functions.

(i) Personal and Consumer Services.

(1) Personal: beauty shops, barber shops, therapeutic massage clinics, shoe repair shops, dry cleaning, pressing, alteration, and garment repair.

(2) Business: advertising, consumer credit reporting agencies, mercantile reporting agencies, adjustment and collecting agencies, business services including duplicating, addressing, blueprinting, photocopying, mailing, mailing list, and stenographic, private employment agencies, and business services not otherwise classified.

(Ord. 01-2026. Passed 04/01/2026.)

1137.03 CONDITIONAL USES.

The following conditional uses are allowed in the Manufacturing District (M1) subject to approval in accordance with Chapter 1113:

(a) Uses Not Listed. Any other lawful industrial use compatible with the permitted uses, fulfilling the intent of this district, and developed in accordance with the development standards and performance standards of this district, such as agriculture.

(b) Height. Buildings or accessory structures higher than forty (40) feet.

(c) Antennas. Commercial antennas, provided they are not located within one thousand (1,000) feet from any residential district or neighborhood district.

(d) Adult Entertainment Businesses, subject to the requirements of Chapter 1145.

(e) Commercial Kennels. Commercial kennels, provided they are not located within two hundred (200) feet of any residential zoning district, including PUD.

(f) Truck Stops. Any establishment which provides service, fueling, restaurant, personal services, overnight sleeping in vehicles, lodging facilities, or repairing of commercial vehicles, commonly known as a truck stop.

(g) Automotive Service Stations. Gasoline service stations provided no portion of a structure or its appurtenances, including ancillary, associated or auxiliary equipment shall be located in front of the established building line.

(h) New Vehicle Sales. The business of selling new motorized vehicles and recreational vehicles.

(i) Used Vehicle Sales. The business of selling used or previously owned motorized vehicles and recreational vehicles.

(j) Self-Storage Facilities.

(k) Urgent and Extended Medical Care.

(l) Watercraft and/or Recreational Vehicle Storage.

(m) Airports / Heliports.

(n) Private Recreational Camps.

(o) Commercial and Entertainment Fields, Amusements, or Establishments.

(p) Data centers for the purpose of storing and saving computer data on servers and similar equipment.

(Ord. 01-2026. Passed 04/01/2026.)

1137.04 DEVELOPMENT STANDARDS.

All development standards regulating the General Commercial (GC) District as included in Section 1135.04 shall apply to the Manufacturing District (M1).

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1139 Light Manufacturing and Office District (M2)

1139.01 Purpose.

1139.02 Permitted uses.

1139.03 Conditional uses.

1139.04 Development standards.

1139.01 PURPOSE.

The Light Manufacturing and Office District (M2) is established for the purpose of promoting responsible small-scale industrial and office development in the Village.

(Ord. 07-2025. Passed 10/01/2025.)

1139.02 PERMITTED USES.

(a) Manufacturing.

- (1) Canning and preserving fruits, vegetables, and seafood.
- (2) Bakery products, candy, and other confectionary products.
- (3) Clothing, apparel, and accessories.
- (4) Fabricated textile products; broad and narrow woven fabric mills, including cotton, man-made fiber and silk, and dyeing and finishing, floor covering mills, and yarn and thread mills.
- (5) Publishing and printing of newspapers, magazines, books and other publications, and commercial printing; manifold business forms, greeting cards, bookbinding and related industries, and service industries for the printing trade.
- (6) Pharmaceuticals.
- (7) Footwear, gloves and mittens, luggage, handbags and other personal leather goods, boot and shoe cut stock and findings.
- (8) Glass products, plastic products and processing, farm equipment, metal stamping and shaping, industrial and household cleaners.
- (9) Communication equipment, electronic components and accessories, engineering, laboratory, scientific and research instruments and associated

equipment, and instruments for measuring, controlling, and indicating physical characteristics.

(10) Optical instruments and lenses, surgical, medical and dental instruments and supplies, and ophthalmic goods, photographic equipment and supplies.

(11) Watches, clocks, clockwork operated devices and parts, jewelry, silverware, and plated ware.

(12) Automobile accessories and electronic components.

(13) Sausages and other prepared meat products, dairy products, grain mill products, and beverage industries.

(14) Household and office furniture, partitions, shelves, lockers, and office and store fixtures.

(15) Nonferrous foundries, sheet metal work, and machine shops, jobbing and repair.

(16) Household appliances, electrical lighting and wiring equipment, and electrical machinery, equipment, and supplies.

(17) Musical instruments and parts, toys, amusements, sporting and athletic goods.

(18) Pens, pencils, and other office and artists' materials, costume jewelry, costume novelties, buttons, and sewing supplies.

(b) Any Wholesaling.

(1) Pharmaceuticals, chemicals, and allied products.

(2) Dry goods and apparel.

(3) Groceries and related products.

(4) Electrical goods.

(5) Hardware, plumbing, and heating equipment and supplies.

(6) Machinery, equipment, and supplies.

(7) Tobacco and related products.

(8) Beer, wine, and distilled alcoholic beverages.

- (9) Paper and related products.
- (10) Furniture and home furnishings.
- (c) Research, Development, and Testing Laboratories.
- (d) General Office and Administrative Office.
 - (1) Commercial and Office Uses.
 - A. Commercial and stock savings banks, savings and loan associations, personal credit institutions, and business credit institutions.
 - B. Health and medical services.
 - C. Design services include engineering, architecture, landscape architecture, urban planning, graphic arts, and interior design.
 - D. Accounting, auditing, and bookkeeping services.
 - (2) Administrative Offices. Administrative offices primarily engaged in general administrative supervision, purchasing, accounting, and other management functions
- (e) Personal and Consumer Services:
 - (1) Business: advertising, consumer credit reporting agencies, mercantile reporting agencies, adjustment, and collecting agencies.
 - (2) Business Services: duplicating, addressing, blueprinting, photocopying, mailing, mailing list, and stenographic.

(Ord. 07-2025. Passed 10/01/2025.)

1139.03 CONDITIONAL USES.

The following conditional uses are allowed in the Light Manufacturing District (M2) subject to approval in accordance with Chapter 1113:

- (a) Uses Not Listed. Any other lawful industrial use compatible with the permitted uses, fulfilling the intent of this district, and developed in accordance with the development standards and performance standards of this district.
- (b) Height. Buildings or accessory structures higher than forty (40) feet.
- (c) Warehousing and Transportation Services.

- (1) Trucking, local and long distance.
- (2) Warehousing and freight forwarding.
- (3) Terminal and joint terminal maintenance facilities for motor freight transportation and services incidental to transportation.
- (d) Commercial Kennels. Commercial Kennels, provided they are not located within two hundred (200) feet of any residential zoning district, including PUD.
- (e) Agriculture.
- (f) Public Parks and Playgrounds.
- (g) Horticulture and Forestry Facilities.

(Ord. 07-2025. Passed 10/01/2025.)

1139.04 DEVELOPMENT STANDARDS.

(a) Lot and Building Requirements. The following lot and building requirements are minimum standards, except where noted, and shall apply in the Light Manufacturing and Office District (M2):

(1) Lot area: no minimum lot area is required: however, all lots shall abut an improved public right-of-way and lot area shall be adequate to provide the required yard space and parking areas.

(2) Lot coverage, maximum: no maximum lot coverage is required: however, the lot coverage shall be adequate to provide the yard space required.

(3) Lot width: all lots will abut an improved public right-of-way and have adequate width to provide the required yard space and meet minimum access requirements. Except as outlined in line 4 below, the minimum lot width will be one hundred twenty (120) feet.

(4) Lot width on curving street: upon the approval of the Planning Commission and Village Engineer, the minimum lot width may be reduced to fifty (50) feet for one lot which abuts a portion of a public street that has a maximum radius of three hundred (300) feet and an included angle of no less than 70 degrees. The total number of lot width reductions made under this provision should be kept to a minimum in any one development.

(5) Front yard setback: the minimum front yard setback shall be not less than fifty (50) feet.

(6) Side yard setback: for main and accessory structures the required side yards shall not be less than fifty (50) feet.

(7) Rear yard setback: for main and accessory structures the required rear yard shall be not less than fifty (50) feet, unless adjacent to any residential zoning district, Planned Residential District, and Planned Unit District whereby the rear yard shall be no less than one hundred (100) feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet in width.

(8) Corner lots: corner lots shall meet the following requirements:

A. The front of a corner lot shall be deemed to be the shorter of the two (2) sides fronting on streets.

B. The minimum setback on the side facing the side street shall be thirty-five (35) feet.

(b) Supplemental Standards. The following supplemental standards shall apply within the Light Manufacturing and Office District (M2):

(1) Applicable standards shall be met in corresponding chapters of this Ordinance.

(2) All areas will be served by municipal fire hydrants, spaced at three hundred (300) feet intervals. Hydrants to be installed by the developer.

(3) All buildings and structures will be designed so that all industrial type adjunct or auxiliary equipment, tanks, framework, and support structures will be enclosed. Such enclosures will have wall surfaces that are of the same color and architecture style of the primary and other structures of the facility.

(4) The exterior lighting plan of all facilities will be so designed to prevent glare and the trespass of unnecessary offsite light. All exterior lighting will be high-pressure-sodium.

(5) The developer will install such street, road, or main thoroughfare signage as required by the Village of Kirkersville, or ODOT. The developer will install street lighting as required by the Village.

(6) All access lanes or roads and all parking shall be hard surface with concrete or asphalt. Such lanes, roads, and areas will be constructed in accordance with Village standards.

(7) Developments creating major increases in traffic may be required to improve thoroughfare access points, i.e. traffic signaling, left and right turn lanes, etc.

(8) All site plans will be approved by the Village Engineer before any construction begins.

(9) No outside storage will be permitted.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1141 Planned Unit Developments (PUD)

1141.01 Conflict

1141.02 Purpose and Intent

1141.03 Definitions

1141.04 Uses

1141.05 Modification of Minimum Requirements

1141.06 General Procedures

1141.07 Ownership

1141.08 Plan Contents

1141.09 Basis of Plan Approval

1141.10 Procedure for Plan Approval

1141.11 Recording and Transfer

1141.12 Amendments

1141.12 Appeals

1141.01 CONFLICT.

Planned Unit Development Zoning Districts may be established by application in accordance with the provisions of this chapter and the requirements contained herein which shall take precedence over all other conflicting regulations contained in the Planning and Zoning Code and/or platting ordinances.

(Ord. 06-2021. Passed 10/06/2021.)

1141.02 PURPOSE AND INTENT.

The Planned Unit Development (PUD) District is established as an optional development tool to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety of design, layout and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical and architectural features and open space; to promote efficient provision of public services

and utilities; to minimize adverse traffic impacts; to provide better housing, employment and business opportunities particularly suited to residents; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the property and surrounding areas. It is the further intent of the PUD regulations to promote a higher quality of development than can be achieved from conventional zoning requirements in furtherance of the vision and goals of the Village of Kirkersville.

(Ord. 06-2021. Passed 10/06/2021.)

1141.03 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Planned Unit Development (PUD): an area of land in which one use or a variety of uses may be accommodated in a pre-planned environment under more flexible standards than those restrictions that would normally apply under this Zoning Code. The process in a PUD shall consist of a Preliminary Development Plan which shall constitute the act of zoning; and a Final Development Plan which shall consist of a detailed development plan for all, a portion of the area, or subareas within the Preliminary Development Plan.

(Ord. 06-2021. Passed 10/06/2021.)

1141.04 USES.

Within the Planned Unit Development (PUD) Zoning District, permitted uses shall include all uses allowable under the Zoning Code or a compatible combination of any or all these uses provided the proposed location of any of the uses will not adversely affect adjacent property and/or public health, safety and general welfare. All zoning requirements for the PUD applicable to the proposed use shall be applicable to all uses in the PUD, unless modified in accordance with Section 1205.

(Ord. 06-2021. Passed 10/06/2021.)

1141.05 MODIFICATION OF MINIMUM REQUIREMENTS.

(a) District regulations applicable to a land use in the PUD may be altered from the requirements set forth in the Zoning Code, including but not limited to, lot width, building

setbacks, height, lot coverage, signs, and parking. The PUD applicant shall identify, in the Preliminary and Final Development Plans, all intended and needed deviations from the zoning requirements. Modifications may be approved by the Village Council during the preliminary plan review stage, after Planning Commission approval and recommendation. These modifications will be permitted only if they result in a higher quality and more sustainable development consistent with the purpose of this Chapter.

(b) In addition to these modifications of minimum requirements, Village Council, after Planning Commission approval and recommendation, may permit an increase in the total number of residential units allowed with the PUD where it is demonstrated the PUD:

(1) uses low-impact design and or best practices design principles to minimize storm water run-off;

(2) preserves the best natural features of the site;

(3) creates, improves, or maintains open space for the residents, employees, and other visitors to the PUD; and

(4) contains at least twenty percent (20%) of the area as preserved open space. If the site contains, or is adjacent to a river, stream, or other body of water, the Village may require that all, or a portion of, the open space abut the river, stream, or body of water.

(Ord. 06-2021. Passed 10/06/2021.)

1141.06 GENERAL PROCEDURES.

Procedures and conditions set forth for determination of Planned Unit Development Districts and development(s) therein shall be strictly followed except when the Planning Commission and Council have approved a written statement submitted with the rezoning application, by the applicant clearly showing that such procedures or conditions do not apply in the specific case.

(Ord. 06-2021. Passed 10/06/2021.)

1141.07 OWNERSHIP.

A Planned Unit Development shall be in joint or common ownership or control at the time the rezoning application is made for a Planned Unit Development District, or where joint or common ownership and/or control does not exist, each owner within the Planned Unit Development shall sign the application for rezoning. Any transfer of land within the

Development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained herein. A Development Plan approved hereunder shall be binding upon the applicant(s), their successors and assigns and shall limit and control the issuance of validity of all Certificates of Zoning approval.

(Ord. 06-2021. Passed 10/06/2021.)

1141.08 PLAN CONTENTS.

(a) The following described contents shall be provided to secure approval for Planned Unit Development (PUD) District zoning. The basic process shall require submittal and approval of a Preliminary Development Plan and Final Development Plan.

(b) All plans shall be drawn to a scale suitable to the scope of the project and acceptable to the Village. Ten (10) copies of each plan shall be submitted to the Code Enforcement Officer.

(1) Contents of Preliminary Development Plan. The Preliminary Development Plan must clearly indicate the following in text and/or map form:

- A. North point and scale;
- B. All existing roads, buildings, and permanent structures / facilities;
- C. A subarea plan which shows allocation of land by acreage, use, and density;
- D. Overall design of the proposed PUD;
- E. Architectural guidelines for each area;
- F. The location of any land to be dedicated to any public agency;
- G. Topography with slope classification system;
- H. Physical features and natural conditions of the site, including the location of all substantial tree masses;
- I. The location of all current and proposed easements, rights-of-way, and property boundaries;

J. The location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, the total number of dwelling units in the development, and the estimated population of the project;

K. The location and size of areas of commercial use, indicating the building size (height and square footage) and type;

L. The size, location, and use of non-residential portions of the tract, including usable open spaces, parks, playgrounds, school sites, and other public areas and open spaces with the suggested ownership of such areas;

M. The provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness. All utility services shall be underground;

N. The location of all streets and thoroughfares. The traffic circulation patterns, including ingress and egress locations for all public and private streets and parking areas, indicating their relationship to topography and existing streets, or showing other evidence of reasonableness;

O. The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas;

P. The relationship of the development to existing and future land use in the surrounding areas, the street system, community facilities, services, and other public improvements;

Q. An affidavit of the applicant listing all property owners within three hundred (300) feet, contiguous to, and directly across the street from, the parcel(s) included in the Preliminary Development Plan and their addresses as appearing on the Licking County Auditor's current tax list;

R. A written statement regarding the potential impact of the proposed development on the student population of the local school district(s);

S. Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state-isolated

wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024. of House Bill 231);

T. Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers, in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

(2) Contents of Final Development Plan. Following approval of the Preliminary Development Plan, a Final Development Plan may be submitted for all or any part of the approved Preliminary Development Plan provided that no details of any Final Development Plans shall necessitate revision of portions of the approved Preliminary Development Plan. If revision of any portion of the Preliminary Development Plan is required, a revised Preliminary Development Plan shall be approved by the Planning Commission and all in accordance with the provisions of this Code before approval of the Final Development Plan. Council then shall be required to approve any change to the Preliminary Development Plan and the rezoning. A Final Development Plan may be submitted and approved at the same time as the Preliminary Development plan if the site will be developed in only one (1) phase and within one (1) year of approval. Final Development Plans are intended to be detailed representations of the total aspects of the approved Preliminary Development Plan. Contents of the Final Development Plan shall include:

A. The boundaries of the property which is the subject of the Final Development Plan with accurate distances and bearings from an established monument on the project to the three nearest established street lines or official monuments;

B. All municipal, corporation, township and county lines and section lines traversing or immediately adjacent to the property which is the subject of the Final Development Plan, and adjacent subdivision boundaries within two hundred (200) feet of such property, accurately referenced to the boundaries of the project by bearings and distances;

C. A bar scale, north point, legal description and total acreage of the area which is the subject of the Final Development Plan;

D. Accurate location of all monuments, which shall be concrete six (6) inches by six (6) inches by thirty (30) inches with iron pipe cast in center, one such monument to be placed at each corner and at each change of direction of the boundary, at each street intersection and at the beginning and end of curves on one side of the street;

E. A certificate by a surveyor registered in the State of Ohio that the plan represents a survey made by him, the monuments shown actually exist, and all dimensional and geodetic details are correct;

F. Accurate outlines, dimensions and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, and the acreage of such reserved areas;

G. The lines of adjoining streets and alleys with their width and names;

H. All lot lines and easements with their dimensions;

I. Radii, arcs, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners;

J. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school site, open spaces and other public or private facilities; (This provision shall not apply to those areas of the Final Development Plan indicated for development of single-family detached building sites. However, all lots intended to be so developed shall have building setback lines indicated thereon);

K. A detailed statement of all uses proposed to be established indicated in the areas to be occupied by each use and the anticipated density of population and building intensity;

L. Detailed engineering plans for the provision of all streets and utilities including provisions for off-site connections and facilities necessary to serve the entire areas which are the subject of the Final Development Plan;

M. Detailed engineering site grading plans including proposed finished grades (This provision shall not apply to those areas of the Final Development Plan indicated for development of single-family detached buildings sites.);

N. Proposed drainage facilities;

O. Detailed landscaping plans (This provision shall not apply to those areas of the Final Development Plan indicated for development of single-family detached homes, except that detailed landscaping shall be provided as to all residential entry features.);

P. Architectural drawings demonstrating the design and character of the proposed structures, buildings, uses and facilities and the physical relationship of all elements (In a one- or two-story building site this provision is intended to demonstrate the exterior design, character, and general element of and within the plan and it is not intended to require a detailed presentation by the applicant. However, it should provide sufficient detail to enable the Planning Commission to make a decision.);

Q. All proposed restrictions or references made thereto and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions;

R. Evidence that the applicant has sufficient control over the land in question to initiate the proposed project within two (2) years;

S. A certificate to the effect that the owner will dedicate to public use the appropriate uses, streets, parks and other lands intended for public use, provided those areas are acceptable to the Village;

T. A tabulate showing the exact area of each lot, reserve or other parcel shown on the plan (other than streets and alleys), such areas to be computed inclusive of and after the extension of lot or parcel lines to the center lines of contiguous public ways, such as streets and parking areas;

U. Approval of detailed water and sewer engineering plans by the appropriate agency;

V. Space for signature of the Planning Commission chair, vice chair or designee and the date of Commission approval;

W. Location and character of all signs;

X. The proposed size, location, ownership and use of nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites, other public areas and open spaces, and the methods of access whereby all residents of the PUD can have ingress to and egress from the aforesaid areas or portions of the tract whether such areas have been previously established or will be established in the future;

Y. An affidavit of the applicant listing all property owners within the three hundred (300) feet, contiguous to, and directly across the street from the parcel(s) included in the Final Development Plan and their addresses as appearing on the Licking County Auditor's current tax list;

Z. Evidence that the Ohio Environmental Protection Agency has considered the applicant's application and, if required, granted such permit. If a permit was granted, four (4) copies shall be supplied by the applicant to the Code Enforcement Officer;

AA. Evidence the U.S. Army Corps of Engineers has considered the applicant's application, and if required, granted such permits. If a permit was granted, four (4) copies shall be supplied by the applicant to the Code Enforcement Officer.

(Ord. 06-2021. Passed 10/06/2021.)

1141.09 BASIS OF PLAN APPROVAL.

The basis for approval of a Preliminary Development Plan shall be:

(a) The proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code and this Chapter.

(b) The proposed development generally conforms with the Strategic / Comprehensive Plan or portion thereof as it may apply.

(c) The proposed development advances the general welfare of the Village.

(d) The benefits, improved arrangement, and design of the proposed development justify the deviation from standard development requirements included in the Zoning Code.

(e) Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density of dwelling units may not violate any contractual agreement contained in any utility contract then in effect.

(f) Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area.

(g) Building heights of all structures with regard to their visual impact on adjacent facilities.

(h) Front, side and rear yard definitions and uses where they occur at the development periphery.

(i) Gross commercial building area.

(j) Area ratios and designation of the land surfaces to which they apply.

- (k) Spaces between buildings and open areas.
- (l) Width of streets in the project.
- (m) Setbacks from streets.
- (n) Off-street parking and loading standards.
- (o) The order in which development will likely proceed in complex, multi-use, multi-phase developments.
- (p) The potential impact of the proposed plan on the student population of the local school district(s).
- (q) The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required).
- (r) The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).

(Ord. 06-2021. Passed 10/06/2021.)

1141.10 PROCEDURE FOR APPROVAL.

The following procedures shall be used to secure approval of a Planned Unit Development (PUD) and the appropriate changes of zoning resulting therefrom.

(a) The Preliminary Development Plan together with an application and application fee shall be filed with the Zoning Inspector. Within thirty (30) days of the submittal, the Preliminary Development Plan and accompanying documents shall be forwarded to the Solicitor and an ordinance shall be drawn concerning the requested zoning change. The Preliminary Development Plan, accompanying documents and ordinance, shall then be forwarded to the Planning Commission for study and recommendation. Copies of the Preliminary Development Plan shall also be forwarded to the Village Engineer, and the Village Engineer and Zoning Inspector shall prepare a comprehensive staff report, which report shall have been received and reviewed by the Planning Commission prior to its recommendations being made to Council.

(b) The Planning Commission shall have a reasonable time not less than thirty (30) days to consider the ordinance and the plan at a public hearing and to report its recommendations to Council. The Zoning Inspector, or his/her designee, shall notify all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of the Commission's public hearing at which such Preliminary Development Plan will be

considered. Such notices shall be served by first-class mail posted at least ten (10) days before the date of the proposed hearing.

(c) When the report and recommendations of the Planning Commission are received by Council, Council shall establish a date for public hearing on the ordinance and shall notify all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of Council's public hearing at which such Preliminary Development Plan will be considered. Such public hearing by Council shall be held within 90 days after the receipt of the report of the Commission unless such time period is extended by mutual agreement of the parties. Council cannot reverse or modify Planning Commission's decision without a vote of three-fourths (3/4) of its members.

(d) The report of recommendations of the Planning Commission on the Preliminary Development Plan and the ordinance, as well as the plan and the ordinance, shall be available for public inspection for the period of thirty (30) days immediately preceding the public hearing. Adoption of the ordinance including the Preliminary Development Plan shall constitute a rezoning of the property included in the Preliminary Development Plan subject to the applicant's compliance with the provisions of subsections (c) through (f) hereof prior to the development or the construction of improvements contained in the preliminary plan.

(e) Within two years of notice of approval of the Preliminary Development Plan the applicant shall submit a Final Development Plan for the area contained within the approved Preliminary Development Plan. Upon good cause shown by the applicant and by a majority vote of the Planning Commission, the Board may extend the two-year period if the request is submitted prior to the expiration date. Submittal of such plan shall be to the Code Enforcement Officer. The failure to submit a Final Development Plan within such two-year period (or any such extended period) shall invalidate any prior zoning approval given, forfeit fee payments and the property shall revert to its previous zoning classification. Within thirty (30) days of official acceptance, the Final Development Plan and accompanying documents shall be forwarded to the Planning Commission for study and approval. Copies of the Final Development Plan shall also be forwarded to the Village Engineer, and the Village Engineer and Zoning Inspector shall prepare a comprehensive staff report, which report shall have been received by the Planning Commission prior to the Commission's action on the Final Development Plan.

(f) Following approval of the Preliminary Development Plan, a Final Development Plan may be submitted for all or any part of the approved Preliminary Development Plan provided that no details of any Final Development Plan shall necessitate revision of portions of the approved Preliminary Development Plan. If revision of any portion of the Preliminary Development Plan is required, a revised Preliminary Development Plan shall be approved by the Planning Commission and all in accordance with the provisions of this Chapter before approval is granted to the Final Development Plan. Council shall be required to approve the change at a public hearing which notice shall be given in conformance with Section 1210(b).

(g) Final Development Plans are intended to be detailed representations of and in conformance with all aspects of the approved Preliminary Development Plan. Following receipt of a Final Development Plan and accompanying documents from the Zoning Inspector, it shall be the duty of the Planning Commission to review such plan and determine whether it complies with regulations of this Chapter, that it represents a detailed and precise expansion and delineation of the previously approved Preliminary Development Plan, that it complies with all conditions which may have been given at the time of approval of the Preliminary Development Plan, or that before it can be considered, it requires an amendment of the Preliminary Development Plan.

(h) The Zoning Inspector, or his/her designee, shall notify all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of the Board's public hearing at which such Final Development Plan will be considered. Such notices shall be served by first-class mail posted at least ten (10) days before the date of the proposed hearing.

(i) If the Planning Commission finds the Final Development Plan complies in all respects with the regulations of this Chapter and the previously approved Preliminary Development Plan, it shall approve the plan and the chair, vice chair, or designee shall affix his/her signature and approval date thereto attesting to such approval. Following approval of the Final Development Plan and the attestation of such action by the chair, vice chair or designee, the applicant shall provide one copy of all plans as part of the Final Development Plan for records of the Village.

(j) A final subdivision plat prepared in accordance with applicable requirements of the subdivision regulations for the area covered by the Final Development Plan shall be prepared for Council approval prior to appropriate recording.

(Ord. 06-2021. Passed 10/06/2021.)

1141.11 RECORDING AND TRANSFER.

When a final plat is approved by Council, the owner shall file and record the same in the Office of the County Recorder within twelve (12) months unless such time is, for good cause shown, extended by resolution of Council. If not recorded within this time, the approval of Council shall become null and void. If construction has not begun within two (2) years of approval of the Final Development Plan, all approvals and permits shall be invalidated and canceled. Original tracings will become the permanent record of the County Recorder. One copy of this tracing, showing the date and place of recording, shall be supplied by the owner to Council as local public records. Such two-year period may be extended by the Commission for good cause.

(Ord. 06-2021. Passed 10/06/2021.)

1141.12 AMENDMENTS.

Amendments to an approved PUD shall be permitted only under the following circumstances:

(a) Notify Zoning Inspector. The holder of an approved PUD Preliminary and/or Final Development Plan shall notify the Zoning Inspector of any desired amendment to the PUD.

(b) Minor Change Determination. Minor changes may be approved by the Zoning Inspector upon determining the proposed amendment(s) will not alter the basic design and character of the PUD, nor any specified modifications imposed as part of the original approval. Minor changes shall include, but are not limited to, the following:

- (1) reduction of the size of any building and/or sign;
- (2) movement of buildings and/or signs by no more than ten (10) feet;
- (3) landscaping approved in the Final Development Plan that is replaced by similar landscaping to an equal or greater extent;
- (4) changes in floor plans which do not alter the exterior of the building, character of the use, or increase the amount of required parking;
- (5) internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design; or
- (6) changes required or requested by the Village or other county, state, or federal regulatory agency in order to conform to other laws or regulations.

(c) Major Change Determination. A proposed change determined by the zoning Inspector to be a major, not minor, shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the preliminary and/or final development plan.

(Ord. 06-2021. Passed 10/06/2021.)

1141.13 APPEAL.

If the Planning Commission disapproves the Final Development Plan, Applicant shall have thirty (30) days in which to file an appeal with the Council for review. Such appeal shall be made in writing, filed within thirty (30) days of the disapproval, and shall be filed with the

Zoning Inspector. Council shall then act within a reasonable time. Council cannot reverse or modify Planning Commission's decision without a vote of three-fourths (3/4) of its members.

(Ord. 06-2021. Passed 10/06/2021.)

CHAPTER 1143 Conservation District (C1)

1143.01 Purpose.

1143.02 Permitted uses.

1143.03 District standards.

1143.01 PURPOSE.

The Conservation District (C1) is established for the purpose of preserving and protecting areas of the Village for public use and recreation, the preservation of historical lands or buildings, the preservation of archaeologically significant areas, and the preservation and protection of areas with distinctive geologic, hydrologic, botanic, agricultural, wildlife habitat, and scenic/ecological value to the Village and region.

(Ord. 07-2025. Passed 10/01/2025.)

1143.02 PERMITTED USES.

(a) Any customary agricultural or forestry use.

(b) Public uses: parks, playgrounds, recreation and community center buildings and grounds, public swimming pools, tennis courts, fishing lakes, and similar recreational uses, public and private golf courses. Any principal building or swimming pool shall be located not less than one hundred, fifty (150) feet from the property line of all residentially zoned parcels.

(c) Water conservation works, including water supply works, flood control and watershed production, fish and game hatcheries, and game preserves.

(Ord. 07-2025. Passed 10/01/2025.)

1143.03 DISTRICT STANDARDS.

Buildings or structures in the Conservation District (C1) shall be subject to all regulations and requirements of the Kirkersville Floodplain Ordinance, 04-07. Equipment, materials, and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.

Any private development, structures, or buildings in the Conservation District (C1) shall be limited to thirty-five (35) feet in height, or two (2) stories, and shall only be permitted as a conditional use subject to approval in accordance with Chapter 1113.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1145 Adult Entertainment Business

1145.01 Purpose.

1145.02 Definitions.

1145.03 Location requirements.

1145.04 Display and advertisement requirements.

1145.01 PURPOSE.

The Village of Kirkersville, Ohio has determined that adult entertainment businesses require special regulations in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of neighboring businesses as well as the residents of the Village. Therefore, in order to protect the overall public health, safety and welfare, adult entertainment businesses shall only be permitted as a conditional use in the Manufacturing District (M1), subject to the requirements of this Chapter.

(Ord. 07-2025. Passed 10/01/2025.)

1145.02 DEFINITIONS.

(a) As used in this Chapter, "Adult Entertainment Businesses" shall include the following:

(1) Adult bookstore or adult video store: any commercial establishment that has as a significant or substantial portion of its stock in trade or inventory in, derives a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

(2) Adult motion picture theatre: any commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five (5) individuals for any form of consideration.

(3) Adult cabaret: any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:

A. Persons who appear nude or semi-nude.

B. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specific anatomical areas of the conduct or simulation of specified sexual activities.

C. Films, motion pictures, video or audio cassettes, slides, computer displays or other visual displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

(b) To further determine whether a use is an adult entertainment business, the following definitions shall apply:

(1) Adult material: any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record, tape, or any other tangible thing, or any service capable of creating sexual interest through sight, sound or touch, and:

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

B. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, or bestiality, or human bodily functions of elimination.

(2) Bottomless: less than full opaque covering of male or female genitals, pubic area or buttocks.

(3) Nude or nudity: the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(4) Topless: the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

(5) Specified sexual activity: any of the following:

A. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy.

C. Masturbation, actual or simulated.

D. Human genitals in a state of sexual stimulation, arousal, or tumescence.

E. Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (5) of this definition.

(Ord. 07-2025. Passed 10/01/2025.)

1145.03 LOCATION REQUIREMENTS.

Adult entertainment businesses shall be permitted as follows:

(a) Adult entertainment businesses shall only be permitted as conditional uses in the Manufacturing District (M1), subject to approval in accordance with Chapter 1113, and shall comply with all district regulations in addition to the requirements of this Chapter.

(b) Adult entertainment businesses shall be located a minimum of one thousand (1,000) feet from the boundaries of any lot containing a church, library, public park or playground, day care center, school, or any other institution where children are kept day or night.

(c) Adult entertainment businesses shall be located a minimum of one thousand (1,000) feet from the property line of any residentially zoned parcel in the Village of Kirkersville or from any municipal corporate boundaries.

(d) Adult entertainment businesses shall be located a minimum of one thousand (1,000) feet from any other adult entertainment business.

(Ord. 07-2025. Passed 10/01/2025.)

1145.04 DISPLAY AND ADVERTISEMENT REQUIREMENTS.

All adult entertainment businesses shall conform to the following advertisement and display requirements, in addition to those set forth in Chapter 1153:

(a) No advertisements, displays or other promotional materials displaying sexually oriented activities or anatomical areas shall be shown or exhibited so as to be visible to the public from a pedestrian sidewalk or walkway, or from any public or private street or thoroughfare.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1146 Agriculture District (AG)

1146.01 Purpose

1146.02 Permitted Uses

1146.03 Conditional Uses

1146.04 Development Standards

1146.01 PURPOSE.

The purpose of the Agricultural District (AG) 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 the agricultural operators.

(Ord. 07-2025. Passed 10/01/2025.)

1146.02 PERMITTED USES.

- (a) Agriculture.
- (b) Single-family dwellings.
- (c) Public parks and playgrounds.
- (d) Public and private schools.
- (e) Churches.
- (f) Commercial grain storage.
- (g) Accessory uses and structures.
- (h) Private swimming pools.
- (i) Cemeteries.
- (j) Nurseries – plant materials and sales.
- (k) Horticulture and forestry facilities.

- (l) Open fruit and vegetable markets or farm markets.

(Ord. 07-2025. Passed 10/01/2025.)

1146.03 CONDITIONAL USES.

- (a) Quarrying and mining of natural resources.
- (b) Clubs, golf courses.
- (c) Home occupations.

(Ord. 07-2025. Passed 10/01/2025.)

1146.04 DEVELOPMENT STANDARDS.

(a) Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 ½) stories or thirty-five (35) feet.

(b) Lot Area, Width and Depth: Every lot shall have a minimum width of two hundred fifty (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.

(c) Front Yard: There shall be a front yard of not less than seventy-five (75) feet in depth for dwelling structures.

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

(e) Rear Yard: There shall be a rear yard of not less than one hundred (100) feet for dwelling structures.

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

(g) Parking Requirements: Parking requirements shall be as regulated in Chapter 1149 of these Regulations.

- (h) Signs: Signs shall be as regulated in Chapter 1153.

(Ord. 07-2025. Passed 10/01/2025.)

TITLE FIVE ADDITIONAL ZONING STANDARDS

- Chap. 1147. Special Provisions.
- Chap. 1149. Off-Street Parking, Loading, and Access Drives.
- Chap. 1151. Home Occupations.
- Chap. 1153. Signs.
- Chap. 1155. Landscaping and Screening.
- Chap. 1157. Satellites, Ground Stations, and Antennas.
- Chap. 1159. Accessory Uses and Structures.
- Chap. 1161. Bed and Breakfast Inns.
- Chap. 1163. Exterior Property Maintenance Code.
- Chap. 1164. Short-Term Rental Regulations.

CHAPTER 1147 Special Provisions

- 1147.01 Swimming pools.
- 1147.02 Open storage and display of material and equipment.
- 1147.03 Public nuisance regulations.
- 1147.04 Land dedications and in-lieu fees.
- 1147.05 Fences, hedges, decks and carports.
- 1147.06 Restrictions on the keeping of farm animals.

1147.01 SWIMMING POOLS.

(a) A private swimming pool is permitted in any residential district as an accessory use. The pool shall not be located in the front yard of the property and shall conform to all required setback lines.

(b) A public swimming pool is permitted in those districts which permit outdoor recreational facilities and similar uses, subject to applicable district regulations.

(c) All swimming pools shall be completely enclosed by a fence, which shall be a minimum of forty-eight (48) inches in height. Openings in the fence shall not allow passage of a four (4) inch diameter sphere.

(d) Any lighting used to illuminate swimming pool areas shall be so arranged as to deflect the light away from adjacent properties.

(e) No person, firm or corporation shall construct or install a swimming pool or make any alteration thereto without first obtaining a zoning certificate.

(Ord. 07-2025. Passed 10/01/2025.)

1147.02 OPEN STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT.

The open storage and display of material and equipment incidental to permitted or conditional uses in commercial and manufacturing districts shall be permitted, provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or plantings. Walls or fences shall be one hundred percent (100%) opaque and located behind the building line. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon and shall not include chain link fences.

(Ord. 07-2025. Passed 10/01/2025.)

1147.03 PUBLIC NUISANCE REGULATIONS.

Every structure or use subject to the provisions of this Planning and Zoning Code shall be located, arranged and operated in accordance with the following provisions so it will not interfere with the development and enjoyment of adjacent property:

(a) Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire protection and prevention equipment, compliant with applicable regulations for safe storage and handling, and stored in such manner and at such distance as to not pose any immediate threat to adjacent properties.

(b) Radioactivity or Electrical Disturbance. All activities involving emissions of radioactivity or electrical disturbances adversely affecting the operation of any equipment are strictly prohibited within the Village.

(c) Toxic and Hazardous Substances. No toxic substance shall be emitted or otherwise discharged into the atmosphere, ground, surface waters or ground waters. No storage, use or transport of toxic or hazardous substances shall be permitted unless such

activity is in full compliance with applicable state and federal environmental protection regulations and the expressed prior written approval of the Fire Chief.

(d) Air Pollution. No pollution of air by fly ash, dust, vapors, odors, smoke or other substances shall be permitted which are harmful to health, animals, vegetation or other property, or which can cause excessive soiling.

(e) Glare. No direct or reflected glare shall be permitted which is visible from any property or from any public street. In residential districts, no exterior light which is used as a yard light, decorative light, security light, or other light left continually on during darkness shall exceed one hundred (100) watts.

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

(g) Refuse. The storage of trash and waste materials, including, but not limited to, discarded household goods, discarded commercial products, industrial byproducts, and other similar materials shall not be visible from the property line, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pickup. All such materials shall be housed in an appropriate opaque container or enclosure. All containers shall be removed from the public right-of-way and returned to the side or rear setbacks of the property within twenty-four (24) hours from the date of the scheduled refuse pickup.

(h) Junk. The accumulation or storage of junk at any place except in a wholly enclosed building or structure shall be prohibited, provided, however, that this shall not apply to a junkyard or scrap metal processing facility.

(i) Junk Motor Vehicles. The accumulation or storage of a junk motor vehicle or vehicles shall be prohibited, except in a wholly enclosed building or structure, and further excepting that this subsection shall not apply to a junkyard or scrap metal processing facility.

(j) Lawns. All lawns shall be maintained as frequently as necessary to maintain a height not greater than eight (8) inches.

(k) Enforcement. All violations of this Section may be corrected by the Village at the property owner's cost. Any such charges which remain unpaid by the property owner for thirty (30) days after the nuisance is abated may be collected in any manner provided by law and shall be certified by the Village to the Licking County auditor to be charged as a lien against the property. Violations occurring on construction sites may result in the issuance of a stop-work order until the site is brought into compliance.

(l) Penalty. Whoever violates any provision of this Section is guilty of a minor misdemeanor. Each day that such violation continues shall constitute a separate offense.

(Ord. 07-2025. Passed 10/01/2025.)

1147.04 LAND DEDICATIONS AND IN-LIEU FEES.

(a) Land Dedication. The Planning Commission may dedicate private land in any platted subdivision for the provision of public areas. Such public areas shall be used for the purpose of providing space for parks, open space, public services, recreational areas, and other public uses. The amount of acreage to be set aside shall comply with the following schedule:

PERCENT OF ZONING DISTRICT	NET DEVELOPABLE SITE
R1	2.5%
R2	5.0%
PUD	20.0%

Dedicated lands may be deeded to the Village and thereby developed and managed by the Village or held, developed and maintained by a private association, the bylaws and creation of which shall be by approval of the Village Council as an element of the subdivision platting process. Title to dedicated land shall be transferred to the Village within sixty (60) days of final plat approval.

(b) Review and Approval Process. Land dedication shall serve as a component of the subdivision review process of the Village of Kirkersville. The Planning Commission may review and reject the proposed acreage if such site(s) is not appropriate for the intended use given environmental, technical or land use considerations.

(c) In-Lieu Fees. The Applicant may request the payment of fees in lieu of the total or a portion of the land dedication to the Planning Commission. Village Council shall make a final decision on such request following the recommendation of the Planning Commission. The amount of fees to be paid shall be equal to the assessed value of the acreage that would have been otherwise dedicated to the Village.

(d) Payment, Deposit and Use of Fees. In-lieu fees shall be paid to the Village within sixty (60) days following final plat approval. Such fees shall be placed in a special fund, and, such funds shall only be used for the acquisition and development of public parks, recreation facilities, and open space.

(e) Additional Reservation of Public Land. Where adopted planning documents recommend sites for public schools, parks or other public facilities, including open space, such lands shall be set in reserve by the owner for a period not to exceed five (5) years. The school district in the case of a recommended school site may purchase said reserve(s) by the end of the five-year period for the fair market value as calculated by a current appraisal prepared by a certified appraiser. The Village may purchase the balance of said reserve(s) by the end of the five-year period following transfer of the dedicated land. The fair market

value of the balance shall be calculated by a current appraisal prepared by a certified appraiser. Failure to purchase any reserve(s) within the five-year period shall revert use of the property to the owner.

(Ord. 07-2025. Passed 10/01/2025.)

1147.05 FENCES, HEDGES, DECKS, AND CARPORTS.

(a) Electrically-Charged Fences Prohibited. Electrically-charged fences shall be forbidden in all districts except on sites of more than ten (10) acres used to confine livestock.

(b) Use of Barbed Wire. Barbed wire may be used only to top standard security fences in commercial and manufacturing districts at a height of six (6) feet or greater, the supports for such barbed wire shall be either vertical or lean inward above the property of the owner of the fence. No barbed wire fence shall be permitted which abuts or is adjacent to any public street or sidewalk.

(c) Chain Link Prohibited. Chain link fences shall not be permitted within front setbacks or side setbacks abutting streets in any district. A coated wire mesh is permitted on the owner's side of the fence.

(d) Location in Front Setbacks. Fences and hedges are prohibited in front setbacks.

(e) Split Rail Fences. Split rail corner accent fences may be permitted on approval of the Zoning Inspector.

(f) Height Restriction in Rear and Side Yards. Fences in rear setbacks and side setbacks not abutting streets shall not exceed six (6) feet in height in residential districts, and twelve (12) feet in height in commercial or manufacturing districts. Fences within rear yards may extend up to the rear property line. Fences within side yards shall be setback at least three (3) feet from any adjacent property line, or, if the property is adjacent to a public sidewalk or street, at least one (1) foot from the public sidewalk or street.

(g) Permit Required. No fence shall be erected, constructed, altered, relocated or rebuilt until an application has been filed with and a permit issued by the Zoning Inspector.

(h) Materials and Maintenance. All fences shall be of uniform design, well maintained, and harmonious and appropriate in appearance with the existing character of the immediate area where located. Visibility into and out of any driveway or street shall remain unobstructed. Fences, walls, hedges, or foliage erected or maintained above or within utility easements shall be subject to removal, as necessary, to provide access to such easements. Property owners are responsible for maintenance of all grass, trees, shrubbery, and other landscaping up to their property lines, including any such land located beyond fences and/or between adjacent fences.

(i) Exemptions for Temporary Fences. The following temporary fences shall be exempt from the provisions of this Section:

(1) Temporary construction fences when such fence is indicated on an approved site plan.

(2) Temporary fences used for special events and shown on an approved plot plan for said event.

(3) Temporary snow fence installed by any government agency.

(4) Temporary fences installed for the protection of the public from any obvious danger.

(j) Decks. No deck shall be erected, constructed, altered, relocated or rebuilt until an application has been filed with and a permit issued by the Zoning Inspector. Decks shall conform to the required front and side yard setbacks and may protrude into the rear yard setback.

(k) Carports. Carports may be allowed in residential districts in the side yard setback or rear setback provided that all other applicable district regulations are complied with.

(Ord. 07-2025. Passed 10/01/2025.)

1147.06 RESTRICTIONS ON THE KEEPING OF FARM ANIMALS.

(a) Purpose. The regulations of this Section are established to permit the keeping of farm animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe within the Village of Kirkersville.

(b) Definitions. As used in this Section:

(1) "Farm animal" means any domestic species of animal that is typically kept and raised for use as food or in the production of food or in the operation of a farm and is not a house pet such as a dog, cat, or similar animal.

(2) "Coop" and "cage" mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small farm animals or birds.

(3) "Enclosure" means a set of walls or fences designed to confine farm animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.

(4) "Predatory bird" means an owl, hawk, falcon, eagle, or similar bird that feeds principally by catching living prey.

(5) "Similar animal" means any farm animal that is similar to other animals listed in a particular category of permitted animals with respect to impacts on nearby properties, including noise, odors, safety hazards, or other nuisances.

(c) Chickens, Ducks, Rabbits, and Similar Animals. The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops, and enclosures for the keeping of such animals, shall be governed by the following regulations.

(1) In all residential districts on a parcel less than five (5) acres), the following regulation shall apply:

A. No chicken, ducks, rabbit, or similar animals shall be kept on a parcel of land that is less than five (5) acres.

(2) In all residential districts on a parcel more than five (5) acres and all non-residential districts, the following regulations shall apply:

A. Setbacks. The coops or cages housing such animals must be located exclusively in the rear yard setback of any residence and shall not be located within five (5) feet of the rear lot line. No coops, cages, or farm animals shall be kept in front yard or side street yard areas. Subject to and notwithstanding these requirements, no coops or cages housing farm animals shall be kept in a location situated closer to a neighboring residence than the residence on the lot or parcel on which the coops or cages are located.

B. Prohibitions. No roosters, geese, predatory birds, or turkeys may be kept in any Residential District.

C. Coops and cages. All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than thirty-two (32) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed fifteen (15) feet in height.

D. Enclosures and fences. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

(1) Non-Residential districts: in zoning districts other than the permitted Residential Districts identified above, all regulations applicable for chickens, ducks, rabbits, and similar animals shall apply.

(d) Goats, Pigs, Sheep, Equine, Alpacas, Llamas, Bovine, and Similar Animals. The keeping of goats, pigs, sheep, equine, alpacas, llamas, bovine, and similar farm animals, and stables and enclosures for the keeping of such animals, shall be governed by the following regulations:

(1) Residential Districts - R1 and R2: goats, pigs, sheep, equine, alpacas, llamas, bovine, or similar farm animals shall be kept only on a parcel of land equal to or greater than five (5) acres. Such animals must be located exclusively in the rear yard setback of any residence. For a parcel that is at least five (5) acres in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional one (1) acre of area. Stables or other enclosures for such animals shall not be permitted in front yards or in side street yards and shall be set back at least forty (40) feet from any street and from any property and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

(2) Non-Residential districts: in zoning districts other than the permitted Residential Districts identified above, goats, pigs, sheep, equine, alpacas, llamas, bovine, or similar farm animals shall only be kept on parcels of land equal to or greater than two (2) acres in area. For a parcel that is at least two (2) acres in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional one (1) acre of area. Stables or other enclosures for such animals shall be set back at least forty (40) feet from any street and from any property and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

(e) Vacant Lots. Farm animals shall only be kept on lots occupied as a full-time residence by the property owner. Farm animals are expressly prohibited on any vacant lots and/or within any vacant buildings as defined by Chapter 1165.

(f) Sanitation and Nuisances. Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

(g) Farm Animal or Bird Noise. It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.

(h) Slaughtering of Animals. Chickens, ducks, rabbits, and similar small animals may be slaughtered on site only if for consumption by the owner-occupants of the premises. No other farm animal may be slaughtered on site. Chickens, ducks, rabbits, and similar small

animals must be slaughtered indoors and in a manner that limits odor, the attraction of insects or rodents, does not cause a nuisance, and does not create a health hazard. Waste disposal must be completed in conformance with the applicable water and sewer provider and the Licking County Health Department.

(i) Application for Permit and Review. A proposal for the keeping of farm animals is subject to approval by the Zoning Inspector as follows:

(1) Contents of application: the application for a Permit to keep farm animals under this Section shall contain as a minimum:

A. Name, address, and phone number of the applicant(s) and representative(s) if any, and the signature of the property owner(s).

B. Proposed purpose for keeping farm animals on the applicant's property, including but not limited to farming needs, food production, slaughtering, and/or for keeping as pets.

C. A statement indicating whether any business open to the public will be conducted in conjunction with the proposed keeping of farm animals, including whether any home occupation has been approved for such purpose.

D. The Zoning Inspector may require a current survey of the property prepared by a licensed surveyor.

E. If any new construction of a cage, coop, or enclosure is proposed, a plan drawn to scale showing:

i. Actual dimensions of the lot, including easements.

ii. Exact size and location of all buildings and structures on the subject lot.

iii. Any proposed new construction and/or alterations.

iv. Existing and intended use of all parts of the land or buildings.

v. As applicable, proposed landscaping and other site design treatment shall be indicated where required under Chapter 1155 (Landscaping and Screening).

vi. A fee, as established by Village Council, shall be paid by the applicant at the time of application to cover the costs of reviewing and reporting of the application. *See* Section 1105.03(b).

vii. Such other information to be determined by the Zoning Inspector and/or Planning Commission as may be necessary to

determine and provide for the enforcement of this Planning and Zoning Code.

(2) Review and issuance of permit: no farm animals shall be kept on any property under this Section unless and until a Permit shall have been issued by the Zoning Inspector. The Zoning Inspector shall issue a Permit once he/she is satisfied that the proposed keeping and use of farm animals and any proposed associated structures conform with all requirements of the Planning and Zoning Code, subject to approval of the Planning Commission when requested by the Zoning Inspector. Such Permits shall expire after four (4) years, requiring renewal via a new application meeting all requirements of this Section. Subject to the Zoning Inspector's review and discretion, Permits shall immediately expire and require renewal prior to expiration of the 4-year period if any of the following occurs: additional farm animals beyond those approved in the original Permit application are discovered on the property, inspections of the property reveal that use of the property for the keeping and harboring of farm animals exceeds or conflicts with the purposes approved in the original Permit application, and/or the Permit holder fails to disclose important information necessary to approval of the original Permit application.

(j) Penalty. Whoever violates any provision of this Section shall be fined not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1149 Off-Street Parking, Loading, and Access Drives

1149.01 Off-street parking generally.

1149.02 Dimensions.

1149.03 Schedule of parking spaces.

1149.04 Development standards.

1149.05 Access drives.

1149.06 Off-street loading.

1149.07 Limitation of parking in residential and commercial districts.

1149.08 Commercial parking on residential property.

1149.01 OFF-STREET PARKING GENERALLY.

The purpose of these requirements for off-street parking, loading facilities, and access drives is to encourage the orderly development of land within the Village and to promote the safety of residents and visitors by ensuring the efficient handling of vehicular traffic.

The following general requirements shall apply for off-street parking and loading areas:

(a) No building, structure, or use shall be established, developed, erected or substantially altered, unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Planning and Zoning Code.

(b) Off-street loading and vehicle storage space shall be provided for the handling of materials and products of commercial and industrial uses.

(c) Such off-street parking, loading and vehicle storage spaces shall be provided with vehicular access to a publicly dedicated street or alley. (Example: a home with a one car garage and single lane driveway shall be considered to have only one parking space.)

(d) Such required facilities, additional space provided, and access drives thereto, including required curb cuts, shall be sloped and constructed to provide adequate drainage of the area and maintained in such a manner that no dust will be produced by continuous use. The design and construction of all such facilities shall be subject to approval by the Village Engineer.

(Ord. 07-2025. Passed 10/01/2025.)

1149.02 DIMENSIONS.

(a) Parking Spaces. All parking spaces subject to the provisions of this Planning and Zoning Code, exclusive of driveways and aisles, shall meet the following minimum area and space dimensions:

TYPE OF PARKING SPACE	MINIMUM WIDTH (feet)	MINIMUM LENGTH (feet)	MINIMUM AREA (square feet)
90-degree parking	10	20	200
Parallel parking	10	23	230
60-degree parking	10	20	200
45-degree parking	10	20	200

(b) Parking Aisles. Minimum widths as follows:

TYPE OF PARKING	MINIMUM AISLE WIDTH (Feet)
90-degree parking	22
Angle parking	18
Parallel parking on one-way drive	14

(Ord. 07-2025. Passed 10/01/2025.)

1149.03 SCHEDULE OF PARKING SPACES.

The following are the minimum number of off-street parking spaces required for each type of use:

(a) Residential.

(1) Single-Family, Two-Family, and Multi-Family Dwelling: two (2) spaces per dwelling unit.

(2) Bed and breakfast inns: two (2) spaces, plus one (1) space per guest room.

(3) Residential care facility: one (1) space per two (2) beds.

(b) Commercial.

(1) Motor vehicle service stations, automotive repair services, and garages: two (2) spaces per each gasoline pump and four (4) spaces per each service bay.

(2) Hotels, motels: one (1) space per guest room, plus one (1) space per every two employees.

(3) Funeral homes, mortuaries and similar type uses: one (1) space for each one hundred (100) square feet of floor area in viewing rooms, parlors, or service rooms.

(4) Retail stores: one (1) space for each four hundred (400) square feet of floor area.

(5) Banks, financial institutions and similar uses: one (1) space for each four hundred (400) square feet of floor area.

(6) Offices, public or professional administration or service buildings: one (1) space for each four hundred (400) square feet of floor area.

(7) Shopping centers: five (5) spaces for each one thousand (1,000) square feet of floor area.

(8) Beauty parlors and barber shops: three (3) spaces for each chair.

(9) Laundromats: one (1) space for every two (2) washing machines.

(c) Community, Recreation, Entertainment.

(1) Dining rooms, restaurants, taverns: one (1) space for each one hundred (100) square feet of dining floor area.

(2) Restaurants - fast food, drive-in, or take-out: one (1) space for each one hundred (100) square feet of dining floor area.

(3) Bowling alleys: two (2) spaces for each alley or lane.

(4) Outdoor swimming pools: one (1) space for every five (5) persons within capacity.

(5) Auditoriums, sports arenas, theaters: one (1) space for every four (4) seats.

(6) Libraries and museums: one (1) space for each five hundred (500) square feet of floor area.

(d) All Other Uses, or Any Combination of Uses. Subject to determination by the Planning Commission.

(Ord. 07-2025. Passed 10/01/2025.)

1149.04 DEVELOPMENT STANDARDS.

The following requirements are minimum standards, except where noted, and shall apply to all public or private off-street parking areas, including commercial parking lots and automobile or trailer sales lots:

(a) Minimum Distance. No part of any parking area for more than five (5) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care located on an abutting or adjoining lot, unless separated by a solid wood privacy fence or other approved screening of between four (4) and six (6) feet in height.

(b) Location Relative to Use. Off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking space required of several uses may be provided contiguous and in common to the several structures and uses served. Parking spaces may be located on a lot other than that containing the principal use provided it is within three hundred (300) feet of the principal use, with the approval of the Planning Commission, and subject to meeting all applicable requirements of this Ordinance.

(c) Parking Lot Layout. All parking areas shall be subject to approval by the Zoning Inspector. Whenever a parking lot extends to a property line or where the extension of a vehicle beyond the front line of the parking space would interfere with drive or aisle access, wheel blocks or other devices shall be used to restrict such extension.

(d) Surfacing. All off-street parking areas shall be graded for proper drainage and surfaced with concrete, asphaltic concrete, premixed asphalt pavement, blacktop, or brick so as to provide a durable and dustless surface. Off-street parking area designs shall be reviewed and approved by the Village Engineer prior to issuance of a Zoning Permit.

(e) Illumination. All off-street parking areas intended to be used during periods of darkness shall be properly illuminated so as to reflect light down and away from adjacent properties, with an average intensity of two and one-half (2 ½) foot candles as measured at the parking surface area.

(f) Vehicular Access. All off-street parking areas shall be provided with direct vehicular access to a street or alley abutting the property upon which the off-street parking area is provided or to an adjacent off-street parking area.

(g) Conversion of Dwelling or Other Structure. Whenever a structure which is located in a commercial or manufacturing district is converted from a residence, or residential accessory building, to a commercial use, all or in part, provisions for parking shall be located in the rear set back.

(h) Building Line Setbacks. (Ref. Section 1121.04).

(Ord. 07-2025. Passed 10/01/2025.)

1149.05 ACCESS DRIVES.

The frequency of access points along thoroughfares in the Village of Kirkersville is to be minimized to reduce vehicle and pedestrian conflict and improve traffic flow. The Thoroughfare plan for the Village of Kirkersville and the Thoroughfare plan for Licking County shall be reviewed to determine access drive spacing. Access drives (driveways) leading to and from Village streets shall be developed according to the following standards:

(a) Residential Access Drives. Access drives shall be designed to serve one per residence. Access drives less than one-hundred-twenty (120) feet in length (property line to garage door) serving a single-family residence shall be a minimum of eighteen (18) feet in width. Access drive entrances at a street shall be a minimum of eighteen (18) feet in width. All access drives shall not exceed twenty-five (25) feet in width, except at curb returns.

(b) Commercial Access Drives.

(1) An access drive serving a property located in a commercial or manufacturing district, which is expected to have a traffic frequency of more than five (5) trucks in a twenty-four (24) hour period, shall be so designed to allow a maximum length semi-type truck and trailer to make a right turn without crossing the centerline of the street being accessed.

(2) Access drives serving flag lots shall have a minimum right-of-way of thirty-five (35) feet and a minimum pavement width of twenty (20) feet. Upon approval of the Planning Commission and issuance of a Variance, the access drive for a flag lot may be located within three (3) feet of a side lot line.

(3) Access drives serving as frontage roads to limited access thoroughfares shall be constructed with a minimum pavement width of twenty-four (24) feet. Upon approval of the Planning Commission, the minimum sixty (60) feet right-of-way required for minor collector streets may be reduced, provided adequate width of right-of-way is allowed for one (1) sidewalk, curbs and gutters are included, and provisions made for present and future utilities.

(c) Spacing. Spacing of access drives shall conform to the recommendations of the Licking County Thoroughfare Plan and the Village of Kirkersville Subdivision Regulations.

(d) Side Lot Lines. An access drive, exclusive of curb returns, shall be located no less than ten (10) feet from the side lot line, except that an access drive for a residential use may be within three (3) feet of a side lot line. Access drives for any uses utilizing a common drive may be adjacent to and coterminous with a side lot line.

(e) Quantity Permitted. The number of access drives shall be kept to a minimum to promote safe and reasonable access, improve the convenience and ease of movement of travelers, and permit reasonable speeds and economy of travel while maintaining roadway capacity. For lots with less than two hundred (200) feet of frontage on public right(s) of way and with less than five (5) acres in total area, no more than two (2) access drives shall be

permitted. For lots with more than two hundred (200) feet of road frontage on public right(s) of way and greater than five (5) acres in total area, additional access drives may be permitted by the Planning Commission.

(f) Surfacing. All access driveways shall be graded for proper drainage and surfaced with concrete, asphaltic concrete, premixed asphalt pavement, blacktop, or brick so as to provide a durable and dustless surface. All access driveway aprons shall be graded for proper drainage and surfaced with concrete. Access driveway and apron designs shall be reviewed and approved by the Village Engineer prior to construction.

(g) Maintenance. Private access driveways serving a PUD, multi-family developments, or commercial developments shall be maintained reasonably free of potholes and surface irregularities that would inhibit or prevent access by emergency vehicles.

(h) Repair Notice. When the Zoning Inspector finds that an access driveway has not been maintained as set forth in Section 1149.05(g), the Zoning Inspector shall notify the owner of the access driveway. Such notice shall advise that repairs be made within sixty (60) days, weather permitting. Failure to complete repairs within the required time period constitutes a violation of this Planning and Zoning Code, subject to the penalties provided in Section 1105.99.

(Ord. 07-2025. Passed 10/01/2025.)

1149.06 OFF-STREET LOADING.

(a) Classification. The loading space shall consist of a rectangular area of one (1) of the following classes:

(1) Class A: an area at least fourteen (14) feet by fifty-five (55) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

(2) Class B: an area at least twelve (12) feet by thirty (30) feet having a vertical distance of fifteen (15) feet or more, plus adequate area for ingress and egress.

(b) Schedule of Loading Spaces. Loading space shall be provided for retailing, wholesaling, warehousing, processing, hotel, hospital, goods display, and similar uses requiring the receipt or distribution by vehicles of material or merchandise in accordance with the following schedule:

BUILDING AREA (square feet)	REQUIRED CLASS
Less than 750	None required
750 to 1,499	(1) Class B
1,500 to 2,499	(1) Class A or (2) Class B
2,500 to 9,999	(1) Class A and (1) Class B or (3) Class B
10,000 to 49,999	(1) Class A and (1) Class B or (3) Class B, plus (1) Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area
More than 50,000	(1) Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area, plus (1)a Class A for each 25,000 sq. ft. over the first 50,000 sq. ft.

(Ord. 07-2025. Passed 10/01/2025.)

1149.07 LIMITATION OF PARKING IN RESIDENTIAL AND COMMERCIAL DISTRICTS.

The provision of open or enclosed storage of vehicles or trailers in a residential, commercial, planned residential, or planned commercial zoning district shall be subject to the following:

(a) Definitions. As used in this Chapter:

(1) "Commercial Vehicle" means any vehicle designed to be used for business or commercial purposes including but not limited to buses, cement trucks, commercial tree trimming equipment, construction equipment, dump trucks, garbage trucks, panel trucks, semi tractors, semi-trailers, or other commercial trailers, stake bed trucks, step vans, tank trucks, tow trucks, or other commercial vehicles eligible to be licensed by the State Bureau of Motor Vehicles as a commercial vehicle or truck.

(2) "Recreational Vehicle" means any vehicle or equipment designed for or primarily used for recreational purposes including but not limited to travel trailers, motor homes, truck campers, tent trailers, boats, boat trailers, snowmobiles, snowmobile trailers, utility trailers, recreational trailers, or other trailers designed for the purpose of carrying recreational vehicles.

(b) Commercial Vehicles.

(1) No Commercial Vehicle shall be parked on any street, alley, lot, highway or right-of-way, except for loading and unloading.

(2) No motor vehicle shall be parked with its engine running for more than twenty (20) consecutive minutes.

(3) Trucks having more than two (2) axles, or weighing more than three (3) tons, designed for the transportation of cargo or commercial use and including tractor-trucks, school buses, trailers, or semitrailers shall not be permitted to be parked on a street, alley, or lot in a residential area, except for loading and unloading.

(4) In Neighborhood Commercial (NC) and General Commercial (GC) Districts, overnight parking of Commercial Vehicles weighing over five (5) tons is prohibited. A screened parking area or garage shall be provided in the rear set back and the vehicles shall be owned or leased by the establishment on which premises they are parked. Such parking requires prior approval by the Planning Commission.

(5) No motor vehicle shall be parked on a sidewalk or within twenty (20) feet of an intersection is prohibited.

(c) Travel Trailers, or Other Trailer or Motor Home. Travel trailers, or other trailers or motor homes shall not be permitted to be parked on any street, alley, or highway or right-of-way, except for loading and unloading.

(d) Recreational Vehicle Parking. Recreational Vehicles shall be parked in the rear setback in any Zoning District. Not more than three (3) Recreational Vehicles shall be parked on any Residential lot. Parking of all Recreational Vehicles in commercial zoning districts is prohibited unless a screened parking area is provided and such parking is approved by the Planning Commission. Recreational Vehicles may be parked in driveways and side setbacks during the months of April through October with appropriate permit application.

(e) Inoperable Vehicles. Requirements regarding inoperable vehicles are found in the Codified Ordinances of Kirkersville (Ord. 94-009; Passed 07.06.1994).

(f) Garages Required. Garages shall be required in all residential districts subject to the following minimum standards:

(1) All single-family dwellings shall have a 2-car enclosed garage. (400 sq. ft. min.)

(2) For multi-family dwellings, at least one (1) space shall be provided in a completely enclosed garage for each dwelling unit provided, however, that carports may be provided in lieu of completely enclosed garages with the approval of the Planning Commission.

(Ord. 07-2025. Passed 10/01/2025.)

1149.08 COMMERCIAL PARKING ON RESIDENTIAL PROPERTY.

Employee/client parking to serve commercial, office or industrial enterprises may be permitted as a conditional use in residential districts with the approval of the Planning Commission, provided:

(a) The area to be used for parking shall directly abut the land zoned for commercial, office or industrial uses; and

(b) The residentially zoned land used for such parking shall not contain any dwellings; and

(c) Such parking is for passenger vehicles only. This does not include buses, semi-trucks, or other commercial vehicles or trailers.

In granting such approval the Planning Commission shall require a site plan of the proposed parking area including required landscaping, buffering and screening, landscaping, or buffering as it deems necessary to minimize the impact on adjoining properties. The Board shall review all such requests subject to Chapter 1113, Conditional Uses.

The owner of a parcel of land, or combined parcels of land, zoned residential may stop, park, or leave standing only one Commercial Vehicle in the driveway of his or her residential parcel if the property owner uses the Commercial Vehicle as the primary and daily source of transportation. The length of the Commercial Vehicle shall not exceed twenty (20) feet and shall not have more than two (2) axles. No other Commercial Vehicles may be stopped, parked, or left standing on any parcel of land, or combined parcels of land, zoned residential.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1151 Home Occupations

1151.01 Purpose.

1151.02 Procedure and standards.

1151.03 Yard sales.

1151.04 Prohibited uses.

1151.01 PURPOSE.

The purpose of these provisions is to allow limited home occupations that are accessory to residential uses and compatible with surrounding neighborhoods. The standards provided are intended to ensure that the accessory home occupation remains subordinate to the residential use, and to maintain the residential character of the surrounding neighborhood.

(a) Type A and Type B Home Occupations. There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this Chapter.

(1) Type A: Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, consultants, and employees performing remote work (work-from-home) for an outside employer engaging in virtual client and/or customer meetings. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.

(2) Type B: Type B home occupation is one where at least one employee at the home (a resident) engages regularly with at least one customer or client who travels to the home to receive professional services from the employee. Examples include counseling, tutoring, daycare, and hair cutting and styling.

(b) Permit Required. Type A home occupations, as defined above and as determined by the Zoning Inspector, shall not require a permit. Permits for Type B home occupations must be obtained from the Village prior to their establishment, to ensure the following:

(1) That the applicant is aware of the provisions of this Chapter which govern home occupations.

(2) That the Village has all information necessary to evaluate whether the proposal initially meets and continues to meet Planning and Zoning Code regulations.

(3) That the distribution and location of Type B home occupations can be documented.

(Ord. 07-2025. Passed 10/01/2025.)

1151.02 PROCEDURE AND STANDARDS.

(a) Application. Written applications for Type B home occupations shall be submitted to the Zoning Inspector and subject to review and approval by the Planning Commission. If granted, a home occupation permit will be issued by the Community Development Director for a four (4) year period. It is the responsibility of the applicant to obtain the permit every four (4) years. Any change in ownership or type of business shall also result in the need for a new permit.

(b) Requirements. The following requirements shall apply to all home occupations:

(1) The home occupation shall only be conducted within a principal structure, and the primary use of the principal structure must continue as a residence.

(2) The external appearance of the principal structure shall not be materially altered as a result of the home occupation.

(3) No more than one (1) non-resident employee shall be engaged in such home occupation.

(4) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference, including radio and television interference, to any neighboring properties. No collection/storage of hazardous materials associated with the business is permitted.

(5) External signage shall be limited to one (1) sign, subject to the regulations of Chapter 1153.

(6) Outside storage of any materials is prohibited.

(7) 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 specified under Chapter 1149 and shall not be located in front of the building line. No excess trash, refuse, or waste shall be generated in greater volume than would normally be expected in a residential neighborhood.

(8) Home occupations must satisfy all applicable operational licensing and regulatory requirements in order to receive approval and maintain operation in the Village.

(Ord. 07-2025. Passed 10/01/2025.)

1151.03 YARD SALES.

(a) No person, firm, partnership, association, or corporation shall sell, or offer for sale, tangible personal property in a residence, yard, garage or outbuilding of such residence in any Residential District in the Village without first having obtained a Yard Sale Permit from the Zoning Inspector.

(b) The following application and fee schedule shall apply to all Yard Sale Permits:

(1) The application for a permit shall contain the name of the applicant, the applicant's address, the address where the sale is to be conducted, and the dates on which the sale will be conducted.

(2) Applications for a permit shall be submitted to the Zoning Inspector. Only four (4) Yard Sale Permits shall be issued for a single address in any 12-month period and shall be valid for not more than three (3) consecutive days, rain or shine. The Yard Sale Permit must be displayed conspicuously, at all times, on the premises during the sale.

(3) There shall be no fee for the first two (2) Yard Sale Permits issued for a single address in any 12-month period. The third Yard Sale Permit for a single address in any 12-month period shall not be issued until the applicant completes the application and pays a Yard Sale Fee of twenty-five dollars (\$25.00). The fourth Yard Sale Permit for a single address in any 12-month period shall not be issued until the applicant completes the application and pays a Yard Sale Fee of twenty-five dollars (\$25.00).

(4) Applications for Yard Sale Permits shall be made at least seven (7) days in advance of the sale.

(c) No yard sale shall commence before the hour of 8:00 a.m. or extend later than 8:00 p.m.

(d) The Zoning Inspector may revoke a Yard Sale Permit, at any time for: conditions, which had they existed at the time the permit was issued, would have been grounds not to issue the permit; any misrepresentation of any material fact in application discovered after the permit was issued; and/or any violation of this Section.

(e) At the close of the yard sale all remaining personal property or other items such as discarded materials or waste shall be removed from public view.

(f) If any person, firm, partnership, association, or corporation is cited twice for violating this Section, within a 12-month period, the person, firm, partnership, association, or corporation shall not be issued a Yard Sale Permit to conduct a yard sale for a period of one (1) year following the second citation.

(g) Whoever violates any provision of this Section shall be guilty of a minor misdemeanor. Each day on which a violation occurs or continues to occur shall be deemed a separate offense.

(h) The provisions of this Section do not apply to the annual Memorial Day Weekend Route 40 Sale.

(Ord. 01-2017. Passed 04/05/2017.)

1151.04 PROHIBITED USES.

The following uses are specifically prohibited as home occupations:

(a) The servicing of or performing mechanical work on, from which an income is derived, automobiles, motorcycles, boats, or other motorized vehicles.

(b) Bed and breakfast inns are exempt from the regulations of this Chapter. The regulations for bed and breakfast inns are stated in Chapter 1161.

(c) New or Used Vehicle Sales.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1153 Signs

1153.01 Purpose.

1153.02 Applicability.

1153.03 Definitions.

1153.04 General requirements for all signs and districts.

1153.05 Permanent signs.

1153.06 Temporary signs.

1153.07 Standards for specific sign types.

1153.08 Prohibited signs.

1153.09 Administration.

1153.10 Signs not requiring a permit.

1153.11 Comprehensive development signage.

1153.12 Abandoned signs.

1153.13 Severability.

1153.01 PURPOSE.

The purpose of this Chapter is to provide standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and enhancement of the Village's image. The provisions of this Chapter are intended to:

(a) Encourage creative and well-designed signs that contribute in a positive way to the Village's visual environment, express local character, and help develop a distinctive image for the Village;

(b) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property;

(c) Prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic;

(d) Encourage a healthful economic and business environment in the community;

- (e) Limit the height and size of signs to those that are appropriate in scale to the community;
- (f) Provide adequate way finding signage for motorists and pedestrians; and
- (g) Reduce visual clutter.

In order to protect the general health, safety, and welfare of the Village, its residents, and the business located in the Village, all signs located within the Village are subject to the rules and regulations of this Chapter.

(Ord. 07-2025. Passed 10/01/2025.)

1153.02 APPLICABILITY.

(a) Generally. Except as otherwise provided in this Section, all signs placed, erected, installed, painted, modified or altered in the Village of Kirkersville shall conform to the standards set forth in this Chapter and shall require a permit in accordance with Section 1153.09 of this Chapter. Erection, modification, alteration, placement, replacement or other action involving a sign that is in any way inconsistent with this Chapter shall be a violation of the Zoning Code.

(b) Sign Standards. The sign standards provided in this Chapter are intended to apply to signs in each zoning district in the Village. Only signs authorized by this Chapter shall be allowed.

(c) Existing Signs; Continuance. Except as otherwise specifically provided, nothing in this Chapter shall require removal or discontinuance of an existing on-premises or existing off-premises sign. No existing signs shall be enlarged or extended without a permit. Nonconforming signs shall not be enlarged or extended, and these signs shall be deemed a nonconforming sign under the terms of the Zoning Code

(d) Nonconforming Signs.

(1) Any legal nonconforming sign may be continued in use if maintained in accordance with this subsection Chapter.

(2) All pre-existing illegal nonconforming signs must be removed in accordance with this sub-section. The Zoning Inspector shall issue an order, to the owner of the sign and/or the owner of the real estate, for the sign to be removed within twenty (20) days. If the sign is not removed timely, the Village may remove the pre-existing illegal nonconforming sign, and the cost of removal shall be paid by the property owner. If the property owner refuses to pay for removal of the sign, the cost of such removal shall be assessed to, and a lien placed upon, the property owner's tax records.

(3) Any illegal nonconforming sign displayed on the premises shall be removed or brought into conformance with the provision of this Chapter before a permit for a new sign may be issued

(4) A legal nonconforming sign is allowed to remain. However, a legal nonconforming sign shall immediately lose its legal nonconforming designation and shall be immediately brought into compliance with this Chapter (after application has been made and a sign permit has been issued) or shall be removed when any of the following occurs:

A. The nonconforming sign is structurally altered, enlarged, relocated, or replaced.

B. The nonconforming sign is determined by the Zoning Inspector to be in a dangerous or defective condition; fails to conform to health and fire codes; is a public nuisance; or has been abandoned, deteriorated; or is in need of repair or replacement.

C. The nonconforming sign face and/or supportive structure is destroyed or damaged in excess of fifty percent (50%) of the combined replacement value of the sign and supportive structure, by any cause.

D. It has been abandoned, as described in Section 1153.12.

(5) A nonconforming sign shall not be moved in whole or in part to any other location unless such sign is made to conform to this Chapter. If an owner is forced to move a nonconforming sign by Municipal, state, or federal officials for any reason other than enforcement, such sign shall maintain its nonconforming status but must still adhere to the setback requirements.

(6) Nothing in this Section shall prevent the ordinary repair, maintenance, and non-structural alteration of nonconforming signs. Maintaining the nonconforming sign to the exact legal nonconforming design shall be allowed; however, any proposed changes to a nonconforming sign, except for re-facing an existing sign, shall require that the sign be made to conform to the requirements of this Chapter. Re-facing an existing nonconforming sign shall not be considered an alteration as long as the re-facing constitutes an exact replica of the existing sign face. The design, color scheme, translucency, graphics and text must exactly match those existing. No structural alterations shall be made in, to, or upon such nonconforming sign, except those required by law to make the sign conform to the requirements of this Chapter.

(Ord. 07-2025. Passed 10/01/2025.)

1153.03 DEFINITIONS.

The following are definitions of specialized terms and phrases used in this Chapter and not previously defined elsewhere in the Planning and Zoning Code.

ABANDONED SIGN: any sign that advertises a business, leaser, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

ALTERATION: any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

ANIMATED OR MOVING SIGN: a sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

AWNINGS AND CANOPIES: roof-like covers that project from the wall of a building for the purpose of shielding a doorway or window from the elements.

AWNING SIGN: any sign copy or logo attached to or painted on an awning.

BANNER OR PENNANT: any non-rigid cloth, canvas, bunting, plastic, paper, or similar material mounted to any structure, staff, pole, line, or framing. National, state, or municipal flags shall not be considered banners or pennants.

BLADE SIGN: a small, pedestrian-oriented sign mounted so the sign face is perpendicular to the face of the building. A blade sign may be hung beneath a canopy or awning.

BUILDING FRONTAGE, PRIMARY: that portion of the building frontage facing the street. In cases where a building has more than one street frontage, the longest of the street frontages shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage. When a single multi-tenant building has one primary frontage, the allowable sign area for which may be distributed is at the discretion of the owner; however, in no event shall the combined sign area for all tenants exceed the allowable sign area for the building.

CHANGEABLE COPY SIGN: a sign which displays words, lines, logos, or symbols that can change to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters, and time and temperature signs.

CHANNEL LETTERS: three-dimensional, individually cut letters or figures whether or not illuminated, affixed to a structure.

COPY: words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

DOUBLE-FACED SIGN: a sign constructed to display its message on the outer surfaces of two (2) identical and opposite parallel planes.

EDGE OF ROOF: on a pitched roof, the lowest portion of the fascia board covering the roof rafters, or if no fascia board exists, the lowest point of the roof rafters. On a flat roof, the top of the parapet wall or three (3) feet above the roof deck, whichever is less.

ELECTRONIC READER BOARD SIGN or ELECTRONIC GRAPHICS SIGN: a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

ELECTRONIC SIGN: any sign externally powered to emit light and bring attention to the sign. This sign can utilize any form of technology to function, not including neon. This type of sign would be placed internal to a structure and be viewable from the street, usually within a window.

EXTERNAL ILLUMINATION: the lighting of an object from a light source located a distance from the object.

FLASHING SIGN: a sign that contains an intermittent or sequential flashing light source.

FREESTANDING SIGN: any sign not affixed to a building. Freestanding signs may be permanent or temporary.

INFLATABLE DEVICE: an object blown up with air or gas.

INTERNALLY ILLUMINATED SIGN: a sign whose light source is located in the interior of the sign, so the rays go through the face of the sign, or light source, which is attached to the face of the sign and is perceived as a design element of the sign.

JOINT IDENTIFICATION SIGN: a sign which serves as a common or collective identification for two (2) or more uses located within the same building, or which share a common wall, or for two (2) or more buildings located within a jointly used area, provided the buildings are in close proximity to one another.

MONUMENT SIGN: a permanent, freestanding sign where the entire bottom of the sign is affixed to the ground, not to a building.

MULTIPLE USER BUILDING: a development consisting of four (4) or more separate uses or tenancies that share either the same parcel or structure and use common access and parking facilities.

NEON SIGN: glass tube lighting in which gas and phosphors are used in combination to create a colored light.

NONCONFORMING SIGN: any sign lawfully erected and maintained prior to the effective date of this Chapter, constructed in conformance with the ordinances and other applicable laws in effect on the date of its construction, but by reason of its size, height, location, design, or construction, is no longer in conformance with the regulations of this Chapter.

NONRESIDENTIAL DISTRICT: any of the following zoning districts: Neighborhood Commercial (NC); General Commercial (GC); Manufacturing District (M1); and Light Manufacturing and Office District (M2).

OFF-PREMISE SIGN: a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the lot or premises on which the sign is located.

ON-PREMISE SIGN: a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on the lot or premises on which the sign is located.

PERMANENT SIGN: a sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

POLE SIGN: a sign mounted on a free-standing pole or other support so the bottom edge of the sign face is ten (10) feet or more above finished grade.

PORTABLE SIGN: a sign not affixed to a structure or the ground (e.g., A-frame or sandwich board sign).

PROJECTING SIGN: a sign that protrudes in a V-shape from the top of the ground floor over the sidewalk, like a traditional theater marquee.

RESIDENTIAL DISTRICT: any of the following zoning districts: Single-Family Residential District (R1); and Two-Family Residential District (R2).

ROOF SIGN: a sign mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SIGN: an object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected image. Unless otherwise noted, the term "sign" includes both on-premises and off-premises signs.

SIGN AREA: the entire area within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.

SIGN HEIGHT: the vertical distance from the uppermost point of the sign to the finished grade immediately below the base of the sign, including all base and/or other mounting material.

SIDEWALK SIGN: a sign with two (2) faces adjoined at the top and displayed at an angle, which is not permanently anchored or secured, or similar design. These also are known as "A-Frame" signs and are intended to be seen by a pedestrian on a sidewalk rather than by a driver or passenger in a vehicle. SIDEWALK SIGN also may mean a sign with two (2) faces adjoined at some point along the sign frame and the support legs are parallel to the sign (this looks like the letter "T"; hence these also are known as "T-Frame" signs).

STICK SIGN: any type of temporary sign placed in the ground and consists of a paper or non-paper corrugated or similar temporary material placed over thin metal or wooden supports.

TEMPORARY SIGN: any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area, or neighboring property.

THREE-DIMENSIONAL SIGN: a sign with a depth or relief on its surface greater than six (6) inches.

VEHICLE SIGN: a sign attached to or painted on a vehicle parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

WALL SIGN: a sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

WINDOW AREA: the area shall be computed by calculating each windowpane or panel. The area shall be separate for each building face, and for each window. A group of windowpanes or panels may be considered one (1) window if they are adjoining on the building face and are less than six (6) inches apart.

WINDOW SIGN: a sign (temporary or permanent), poster, symbol, numerals, or letters, posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view located within three (3) feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

(Ord. 07-2025. Passed 10/01/2025.)

1153.04 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

(a) Signs in Public Rights-of-Way. Except as provided herein, no sign shall be erected, constructed, or placed within any public right-of-way or on any tree, pole, post, meter, or similar object located within the public right-of-way. Under no circumstance may any sign that is permitted in the right-of-way interfere with vehicular or pedestrian visibility. Signs interfering with visibility will be removed.

(1) The following signs may be installed in the public rights-of-way without a permit:

- A. Signs conforming to the Manual of Uniform Traffic Control Devices;
- B. Signs installed by employees or officials of a municipal, state or federal agency in the course of their governmental duties;
- C. Signs required by a state or federal statute;
- D. Signs required by an order of a court of competent jurisdiction;
- E. Public directional and safety signs.

The Zoning Inspector may remove any sign illegally placed within the right-of-way. The Zoning Inspector may attempt to contact the owner of the sign and may retain the sign for five (5) days. If the owner fails to contact the Zoning Inspector or claim the sign within five (5) days, it will be destroyed.

(2) Blade signs attached to a building may project a maximum of forty (40) inches over a public right-of-way provided the lowest part of the sign is at least eight feet but no more than fifteen (15) feet above the pedestrian thoroughfare and provided said sign has received a permit from the Zoning Inspector. Blade signs shall not project over any curb line or street.

(b) Colors. Not more than five (5) colors may be used per sign. For purposes of this Section, black or white shall be considered a color.

(c) Lettering Styles and Sign Coverage. No more than two letter styles or more than three sizes of letters are permitted per sign. Letters may not occupy more than seventy-five percent (75%) of any sign panel.

(d) Measurement of Sign Area.

(1) The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles.

(2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(3) Double-faced (back-to-back) signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two feet at any point. Only one face of an identical double-faced sign shall be measured when determining maximum allowable area.

The aggregate sign area or display surface of all exterior signs not otherwise described in this Chapter, shall not exceed two (2) square feet for each lineal foot of the street frontage of

a one (1) story building, or three (3) square feet per lineal foot of street frontage, if more than a one (1) story building. Street frontage is defined as the total width of the side of the building which faces the street, excluding any extension of a building wall beyond the building itself. In the case of a building which does not front a public street, as in shopping centers, the signage shall be determined by the lineal footage of the store front in lieu of street frontage.

(e) Measurement of Sign Height. The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the elevation of the nearest point to the proposed sign location of the crown of the nearest public street providing access; or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.

(f) Alterations. No sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Chapter. The repainting of signs shall not be deemed to be an alteration within the meaning of this Chapter.

(g) Sign Maintenance. Signs and supporting hardware shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, exposed lighting sources or wires, falling parts, or broken and missing parts are prima facie evidence that a sign is in a state of disrepair. A sign shall be maintained such that its condition does not, directly or indirectly, represent a threat to the health or safety of the general public or to persons living on adjoining property or in the area; constitute an unsanitary condition; lend itself to habitation or infestation by rodents, termites or other vermin; represent a threat to property values or to the residential or commercial desirability of adjoining property or other property within the area; or unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the area. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

(h) Notice to Repair. When the Zoning Inspector determines a sign exists in a state of disrepair, he/she shall issue, via regular mail and certified mail, to the owner of the sign and/or the owner of the real estate a notice of such disrepair and the need for corrective action. The repair work shall be accomplished within thirty (30) days of the date of the notice, unless the person undertaking the work files a request with the Zoning Inspector for an extension. If such request shows diligence and good faith such as ordering materials or signing a contract with a licensed contractor, the Zoning Inspector may grant an extension for completion of the work. If the Zoning Inspector believes the lack of repair constitutes a danger to persons or to property other than that of those persons receiving the notice, he/she shall so state in the notice and the Village may seek immediate relief under the Zoning Code or under the laws of public nuisance.

(i) Sign Removal or Replacement. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.

(Ord. 07-2025. Passed 10/01/2025.)

1153.05 PERMANENT SIGNS.

(a) Residential Districts. Permanent signs in residential districts shall conform to the following standards as well as the other applicable standards of the Codified Ordinances:

- (1) Number: no more than one permanent sign may be located on a parcel.
- (2) Type: unless otherwise stated, a wall sign is the only type of Permanent Sign allowed. No sign shall project above the roof line or the cap of parapets of such building, whichever is higher.
- (3) Permanent subdivision signs within entrance features are permitted and shall be reviewed and approved as part of a comprehensive sign plan.
- (4) Off-premises signs are prohibited.
- (5) Maximum area and height: permanent signs may not exceed four (4) square feet in area or be more than two (2) feet in height.
- (6) Illumination: permanent signs shall not be separately illuminated, unless the sign is installed near a porch light or yard light, which may incidentally illuminate the sign. Permanent subdivision identification signs within entrance features may be lighted by an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety.

(b) Non-Residential Districts. Permanent signs in non-residential districts shall conform to the following standards and all other applicable standards of the Codified Ordinances:

(1) Number:

A. Wall signs. No more than one (1) wall sign shall be permitted per business. A secondary wall sign, no more than seventy-five percent (75%) of the size of the primary wall sign, may be allowed if the parcel fronts two (2) or more public streets. No more than one (1) secondary wall sign shall be permitted. No wall sign shall project above the roof line or the cap of parapets of such building, whichever is higher. Blade, awning, and canopy signs shall be considered wall signs.

B. Freestanding signs. No more than one (1) freestanding sign shall be permitted per parcel.

C. Pole signs are allowed in all Non-Residential Districts.

D. Joint identification signs. No more than one (1) primary joint identification sign shall be permitted. A secondary joint identification sign may be permitted if the parcel fronts two (2) or more public streets. No more than one (1) secondary joint identification sign shall be permitted per development.

(2) Maximum area, height, and location:

A. Wall signs. The total area shall not exceed one square foot per one lineal foot of the length of the wall on which the sign is to be attached up to a maximum of thirty-six (36) square feet.

B. Freestanding signs. The total area shall not exceed twenty (20) square feet when located ten (10) feet from the street right-of-way line. For each additional one-foot setback from the street right-of-way line, an additional ten (10) square feet of display area may be permitted up to a maximum of one-hundred-twenty (120) square feet. All sides of the freestanding sign will be considered when calculating the allowable square footage.

C. Freestanding signs. The maximum height shall be fifteen (15) feet in any district.

D. Freestanding signs. No part of a freestanding sign may be located within ten feet of a street right-of-way or within ten (10) feet of the property line. If the adjacent parcel is in a residential district, the freestanding sign must be located within the applicable building setback line.

E. Joint identification signs. The primary joint identification sign shall not exceed one hundred (100) square feet in sign area, a maximum of twenty feet (20) in height, and a minimum setback of fifteen (15) feet from all rights-of-way. A secondary joint identification sign shall not be more than seventy-five percent (75%) of the size and height of the primary joint identification sign.

Primary joint identification signs may not exceed fifty-six (56) square feet in area. Secondary joint identification signs shall not exceed thirty-six (36) square feet in area.

(3) Illumination:

A. Unless otherwise stated herein, signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety or in a manner so as to be confused or construed as traffic control devices.

B. External lighting fixtures shall be installed, maintained, and operated in such a manner as to minimize or substantially reduce glare at any

location on or off the property, minimize or substantially reduce light trespass beyond the property lot line, minimize sky illumination, and present an overall appearance that is compatible with the Village's character.

C. Rotating, traveling, pulsing, flashing, blinking, or oscillating light sources, lasers, beacons, search lights, or strobe lighting are prohibited.

(c) Sign Permit Required. Unless otherwise allowed, all permanent signs in residential and nonresidential districts require a Sign Permit.

(Ord. 07-2025. Passed 10/01/2025.)

1153.06 TEMPORARY SIGNS.

(a) All Districts.

(1) Non-commercial speech temporary signs: temporary signs that portray a message which is not commercial in nature (that do not advertise a business, commodity, product or service) shall be allowed without a permit. No more than one sign per statement is permissible per lot per frontage. Signs may not exceed six (6) square feet in area or be more than four (4) feet in height Any non-commercial sign may remain on a lot for no more than forty-five (45) consecutive days, unless said sign is maintained in good condition as determined by the Zoning Inspector.

(b) Residential Districts. Temporary signs in residential districts shall conform to the following standards as well as any other applicable standards of the Codified Ordinances:

(1) Number: no more than one sign per statement is permissible per lot per frontage.

(2) Maximum area and height: signs may not exceed six (6) square feet in area or be more than four (4) feet in height.

(3) Display period: each temporary sign may not be displayed for more than forty-five (45) consecutive days, unless said sign is maintained in good condition as determined by the Zoning Inspector.

(4) Off-premises signs: off-premises temporary signs are prohibited.

(5) Illumination: signs shall not be separately illuminated. This standard is not intended to prohibit the installation of such a sign near a porch light or yard light, which may incidentally illuminate the sign.

(6) Sign permit requirements: temporary signs in residential districts do not require a Sign Permit.

(Ord. 07-2025. Passed 10/01/2025.)

1153.07 STANDARDS FOR SPECIFIC SIGN TYPES.

(a) Awning and Canopy Signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied and shall meet the following conditions:

(1) Location: signs may be placed only on awnings that are located on first- and second story building frontages, including those fronting a parking lot or pedestrian way.

(2) Extension: such signs shall not extend more than three (3) feet from the face of the building to which they are attached.

(3) Minimum clearance: a minimum clearance of ten (10) feet shall be maintained above sidewalks.

(4) Copy: the copy on an awning sign shall not exceed fifty percent (50%) of the sign's total area.

(5) Illumination: internal illumination of the awning is prohibited.

(b) Banner Signs. Banner signs may be installed subject to the following requirements:

(1) The banner sign shall not exceed that allowed for a permanent wall sign.

(2) The banner sign may be displayed only for a period not to exceed thirty (30) days in any calendar quarter, and no more than four (4) times per calendar year.

(3) A banner sign shall not be displayed above the roof line of any structure.

(4) All banner signs must have wind relief and shall not be supported by any public utility pole or structure.

(c) Blade Signs.

(1) Location: blade signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.

(2) Height above finished grade: the lowest point of a blade signs shall be at least eight feet but no more than fifteen (15) feet above finished grade. Blade signs shall not extend beyond the roof line in a vertical direction.

(3) Sign structure: sign supports and brackets shall be compatible with the design and scale of the sign. Brackets and/or hardware for the sign may not extend more than four inches from the outside face of the sign.

(4) Square footage: a maximum of eight (8) square feet will be allowed.

(5) Illumination: internal illumination is prohibited.

(d) Freestanding Signs.

(1) The maximum height cannot exceed fifteen (15) feet above grade. Not more than one (1) free standing sign may be for one (1) business establishment. No part of any freestanding sign may be located closer than ten (10) feet to any street right-of-way and/or closer to any other property line than the building setback line, if the adjoining property is located in a residential district.

(2) The maximum display surface area shall not exceed twenty (20) square feet when located ten (10) feet from the street right-of-way. For each additional one (1) foot setback from the street right-of-way, an additional ten (10) square feet of display surface area may be permitted, up to a maximum of one-hundred-twenty (120) square feet. However, the display area of any one surface shall not exceed sixty (60) square feet. All sides of the sign will be considered part of the allowable square footage.

(3) Base material of monument signs. The base of monument signs shall be brick, stone, stucco, or other more permanent material not subject to water damage. The exposed base of a monument sign shall not exceed two (2) feet in height. The height of the base will be included when calculating the height of the sign.

(e) Joint Identification Signs.

(1) Type: primary and secondary freestanding joint identification signs must be monument signs.

(2) One (1) joint identification sign may be authorized by the Planning Commission to identify a complex or mix of uses as opposed to a single use, provided that such identification sign shall not exceed the following requirements: one hundred (100) square feet in sign area, a maximum of twenty (20) feet in height, and a minimum setback of fifteen (15) feet from all public right(s)-of-way. A joint identification sign may be permitted in lieu of Wall Signs.

(f) Wall Signs.

(1) Location: a wall sign shall be mounted on the building where the establishment advertised by such sign is located. It must be located on or along a wall of such a building which faces a street, parking lot, or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher.

(2) Projection from wall: a wall sign shall be parallel to the wall on which it is installed. The sign shall not project from the surface upon which it is attached more than twelve (12) inches in a non-residential district. In a residential district, a wall sign shall not project more than three (3) inches.

(g) Portable Signs. Portable signs shall be permitted, provided portable signs shall not obstruct the view of motorists and/or pedestrians.

(h) Single-Family Subdivision or Multi-Family Development Signs. Major permanent entrance features locating the entrance(s) to a single-family subdivision must be authorized by the Planning Commission prior to the Zoning Inspector issuing a sign permit. Only one (1) entrance feature is permitted at each subdivision entrance. Such feature should include a freestanding sign. Signs shall not exceed forty (40) square feet, be a maximum six (6) feet in height and shall not be located closer than twenty (20) feet from any right-of-way or property line.

(Ord. 07-2025. Passed 10/01/2025.)

1153.08 PROHIBITED SIGNS.

(a) Prohibited Signs. The following signs and types of signs are inconsistent with the purposes and standards of this Chapter and are prohibited in all zoning districts:

(1) Signs within any public right-of-way unless specifically authorized under Section 1153.04(a).

(2) Flashing, moving, rotating, intermittently lighted signs, or other mechanical devices which create the appearance of movement.

(3) Roof signs.

(4) Electronic variable message signs, reader boards, and changeable copy signs except as authorized under Sections 1153.04(a)(1) or 1153.04(k).

(b) Prohibited Sign Attachments. No sign shall be attached to any sign already existing within the Village.

(Ord. 07-2025. Passed 10/01/2025.)

1153.09 ADMINISTRATION.

To ensure compliance with the regulations of this Chapter, a Sign Permit is required in order to apply, erect, move, alter, reconstruct, or repair any sign, except signs that do not require a sign permit, as allowed in this Chapter. A sign permit also is required for the lighting of new, or the relighting of existing, signs. Approval of a sign permit does not constitute, and will not be interpreted to constitute, a building permit.

(a) Zoning Inspector. Zoning Inspector shall regulate and enforce the requirements of this Chapter and shall be responsible for issuing all sign permits.

(b) Application and Permit Procedure. Applications for sign permits shall contain the following information:

(1) Plans and/or blueprints to scale of signage, including details of fastening, lighting, and any lettering, symbols, or other identification which will be on the sign.

(2) Color rendering of the sign.

(3) A site plan, drawn to scale, depicting the proposed sign's location showing the distance from a public right-of-way and relationship to access drives, parking area, and buildings or a façade elevation of proposed wall or window signs showing the height and proportions of the signs.

(4) Any information specific to a particular sign application which is necessary to uphold the provisions of this Chapter, including, but not limited to, the construction and mounting materials.

(5) Landscape plan for area around freestanding sign.

(6) All applications for sign permits must be submitted to the Zoning Inspector. The Zoning Inspector shall have the right to approve, approve with modifications, or disapprove the application. The Zoning Inspector shall act on the application within thirty (30) days of receipt of the completed application. If the Zoning Inspector issues a sign permit with conditions, the conditions must be set forth in writing, and the applicant shall sign a statement acknowledging and agreeing to follow the conditions. If the Zoning Inspector disapproves a sign permit, the reasons for the disapproval shall be in writing.

(Ord. 07-2025. Passed 10/01/2025.)

1153.10 SIGNS NOT REQUIRING A PERMIT.

(a) Signs Exempt from Regulations. Any sign located entirely inside a building and not visible from the public right-of-way or from private property other than the property on which such sign is located is exempt from regulation under this Chapter.

(b) A sign permit is not required for the signs listed below. These signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

(1) Signs conforming to the Ohio Manual of Uniform Traffic Control Devices.

(2) Signs installed by employees or officials of a state or federal agency or of the Village or County in the course of their governmental duties.

(3) Signs required by a state or federal statute or agency.

(4) Signs required by an order of a court of competent jurisdiction.

(5) Signs installed by public utilities to demarcate their rights-of-way.

(6) Signs installed by a transit company.

(7) On-site traffic and other directional signs indicating points of entry or exit to off-street parking, identifying specific parking areas and directions to buildings and other services, provided that such signs are not larger than two (2) square feet in area and bear no commercial message. Such signs shall not obstruct the view of motorists for the purposes of ingress and egress.

(8) Official and legal notices required by a court or governmental agency.

(9) Temporary signs in residential areas.

(10) Window signs: all window signs shall meet the following conditions:

A. Number. No more than twenty percent (20%) of the windows in any structure may be covered with permanent or temporary window signs.

B. Surface Coverage. Window signs may not be larger than twenty percent (20%) of the aggregate window area.

C. Neon Signs. Neon, or neon simulating, signs are allowed.

(11) The flag, pennants or insignia of any nation, state, city, or other political unit or jurisdiction.

(12) Cornerstones, commemorative tablets, and historical signs, not to exceed ten (10) square feet in area.

(13) Signs for the civic promotion of schools, church, or community service activities.

(14) Portable signs.

(15) One sign-sidewalk for each business location: this sign cannot exceed four (4) feet in height, as measured from the sidewalk, and three (3) feet in width per side. This sign shall be displayed only during the hours of operation of the business and must be located on or near where the business is located. No flags, banner, balloons, or other material may be placed and/or attached to a sign-sidewalk. These signs shall be placed in such a way as to assure a minimum of four (4) feet of passage on any sidewalk.

(Ord. 07-2025. Passed 10/01/2025.)

1153.11 COMPREHENSIVE DEVELOPMENT SIGNAGE.

(a) Purpose. A Comprehensive Sign Plan is intended to integrate the design of the signs proposed for a new development project, or an existing commercial property, with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-user projects, to encourage maximum incentive and latitude in the design and display of multiple signs.

(b) Applicability. The approval of a Comprehensive Sign Plan shall be required when two (2) or more signs requiring a sign permit are proposed for a new development or existing site, or when a joint identification sign is proposed.

(c) Approval Authority. The Planning Commission must approve a Comprehensive Sign Plan prior to the Zoning Inspector issuing a sign permit.

(d) Application Requirements. An application for a Comprehensive Sign Plan shall include all information and materials required in Section 1153.09 and the filing fee.

(e) Standards. A Comprehensive Sign Plan shall comply with the following standards:

(1) The plan shall comply with the standards and purpose of this Chapter and the overall intent of this Section.

(2) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Plan, to the structures and/or developments they identify, and to surrounding development.

(3) Only one (1) joint identification sign as defined in Section 1153.05.

(4) Only one (1) wall sign for each individual use not to exceed one (1) square foot for every lineal foot of the building width of each individual use that fronts any shopping center drive or parking area, not to exceed thirty (30) square feet. Where any such drive or parking abuts a residential district, the frontage of the building on such drive or parking area shall not be considered as frontage for location of a wall sign if the distance from the building to the nearest private property is less than one hundred fifty (150) feet.

(f) Revisions to Comprehensive Sign Plans. The Zoning Inspector may approve the substitution of signs provided these signs meet all the requirements of this Chapter and the adopted Comprehensive Sign Plan. If additional signage is proposed or if proposed signs are changed in any aspect to the intent of the original Comprehensive Sign Plan, approval from the Planning Commission is required.

(Ord. 07-2025. Passed 10/01/2025.)

1153.12 ABANDONED SIGNS.

(a) Abandonment Defined. An abandoned sign shall be any sign that meets any of the following conditions:

(1) Any sign associated with the abandoned nonconforming use.

(2) Any sign that remains after termination of a business. A business shall be considered terminated if it has ceased operations for sixty (60) days.

(3) Any sign that is not maintained in accordance with this Chapter.

(b) Determination of Abandonment. When the Zoning Inspector finds, upon investigation, that a sign has been abandoned, he/she shall notify the owner of the sign and the owner of the realty upon which such sign is located, of such findings, in accordance with Section 1105.10. Such notice shall advise the owner of the sign that the sign has been declared abandoned and must be removed within thirty (30) days from the date of certified mailing. The owner of the sign or the owner of the realty may appeal such decision to the Planning Commission.

(c) Village Right to Remove. If the sign is not removed as ordered, the sign may be removed by the Village at the expense of the lessee or owner. If the Village is not reimbursed for the cost of removal within thirty (30) days, the cost associated shall be certified to the County Auditor for collection as a special assessment against the realty upon which the sign is located.

(Ord. 07-2025. Passed 10/01/2025.)

1153.13 SEVERABILITY.

(a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms or words shall be considered independent, valid, and enforceable.

(b) Severability Where Less Speech Results. Without diminishing or limiting in any way the declaration of severability set forth herein, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is declared unconstitutional shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to zoning certificates or otherwise. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms or words shall be considered independent, valid, and enforceable.

(c) Severability of Provisions Pertaining to Prohibited Signs. Without diminishing or limiting in any way the declaration of severability set forth herein, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 1153.08 of this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms or words shall be considered independent, valid, and enforceable.

(d) Severability of Prohibition on Signs Bearing Off-Premise Commercial Messages. If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on signs bearing off-premises commercial messages as

contained herein. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms or words shall be considered independent, valid, and enforceable.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1155 Landscaping and Screening

1155.01 Purpose.

1155.02 Landscaping and screening standards.

1155.03 Application procedure.

1155.04 Public spaces.

1155.01 PURPOSE.

The purpose of these landscaping regulations shall be to promote public health, safety and welfare through the preservation and protection of the environment by recognizing the vital importance of tree growth to the ecological system. It is further the purpose of this Chapter to promote the preservation and replacement of trees and major vegetation removed in the course of land development, and to promote the proper utilization of landscaping as a buffer between certain land uses to minimize the possibility of nuisances.

(Ord. 07-2025. Passed 10/01/2025.)

1155.02 LANDSCAPING AND SCREENING STANDARDS.

(a) Non-residential Uses. All trees with a caliper of six (6) inches or more shall be maintained and preserved as part of all non-residential development. All such existing trees shall be preserved unless such trees are exempted as follows:

(1) An existing tree will be located within a public right-of-way or easement.

(2) An existing tree is located within the area to be covered by a proposed structure or within twelve (12) feet from the perimeter of such structure(s) and relocation of such structure would not permit desirable, logical, and appropriate development of the lot.

(3) An existing tree will be located within a proposed driveway, off-street parking area or other improvement, and relocation of such improvement would not permit desirable, logical, and appropriate development of the lot.

(4) An existing tree is damaged or diseased.

(b) Tree Planting and Landscaping Requirements. For all new development, the following tree planting and landscaping requirements shall apply:

USE	REQUIREMENTS
AB, B, GC, MI, M2, R1, R2 Districts; PUD	There must be tree plantings equal to one (1) inch or more in caliper for every one thousand (1,000) square feet in ground coverage by any non-residential building. All areas of a lot not covered by buildings, structures, or paving shall be covered by approved landscaping.
AB, B, GC, M1, M2, R1, R2 Districts; PUD	A minimum fifteen (15) feet approved landscaped perimeter shall be provided where such development is adjacent to or abuts a residential zoning district or public right-of-way, excluding on-site access drives.
Off-Street Parking Areas: five (5) or more parking spaces	There must be tree plantings equal to two (2) inches or more in caliper, measured at four (4) feet from the ground, for every six (6) parking spaces.

Tree planting requirements may be waived by the Planning Commission if the quantity of existing trees and their aggregate trunk sizes meet or exceed these requirements and are evenly distributed throughout the subject site.

(c) Screening Requirements.

(1) Off-street parking areas: all off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which abuts a residential zoning district or public right-of-way. Such screening can consist of a masonry wall or solid wood fence which shall be no less than four (4) feet in height. Such screening can also consist of approved landscaping which shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height.

(2) Screening of service courts and loading dock areas: all areas used for service, loading and unloading activities shall be screened along the entire lot line if adjacent to or abutting a residential zoning district or public right-of-way. The requirements of Section 1155.02(d) shall apply.

(3) Screening of trash containers: trash containers designed to service more than one (1) residential unit or to service any non-residential structure shall be sufficiently screened or enclosed by walls, fences, landscaping, or an acceptable combination of these elements. Screening walls or fences shall have an opacity of one hundred percent (100%) and a minimum height of six (6) feet. Landscaping shall include shrubs and hedges with opacity of seventy-five percent (75%). Trash containers shall be located behind the building line and conform to side and rear yard setback requirements.

(d) Additional Landscaping and Screening Requirements.

(1) Deciduous trees: deciduous trees shall be species having an average mature crown spread of greater than fifteen (15) feet in central Ohio and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) foot clear wood requirements will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of fifteen (15) foot crown spread.

(2) Evergreen trees: evergreen trees shall be a minimum of five (5) feet in height with a minimum caliper of one and one-half (1 ½) inches at planting.

(3) Shrubs and hedges: shrubs and hedges shall be at least two (2) feet in height when planted.

(4) Earth mounds: earth mounds shall be physical barriers which, when planted, block or screen the view. Mounds shall be constructed of clean fill, topsoil and similar materials, and shall be designed with proper plant material to prevent erosion and facilitate drainage. Earth mounds shall not exceed four (4) feet in height.

(5) Dead or diseased trees: it shall be unlawful for any property owner to maintain or permit to stand on his or her property any dead, diseased, or damaged trees, or any living trees, shrubs, evergreens, or other plants deemed by the Zoning Inspector to be a threat to the public peace, health, and safety.

(Ord. 07-2025. Passed 10/01/2025.)

1155.03 APPLICATION PROCEDURE.

(a) Procedure. All applications for subdivisions, Certificates of Occupancy, zoning permits, conditional use permits, variances or in other such cases where a site plan or development plan is to be filed, must include a landscaping plan. The landscaping plan shall be prepared by a licensed design professional or landscaping professional.

(b) Plan Contents. The landscaping plan shall show all proposed landscaping features and proof of preserving major vegetation. For new development or construction, if new tree plantings are required under the requirements of this Chapter, the applicant or owner shall indicate on the landscaping plan the location and size of such tree plantings. If trees are to be removed as part of any site development, the plan shall indicate the location and size of such tree removals.

(Ord. 07-2025. Passed 10/01/2025.)

1155.04 PUBLIC SPACES.

Within the public right-of-way and on public properties, no person or entity other than the Village shall plant or place trees, shrubs, evergreens, or other obstruction or vegetation, unless a Street Tree Permit is obtained.

(a) Requirements for Trees Located on Village Owned Public Property. In addition to the requirements identified in this Chapter, in every development requiring a site or development plan, there shall be planted a species of tree appropriate to the specific location on the site being developed, with a caliper measured six (6) inches above the ground of not less than two (2) inches, for every thirty (30) feet of public street frontage. The following additional requirements shall apply:

(1) The tree to be planted shall be of a recommended tree species.

(2) The minimum distance between the tree and the edge of the street shall be two and one half (2½) feet.

(3) The location of the tree shall be at least twenty (20) feet from any street intersection and ten (10) feet from fire hydrants or utility poles.

(4) Developers shall be required to maintain the trees planted by them for one (1) year after the trees are planted and to replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such one (1) year period. A one (1) year guarantee period shall begin at each planting and shall recommence as trees are replaced. Upon completion of the planting of street trees, the landscape contractor shall contact the Zoning Inspector who will schedule a preliminary site inspection. The one-year guarantee period shall begin on the date of the approval by the Zoning Inspector. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the inspection of the Zoning Inspector, shall be promptly replaced at the expense of the developer.

(b) Tree Topping. No person shall top any tree within the public right-of-way.

(c) Height of Limbs Over Sidewalks and Streets. Tree limbs, whether situated on private or public property, extending over a public sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above the sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with the normal flow of traffic.

(d) Village Rights. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all public streets, alleys, avenues, lanes and other public grounds as may be necessary to promote public safety or to preserve or enhance the environmental quality and beauty of such public grounds.

(e) Reducing Tree Lawn. No person shall by any type of construction reduce the size of the tree lawn without first securing permission from the Planning Commission.

(f) Permit Requirements.

(1) No person, contractor, or Village department shall plant, remove, prune, or treat with growth inhibiting measures, any tree or shrub upon any public way, street, alley, park, or other property owned by the Village without first obtaining a Street Tree Permit, except in the case of an emergency as determined in the discretion of the Zoning Inspector in collaboration with the Mayor. A Street Tree Permit shall specify the number, size, type, species, and location of all trees or shrubs to be planted, pruned, or removed. The Zoning Inspector has exclusive authority to deny a Street Tree Permit based on the requirements of this Planning and Zoning Code.

(2) Applications for Street Tree Permits shall be made on forms prescribed by the Zoning Inspector.

(3) Street Tree Permits shall be valid for a maximum period of sixty (60) days, unless otherwise specified. All work approved by the permit shall be completed in the time specified by the permit and in the manner described. Permits shall be considered void if any terms are violated.

(g) Public Tree Care.

(1) Unless issued a written permit by the Zoning Inspector, no person shall attach any rope, wire, nails, advertising poster, or other contrivance to any tree on Village owned property. Without a permit, no person shall use herbicides or other chemicals on any trees, shrubs or evergreens on Village owned property.

(2) No person shall hinder, prevent, or interfere with the agents or employees of the Village while the agents or employees are engaged in planting, maintaining, or removing any tree, shrub, evergreen, or other plant material on Village owned property.

(3) No person shall excavate any ditch, tunnel, trench, or lay any drive within a radius of ten (10) feet from any tree, shrub, evergreen, or other plant material standing on any Village owned property without first obtaining a permit from the Zoning Inspector.

(4) It shall be unlawful for any person to break, deface, injure, mutilate, kill, or destroy any tree, shrub, or evergreen on any Village owned property.

(h) Removal of Stumps. All stumps of street trees shall be removed twelve (12) inches below the surface of the ground. Stumps shall be removed or shall be ground at the site. All residual material shall be removed from the site at the time the tree is removed, and the site shall be restored as approved in the Street Tree Permit.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1157 Satellites, Ground Stations, and Antennas

1157.01 Permit required.

1157.02 Size height, location, installation.

1157.01 PERMIT REQUIRED.

Construction of any satellite ground station or satellite dish within the Village shall require a permit issued by the Zoning Inspector, except for on a lot used solely as a single-family residence and in accordance with all applicable federal laws. In all cases, construction and installation of any satellite ground station or satellite dish shall comply with all other requirements of this Chapter.

(Ord. 07-2025. Passed 10/01/2025.)

1157.02 SIZE HEIGHT, LOCATION, INSTALLATION.

(a) The maximum size of any satellite ground station constructed and installed on any property within the Village shall not exceed three (3) feet in length or diameter.

(b) The maximum height above ground level for any free-standing satellite ground station shall be six (6) feet.

(c) No satellite ground station or satellite dish may be located in any front or side yard.

(d) A satellite ground station located in a rear yard, whether free-standing or attached to any building or structure, shall meet the setback requirements of the applicable zoning district as established for primary structures.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1159 Accessory Uses and Structures

1159.01 Permit required.

1159.02 Residential districts: location, exterior, size and maintenance.

1159.03 Commercial/industrial: location, exterior, and site development plans.

1159.01 PERMIT REQUIRED.

All accessory buildings and structures shall require issuance of a permit by the Zoning Inspector prior to their placement, construction, addition, or alteration on any lot.

(Ord. 07-2025. Passed 10/01/2025.)

1159.02 RESIDENTIAL DISTRICTS: LOCATION, EXTERIOR, SIZE AND MAINTENANCE.

The following requirements apply to all accessory uses and structures located in any Residential Zoning District:

(a) Location. Accessory buildings and structures shall be located completely to the rear of the principal structure and shall be no closer than ten (10) feet from any part of the principal structure. Accessory buildings and structures shall be located no closer than eight (8) feet of the side or rear property line, provided the provisions of Section 1121.03 are met, with the exception that storage sheds two hundred (200) square feet or smaller may be located within two (2) feet of the side and rear property lines upon approval of the Zoning Inspector. Accessory uses and structures shall not be located within a recorded easement.

(b) Exterior. Accessory structures shall have an exterior which is aesthetically compatible in appearance to the principal building or structure on the parcel or lot.

(c) Size. The maximum permitted size of an accessory structure shall be based on the following lot categories on which the accessory structure is to be located:

(1) Lot Size One (1) Acre or Less: an accessory building or structure shall be no larger than one thousand, four hundred (1,400) square feet, shall contain no more than one (1) story, side walls shall be no higher than ten (10) feet, shall not exceed a total height of eighteen (18) feet as measured from the floor to the top of the roof, and no door serving the accessory building or structure shall exceed ten (10) feet in height.

(2) Lot Size over One (1) Acre: any proposed accessory building or structure over one thousand, four hundred (1,400) square feet or larger than one (1) story shall be submitted to the Planning Commission for review. Criteria for approval

shall include, but is not limited to, the compatibility with surrounding residential structures, compatibility with the aesthetic appearance of the general neighborhood, and any possible detrimental impact on the surrounding neighborhood.

(d) Maintenance. Accessory buildings and structures shall be maintained in good condition and kept secure from the deteriorating effect of natural elements.

(e) Quantity. If more than one accessory building or structure is proposed on a single residential lot, prior approval of the Planning Commission shall be required.

(Ord. 07-2025. Passed 10/01/2025.)

1159.03 COMMERCIAL/INDUSTRIAL: LOCATION, EXTERIOR, AND SITE DEVELOPMENT PLANS.

The following requirements apply to all accessory uses and structures located in any Commercial or Manufacturing District, or Planned Unit Development:

(a) Location. Accessory buildings and structures shall be located completely to the rear of the principal structure and shall be no closer than ten (10) feet from any part of the principal structure. Accessory buildings and structures shall meet the rear and side yard setback requirements of the applicable zoning district, provided the requirements of Section 1121.03 are met. Accessory buildings and structures shall not be located within a recorded easement.

(b) Exterior. Accessory structures shall have an exterior which is aesthetically compatible in appearance to the principal building or structure on the parcel or lot.

(c) Site Plan Required. Accessory uses and structures shall be indicated on an approved site development plan in conformance with the requirements of Chapter 1109.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1161 Bed and Breakfast Inns

1161.01 Purpose.

1161.02 Definition.

1161.03 Application.

1161.04 Development standards.

1161.01 PURPOSE.

This Chapter provides standards for the establishment of bed and breakfast inns. These regulations are intended to provide a systematic set of requirements to ensure that such unique operations will preserve the primarily residential use of a structure and not adversely impact adjacent uses as a result of the commercial aspects of the facility. Bed and breakfast inns shall be subordinate to the principal use of a single-family dwelling.

(Ord. 07-2025. Passed 10/01/2025.)

1161.02 DEFINITION.

For the purposes of this Planning and Zoning Code, a bed and breakfast inn shall be defined as a private residence where lodging and breakfast is provided by a resident family for compensation. Such a facility is generally used by transients. For purposes of this Code, a bed and breakfast inn is not a Short-Term Rental regulated by Chapter 1164, nor a hotel or motel whose building or complex has a central, on-site, staffed reservation desk and on-site property management.

(Ord. 07-2025. Passed 10/01/2025.)

1161.03 APPLICATION.

The regulations of this Chapter apply to bed and breakfast inns in any zoning district where a residential use is permitted or conditionally permitted. All bed and breakfast inns require a conditional use permit approved and issued in accordance with Chapter 1113. In addition to the requirements contained in Chapter 1113, conditional use applications for a bed and breakfast inn shall include a site plan showing existing improvements, floor plan illustrating the proposed operation, a site plan indicating all new improvements, and any additional information as required by the Planning Commission. Residential structures may be remodeled for the development of a bed and breakfast facility. However, structural alterations may not be made which would prevent the structure from being used as a

residence in the future. Internal or external changes which will make the dwelling appear less residential in function are not permitted. Examples of such alterations include installation of more than five parking spaces, paving of required setbacks, and commercial-type exterior lighting.

(Ord. 07-2025. Passed 10/01/2025.)

1161.04 DEVELOPMENT STANDARDS.

(a) Single Family, Detached Dwelling. Bed and breakfast inns shall only be permitted as a conditional use in single family, detached dwellings.

(b) Development Standards. Bed and breakfast inns must comply with the development standards of the base zone, overlay zone, and plan district, if applicable.

(c) Guest Rooms. There shall be no more than four (4) separate guest rooms within a single-family dwelling used as a bed and breakfast inn. Bed and breakfast inns shall be limited to a maximum of eight (8) guests per night. Bed and breakfast inns shall allow paying guests to stay for not more than thirty (30) consecutive nights at any single visit, nor more than a total of forty-five (45) nights in any calendar year.

(d) Employees. Bed and breakfast inns may have a limited number of nonresident employees, if approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence may also be approved. The number of employees and the frequency of employee trips to the facility may be limited or monitored as part of a conditional use approval.

(e) Owner/Operator. The owner/operator of the bed and breakfast inn must occupy the dwelling as their primary residence.

(f) Guest Register. A guest register listing the name, address, phone number, and dates of stay of all paying guests shall be maintained by the owner/operator and shall be made available for inspection by Village officials upon request.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1163 Exterior Property Maintenance Code

- 1163.01 Scope.
- 1163.02 Purpose.
- 1163.03 Severability.
- 1163.04 Applicability.
- 1163.05 Conflict of laws.
- 1163.06 Definitions.
- 1163.07 Enforcement.
- 1163.08 Inspection.
- 1163.09 Maintenance responsibility.
- 1163.10 General exterior maintenance requirements.
- 1163.11 Exterior surfaces.
- 1163.12 Foundations.
- 1163.13 Roofs, gutters, downspouts, and chimneys.
- 1163.14 Yard area maintenance.
- 1163.15 Infestation.
- 1163.16 Notice of violation.
- 1163.17 Appeal.
- 1163.18 Prosecution.
- 1163.19 Penalties.
- 1163.20 Abatement.
- 1163.21 Certification to County Auditor.

1163.01 SCOPE.

This Exterior Property Maintenance Code is limited to the establishment of minimum standards for the maintenance of exterior surfaces and exterior functioning units of all structures, buildings, and uses within the Village, including lot and yard areas within the Village. No provisions of this Code shall, in any way, directly or indirectly, be interpreted to interfere with, or to limit the right of, any owner or resident to inhabit real property owned or leased by them in such a manner and form as they may determine appropriate; consistent with other applicable provisions of law. This Code is directed to obvious exterior visual conditions which may lead to the violation of this Code within the Village.

(Ord. 07-2025. Passed 10/01/2025.)

1163.02 PURPOSE.

The purpose of this Code is to protect the public health, safety, and welfare by establishing a minimum standard governing the maintenance, appearance, and exterior condition of all premises and uses throughout the Village; to fix certain responsibilities and duties upon owners, residents, and managers of the same as to both separate and correlative responsibilities and duties; to authorize and establish procedures for the exterior inspection of such premises and uses; to affix penalties for the violations of this Code; and to provide a process for the repair, demolition, or vacation of premises unfit for human habitation, occupancy, or use. This Code is hereby declared to be remedial and essential for the public interest, and it is intended that this Code be construed and interpreted to effectuate the purposes as stated herein.

(Ord. 07-2025. Passed 10/01/2025.)

1163.03 SEVERABILITY.

Each chapter, section, paragraph, sentence, clause, phrase, or other divisible part of this Exterior Property Maintenance Code is hereby declared to be severable and if any such chapter, section, paragraph, sentence, clause, phrase, or other divisible part is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses, phrases, or other divisible part of this Chapter since the same would have been enacted without the incorporation into this Chapter of such unconstitutional or invalid chapter, section, paragraph, sentence, clause, phrase, or other divisible part.

(Ord. 07-2025. Passed 10/01/2025.)

1163.04 APPLICABILITY.

(a) Every building, residential structure, lot, and yard owner shall comply with the provisions of this Code, whether or not such building, lot, yard or use shall have been constructed, altered, or repaired before or after the enactment of this Code, and without regard to any permits or licenses which shall have been issued for the use or occupancy of the building premises, for the construction or repair of the building or use, or for the installation or repair of equipment or facilities prior to the effective date of the Code.

(b) This Code establishes minimum standards for the initial and continued occupancy and use of all such structures and properties and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building. Where there is mixed occupancy, residential or nonresidential use shall be regulated by and subject to the provisions of this Code.

(c) Historic Buildings. An owner of a building or structure, which has been designated by a governmental body as having historical significance, may use that designation as a basis for an appeal from application of the provisions of this Code.

(Ord. 07-2025. Passed 10/01/2025.)

1163.05 CONFLICT OF LAWS.

In any case where a provision of the Exterior Property Maintenance Code is found to be in conflict with a provision of any zoning, building, fire, safety, health, or other regulation, the provision of which establishes a higher standard for the promotion and protection of the safety and health, the conflicting provision shall prevail.

(Ord. 07-2025. Passed 10/01/2025.)

1163.06 DEFINITIONS.

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

(a) "Animal waste" means feces, waste eliminated from the bowels; excrement. See also "garbage", "refuse", "rubbish", and "waste".

(b) "Deterioration" means the condition or appearance of the exterior of the building, or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, or lack of maintenance.

(c) "Dilapidated" means having fallen into a state of disrepair or deterioration, as through neglect; broken-down and shabby.

(d) "Exterior of the premises" means those portions of a building which are exposed to public view and the open space of any premises outside of any building.

(e) "Final notice" means that a Notice of Violation has been served according to this Code, and the persons named have failed to comply within the time allowed.

(f) "Garbage" means food wastes, as from a kitchen. *See also* "animal waste", "refuse", "rubbish", and "waste".

(g) "Infestation" means the presence of insects, rodents, vermin, or other pests on the premises which constitute a health hazard as defined by the local health authority.

(h) "Nuisance" means that which is defined by Section 3767.41(2)(a) of the Ohio Revised Code. "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(i) "Occupancy" means any person living and/or sleeping in a dwelling unit or having an actual possession of said dwelling unit or any person who leases or rents a non-residential building, structure, or any portion thereof.

(j) "Owner" means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without the accompanying actual possession thereof; or shall have charge, care, or control as owner or agent of the owner; or as executor, administrator, trustee, receiver, or guardian of the estate, or as a mortgagee in possession.

(k) "Person" includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee.

(l) "Pests" means fungus, insect, nematode, rodent, weed or other form of terrestrial or aquatic life form that is injurious to human or farm animal health, or interferes with economic activities.

(m) "Premises" means a lot, plot, or parcel of land, including the buildings or structures thereon.

(n) "Refuse" means all solid wastes (except body wastes) including, but not limited to garbage, rubbish, ashes, dead animals, pet and animal wastes, industrial wastes, or the accumulation of brush, broken glass, stumps, and roots that present a safety hazard

which present an objectionable odor, unsanitary and/or safety hazard. *See also* "animal waste", "garbage" "refuse", and "waste".

(o) "Rubbish" means solid waste consisting of both combustible and non-combustible wastes such as, but not limited to paper, wrappings, tin cans, rubber, wood, glass, crockery, plastics, and similar materials. *See also* "animal waste", "garbage", "refuse", and "waste".

(p) "Undergrowth" means the brush (small trees and bushes and ferns etc.) growing beneath taller trees in a wood or forest; low plants, saplings, and shrubs growing beneath the trees in a forest.

(q) "Waste" means comprised mainly of vegetable matter, which is capable of being decomposed by microorganisms. *See also* "animal waste", "garbage", "refuse", and "rubbish".

(Ord. 07-2025. Passed 10/01/2025.)

1163.07 ENFORCEMENT.

The enforcement of any and all provisions of this Code is placed with the Zoning Inspector, as he/she believes may be required to carry out and effectuate all of the provisions herein.

(Ord. 07-2025. Passed 10/01/2025.)

1163.08 INSPECTION.

Upon written complaint filed with the Village of Kirkersville, or upon initiative of the Zoning Inspector, all buildings, premises, and uses within the Village are subject to exterior inspections.

(Ord. 07-2025. Passed 10/01/2025.)

1163.09 MAINTENANCE RESPONSIBILITY.

(a) The owner and/or manager of every structure or use within the Village shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this Code.

(b) The owner and/or manager of every structure or use within the Village shall be responsible for maintaining the yard area contiguous thereto in conformance with the provisions of this Code.

(c) The owner and/or manager of every yard or lot within the Village shall be responsible for maintaining their yard and/or lot area in conformance with the provisions of this Code.

(d) No owner and/or manager shall be relieved from the obligations of, nor be entitled to defend, any violation by reason of any contract or agreement between them and any other person.

(Ord. 07-2025. Passed 10/01/2025.)

1163.10 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.

(a) The exterior surfaces of all structures or uses within the Village, whether functional or decorative, shall be maintained in good repair and structurally sound. Any exterior part or feature thereof having functional use shall be capable of performing the use for which such part or feature was designed.

(b) The entire yard area extending up to and including the lot line in all directions shall be in compliance with the definitions of this Chapter.

(Ord. 07-2025. Passed 10/01/2025.)

1163.11 EXTERIOR SURFACES.

(a) All exterior surfaces of every structure or use within the Village shall be maintained so as to resist decay or deterioration from any naturally-occurring cause. Green moss covered or moldy exteriors shall be cause for cleaning. All exterior surfaces shall be covered with paint, finish, or other surface-coating so as to prevent such decay and deterioration. An exterior wall segment(s), facing, or other distinguishable surface area determined by the Zoning Inspector to have bare, peeling, flaking, pitted, or corroded areas, or otherwise showing deterioration, will require the wall segment(s), facing, or other distinguishable surface area to be surface-coated in its entirety. If the surface to be coated is a portion of a larger structure, such surface coating shall be compatible in color, texture, and design with the entire structure.

(b) Any deteriorated or decayed exterior walls, doors, porches, floors, step railing, or parts or features thereof, shall be repaired or replaced.

(c) Any damaged or broken windows, screens, or shutters and deteriorated or decayed sill, sash, molding, lintel, frame, or trim thereof, shall be repaired or replaced.

(Ord. 07-2025. Passed 10/01/2025.)

1163.12 FOUNDATIONS.

The foundation of every structure or use within the Village shall be maintained in such condition and repair as to prevent damage to the structural integrity of the same.

(Ord. 07-2025. Passed 10/01/2025.)

1163.13 ROOFS, GUTTERS, DOWNSPOUTS, AND CHIMNEYS.

(a) The roof of every structure or use within the Village shall be maintained weather-tight. All missing shingles, or other roofing materials, shall be replaced with materials of similar kind, nature, design, and color as the original thereof. If any roof segment(s), or distinguishable portion thereof, is determined by the Zoning Inspector to have missing or deteriorated shingles, or other roofing material, then the roof segment(s) or distinguishable portion thereof shall be replaced or repaired with materials of similar kind, nature, design, and color as the original thereof.

(b) Any structure or use within the Village having gutters and/or downspouts in place shall be maintained in such a manner as to keep such gutters and/or downspouts free of exterior rust, corrosion, and debris. Such rust, corrosion, and debris as may develop in the course of ordinary use of the same, shall be removed, painted, or otherwise surface-coated as to keep such gutters and/or downspouts free of visible rust or corrosion.

(Ord. 07-2025. Passed 10/01/2025.)

1163.14 YARD AREA MAINTENANCE.

(a) Refuse.

(1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated vehicles or vehicle parts, machinery and construction equipment or construction equipment parts shall be placed or stored in any yard area or use within the Village over a period in excess of ten (10) days. Said 10-day period begins on the day of written notification from the Zoning Inspector and may be extended as a result of extenuating circumstances if approved by the Zoning Inspector.

(2) Exterior property areas of all premises or uses shall be kept free of debris, objects, materials, rubbish, garbage, refuse, and infestations, or conditions that create a health, accident, or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. All debris, objects, materials, or conditions shall be removed within ten (10) days. Said 10-day period begins on the day of written notification from the Zoning Inspector and may be

extended as a result of extenuating circumstances if approved by the Zoning Inspector.

(3) The open storage and display of material and equipment incidental to a nonresidential use adjacent to a residential zoning district, Planned Residential District, Planned Unit District, or visible from a public right-of-way shall only be permitted provided the area used for open storage and display shall be effectively screened on adjoining sides and public rights-of-way by means of walls or fences with a one hundred percent (100%) opaqueness and is located behind the building line and not in a required yard. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon and shall not include chain link fences. Walls and fences may be further screened with plantings comprised of evergreen hedges six (6) feet in height. *See Chapter 1155.*

(b) Grass and Weed Control (Not to Include Ornamental Grass), Surface Condition.

(1) Removal of noxious and excessively high grass and weeds constituting a public nuisance.

A. It is hereby deemed that weeds or grass growing at a height of eight (8) inches or higher upon any property within the Village are a public nuisance. *See Chapter 1147.03(j).* All lots shall be provided with grass or other appropriate ground cover, as approved or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid runoff of surface water.

B. When the Zoning Inspector determines that such violation of subsection (b)(1)(A) exists, there shall be served a written notice upon the owner or occupant, or any other person, firm or corporation, having care of such lot or land, ordering the cutting and removal of such weeds and noxious grasses.

C. Only one final notice per calendar year under subsections (b)(1)(A) or (B) hereof will be required for a lot or parcel. If, after a notice has been served in a period of time not more than 10 days, the Zoning Inspector can have lots or parcels cut and removed at the owner's expense and the cost, together with an administrative fee of twenty percent (20%) shall be assessed against the lot or land. Such administrative fee shall not exceed two hundred dollars (\$200.00).

(c) Accessory Structures.

(1) All structures or uses located in the yard areas within the Village, such as sheds, barns, garages, bins, and the like, shall be maintained in good repair, structurally sound and in conformance with other provisions of this Code having regard to foundations, roofs, and exterior surfaces.

(2) Any broken, rusted, deteriorated, or decayed fence, yard enclosure, or other device or structure located in the yard area contiguous to any structure or use within the Village shall be maintained in the condition as intended. This includes but is not limited to leaning or damaged fences, fences missing slats, missing sections, broken supports or blocks or any other materials that are otherwise broken or damaged in such a way as to present a deteriorated or blighted appearance. All materials shall be uniform, compatible, and consistent with the design thereof.

(d) Ground Surface Hazards. Holes, cracks, excavations, breaks, projections, and obstructions at any place on the premises which are a hazard to persons using the premises shall not be permitted.

(e) Motor Vehicles.

(1) A nuisance is hereby declared to exist when a person, firm, or corporation keeps, stores, places, or allows to remain, unlicensed motor vehicles, motor vehicles in an inoperable condition, motor vehicles unfit for further use, automobile or motor vehicle parts on any parcel of land, street, or alley, within the corporate limits of the Village of Kirkersville.

(2) Per R.C. 505.173, "junk motor vehicle" is defined as a motor vehicle that meets all of the following criteria:

- A. Three model years old, or older;
- B. Apparently inoperable;
- C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

(Ord. 07-2025. Passed 10/01/2025.)

1163.15 INFESTATION.

All structures, and the premises thereof, shall be maintained free of vermin, rodents, and other pests, and free of sources of breeding, harborage, and infestation by such vermin, rodents, and other pests.

Insect and Rodent Control:

(a) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the local health authority.

(b) Grounds shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(c) Storage areas shall be maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least eighteen (18) inches above the ground.

(d) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(e) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Grounds shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered to be detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

(Ord. 07-2025. Passed 10/01/2025.)

1163.16 NOTICE OF VIOLATION.

(a) Where a violation of any provision of this Code is found to exist, the Village, through its Zoning Inspector, shall cause a written notice of such violation to be served upon the owner, manager, occupant, or other person responsible for the correction thereof. The Notice shall specify the violation committed, and shall provide a reasonable period of time, at least ten (10) days but not more than thirty (30) days, to address, correct or abate the violation. There are two notices that are served upon the owner, manager, occupant, or other person responsible for the correction thereof; a first notice which shall be affected by publication as described in Section 1163.14(b)(1)(A) and a final notice.

(b) Service: A Notice of Violation shall be deemed to be properly served if one or more of the following methods are used:

(1) By personal delivery to the owner or occupant of the premises or by leaving the notice at the premises with a person of suitable age and discretion.

(2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at his/their last known address, with return receipt requested. If a certified mail envelope is returned with the endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector.

(3) By posting a copy of the Notice of Violation in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Village. The legal notice shall identify the owner of the property, the last address, if known, of the owners, the parcel identification, the location and nature of the violation.

(c) When the violation involves a motor vehicle, a period of ten (10) days is considered a reasonable period of time to correct or abate the violation. The Notice shall state that, if the violation is not corrected or abated within the time allowed, the Zoning Inspector may cause to have a motor vehicle impounded and all charges associated with the impound will be the owner's responsibility. (Refer to Section 1163.19).

(d) When the violation involves a motor vehicle, a copy of the Notice shall also be conspicuously affixed to the motor vehicle if the surrounding facts and circumstances make it practicable to do so.

(e) In the absence of an appeal, as provided below, the completion of the notice of violation and the execution of the failure to comply notice shall constitute a Final Notice as to administrative proceedings.

(Ord. 07-2025. Passed 10/01/2025.)

1163.17 APPEAL.

Appeals of any notice and/or determination made by the Zoning Inspector under this Chapter may be taken in accordance with Section 1107.05.

(Ord. 07-2025. Passed 10/01/2025.)

1163.18 PROSECUTION.

Any person failing to comply with a notice of violation or order served in accordance with the Notice of Violation section shall be deemed guilty of a minor misdemeanor. If the notice of violation is not complied with, the Zoning Inspector or his/her designee shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to prosecute.

(Ord. 07-2025. Passed 10/01/2025.)

1163.19 PENALTIES.

Any person who violates a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 07-2025. Passed 10/01/2025.)

1163.20 ABATEMENT.

The imposition of the penalties herein prescribed shall not preclude the Zoning Inspector of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

ABATEMENT PROCEDURE FOR NON-MOTOR VEHICLE NUISANCE:

The Village Administrator shall direct the necessary machinery and labor to perform the required task. Expenses incurred shall, when approved by Council, be paid out of the money in the Treasury not otherwise appropriated.

ABATEMENT PROCEDURE FOR MOTOR VEHICLE NUISANCE:

(a) Upon information that a Final Notice involving a motor vehicle nuisance has not been complied with, the Zoning Inspector will remove or direct the removal of the motor vehicle for purposes of impounding the motor vehicle.

(b) Whenever the Zoning Inspector impounds a motor vehicle, as authorized herein, the Zoning Inspector shall, in a timely manner, give or cause to be given notice in writing to the owner of the fact of such impoundment and the reasons therefore and the place to which the vehicle has been removed. The Zoning Inspector may request assistance from the Kirkersville Police Department.

(Ord. 07-2025. Passed 10/01/2025.)

1163.21 CERTIFICATION TO COUNTY AUDITOR.

If the bill for abatement or correction is not paid within thirty (30) days after submission, the Legislative Officials of the Village of Kirkersville shall certify said costs, together with a fifteen percent (15%) penalty, to the Licking County Auditor for placement on a tax duplicate to be collected as other taxes for return to the Village, as per this Chapter and a lien shall be assessed upon the property from the date of certification.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1164 Short-Term Rental Regulations

- 1164.01 Purpose.
- 1164.02 License required.
- 1164.03 Definitions.
- 1164.04 Applicability.
- 1164.05 Application for a short-term rental license.
- 1164.06 Criteria for review.
- 1164.07 License issuance and revocation.
- 1164.08 Operation of short-term rentals.
- 1164.09 Property rules.
- 1164.99 Penalty.

1164.01 PURPOSE.

The purpose of this Chapter is to establish licensing requirements which allow residential dwellings to be rented as a means to offer individuals a safe and enjoyable place to stay while visiting the Village of Kirkersville, while maintaining the quality of life of the residents and other visitors. The regulations herein are intended to guarantee the casual rental of a dwelling is compatible with the neighborhood in which it is located and does not disrupt the peace, health and safety, or visual appeal of the Village of Kirkersville.

(Ord. 07-2025. Passed 10/01/2025.)

1164.02 LICENSE REQUIRED.

No person may own or operate a Short-Term Rental within a residential dwelling for at least one (1) night each calendar year without a Village of Kirkersville Short-Term Rental License issued pursuant to this Chapter.

(Ord. 07-2025. Passed 10/01/2025.)

1164.03 DEFINITIONS.

As used in this Chapter, the following definitions shall apply:

(a) Owner/Operator. The owner of a residential dwelling licensed as a Short-Term Rental, being a person who declares residency in the Village of Kirkersville and being the person to which a Short-Term Rental License is issued and who is responsible for the property and the actions thereon.

(b) Residential Dwelling. Any lawfully constructed building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others. For purposes of this Chapter, a residential dwelling is not a unit in a bed and breakfast Inn, nor a unit in a hotel or motel whose building or complex has a central, on-site, staffed reservation desk and on-site property management.

(c) Short-Term Rental (STR). A residential dwelling in which sleeping accommodations are offered by the owner/operator for pay to tourists or transients for periods of typically less than thirty (30) consecutive calendar days in compliance with all applicable local, state, and federal laws. These facilities are sometimes referred to as "vacation rentals" and are often posted as short-term rental listings online on vacation rental sites such as AirBnB, Vrbo, etc. They do not include a boarding home which does not accommodate tourists or transients, bed and breakfast inns, or hotels or motels whose building or complex has a central, on-site, staffed reservation desk and on-site property management.

(Ord. 07-2025. Passed 10/01/2025.)

1164.04 APPLICABILITY.

The regulations of this Chapter apply to Short-Term Rentals in any zoning district where a residential use is permitted or conditionally permitted. In addition to the licensing requirements of this Chapter, residential dwellings may be remodeled for the development of a Short-Term Rental; however, structural alterations may not be made which would prevent the residential dwelling from being used as a residence in the future. Internal or external changes which will make the residential dwelling appear less residential in function are prohibited. Examples of such alterations include installation of more than five (5) parking spaces, paving of required setbacks, and commercial-type exterior lighting.

(Ord. 07-2025. Passed 10/01/2025.)

1164.05 APPLICATION FOR A SHORT-TERM RENTAL LICENSE.

(a) Written Application. Any person seeking to become an owner/operator of a Short-Term Rental within the Village must file an annual application for a Short-Term Rental License with the Zoning Inspector.

(b) Fee. A fee, as established by Village Council, shall be paid by the applicant at the time of application to cover the costs of reviewing and reporting of the application. *See* Section 1105.03(b).

(c) Application Contents. The application for a Short-Term Rental License, to be submitted annually, shall contain the following items, unless additional or different information is requested by the Zoning Inspector:

(1) Name, address, phone number, and signature of the owner/operator(s).

(2) The twenty-four (24) hour local emergency contact for the property, if different from the owner/operator.

(3) The property manager, if applicable.

(4) A legal description of the property.

(5) A floor plan of the residential dwelling with all rooms identified, indicating the sleeping areas available for rent and maximum capacity accommodated therein for sleeping purposes. The square footage of each room available for sleeping purposes shall clearly be labeled on the plan.

(6) A list of all property owners and their addresses within two hundred (200) feet of the property. The list of addresses may be taken from the County Auditor's current tax list.

(7) A site plan indicating where parking is available on-site; where the driveway is located; driveway width; and the maximum number of parking spaces available to guests.

(8) A complete list of the proposed print and online publications in which the residential dwelling is anticipated to be marketed and rented as a Short-Term Rental.

(9) Copy of the most recent recorded deed to the property.

(10) Current photos of all four sides of the exterior of the building and one photo at the end of the driveway looking into the property towards the dwelling.

(11) A notarized statement including confirmation that the proposed owner/operator and the proposed Short-Term Rental listing are in compliance with

all applicable local, state, and federal laws and regulations (notaries onsite at the Village can be made available to assist with this part of the application).

(12) A copy of the Property Rules as required below.

(13) The applicant shall acknowledge on the Short-Term Rental License Application Form that they have read and understood the use and development restrictions on their subdivision deed, condominium bylaws, or homeowners' association, if applicable, and acknowledge they are in compliance with said restrictions.

(14) The required non-refundable application fee.

(Ord. 07-2025. Passed 10/01/2025.)

1164.06 CRITERIA FOR REVIEW.

(a) General. Every Short-Term Rental License Application shall be reviewed for compliance with this Chapter and all other applicable provisions specified in the Village of Kirkersville Codified Ordinances. Failure to satisfy all requirements specified herein shall be deemed a denial of a license. In the event a license is denied, no new application may be reviewed until all deficiencies of the previous application, residential dwelling, and property have been resolved and a new application, including new fee and addenda, have been submitted.

(b) Specific. Every Short-Term Rental License Application shall be reviewed for compliance with the following, and if deemed compliant, a license shall be issued:

(1) The Short-Term Rental License Application is complete, legible, and signed, with all supporting documentation submitted.

(2) Complete compliance with this Chapter and the Village of Kirkersville Codified Ordinances and absence of deceit, as applicable.

(3) A statement that the owner/operator has resolved any known Planning and Zoning Code violations, is current on any applicable citation charges and court costs, property taxes, utility charges, and other municipal fees and surcharges, and acknowledgment that no license can be issued until the owner/operator has resolved these aforementioned violations or fees.

(4) A statement that the residential dwelling has not been altered without permits to accommodate more bedrooms or that other unpermitted construction has occurred that may be a safety concern.

(5) Proof that there is adequate road access and parking on-site in conformance with the Village of Kirkersville Planning and Zoning Code.

(6) Evidence the owner/operator meets all requirements specifying the definition set forth in Section 1164.03.

(7) Evidence of the Property Rules required below, and that they have been posted in their entirety on any applicable listing platform or other advertising means.

(8) Evidence of the non-refundable fee submitted in its entirety at the time of application.

(9) If the Village receives or discovers evidence of any individual or entity listing a residential property as a Short-Term Rental on any applicable listing platform or other advertising means without having been issued a Short-Term Rental License by the Village, the individual or entity may be denied a license at any time upon application to the Village.

(Ord. 07-2025. Passed 10/01/2025.)

1164.07 LICENSE ISSUANCE AND REVOCATION.

(a) Review by Zoning Inspector and Planning Commission. Every Short-Term Rental License Application shall be reviewed for compliance with this Chapter and all other applicable provisions specified in the Village of Kirkersville Codified Ordinances. Upon receipt and after preliminary review, the Zoning Inspector shall forward the application to the Planning Commission and set the application for review and consideration during a regularly scheduled meeting of the Board. The applicant shall receive notice of the meeting at which the application will be up for consideration and must attend the meeting. Upon review and consideration, the Planning Commission shall either approve, deny, or approve with conditions the Short-Term Rental License Application.

(b) Term of License. If approved, a Short-Term Rental License shall be effective for twelve (12) months beginning from the date of approval. New STR License requests require a completed application, Village staff and Planning Commission review, and compliance with this Chapter and all Village ordinances in effect at the time of the new application. Thereafter, annual renewal applications require a completed renewal application and approval by the Zoning Inspector.

(c) Timing of Applications. A completed application must be filed with the Zoning Inspector at least forty-five (45) days prior to the license expiration so the Planning Commission has adequate time to consider the application. After the initial licensure, a subsequent application shall be treated as a new application and require the same forms, documentation, verifications, and fees required for the original license application. Incomplete applications will be returned to the applicant.

(d) Change in Ownership. Change in ownership of the Short-Term Rental requires a new application and license to be issued by the Village. Licenses are non-transferable and issued to the owner/operator, not to the property.

(e) License Revocation. The Planning Commission may reject, suspend, revoke, decline to issue subsequent Short-Term Rental Licenses, or process an application, if it has been determined the license application contained false information, the license was issued under false pretenses, or if the property was operated in violation of the Village Codified Ordinances and/or any provision of the Planning and Zoning Code. Any violations of Codified Ordinances and/or the Planning and Zoning Code relating to the Short-Term Rental may be taken into consideration by the Planning Commission when deciding to reject, suspend, or revoke a license, or process an application. Prior to revocation, any owner/operator operating in violation of this Chapter shall be notified in writing of said violation.

(f) Post-Revocation. An owner/operator may apply for a new license no less than six (6) months after a Short-Term Rental License has been revoked and provided there is evidence that the residential dwelling has not been rented during the revocation period.

(g) Appeals. Any owner/operator who has been denied a license, had a license suspended or revoked, or whose license application was not processed, may appeal the decision to the Village Council upon filing an Appeal Form within fourteen (14) days of the written decision and paying the required appeal fee. Council shall hold a hearing as soon as possible and determine whether the decision should be upheld or reversed.

(Ord. 07-2025. Passed 10/01/2025.)

1164.08 OPERATION OF SHORT-TERM RENTALS.

The following rules of operation apply to the property being licensed as a Short-Term Rental, whether occupied by a guest(s) or the owner/operator(s).

(a) The owner/operator is responsible for licensing the Short-Term Rental and ensuring compliance with the Village's Codified Ordinances. The owner/operator shall also be responsible for those individuals they employ, directly or indirectly, and their compliance with this Chapter and the Village's Codified Ordinances.

(b) The owner/operator shall not allow rooms to be used for sleeping purposes that are not contained within those areas designed and approved by the Village for living quarter purposes.

(c) The owner/operator must ensure that there are no unpermitted decks or accessory structures on the property, and that the existing and approved decks and other accessory structures are maintained in sound condition.

(d) The owner/operator must make provisions for parking that comply with all Village of Kirkersville Codified ordinances and take all necessary measures to ensure said parking is in compliance.

(e) In addition to all other applicable laws and regulations, pets that accompany a renter at a Short-Term Rental:

(1) Must be under the control of their owner and on a leash when outside the dwelling.

(2) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.

(f) Any outdoor event or gathering held at the Short-Term Rental shall last no longer than twelve (12) consecutive hours occurring between the hours of 10:00 a.m. and 10:00 p.m. Quiet hours will be enforced. No event shall be permitted for which a demand for parking exceeds the number of spaces approved by the Village as being available for guests.

(g) All residential dwellings shall be able to accommodate reliable cellular phone service, or the owner/operator shall provide land line phone services.

(h) All owner/operators, during the rental period, shall follow all state and federal anti-discrimination regulations.

(i) The owner/operator must reside within the Village of Kirkersville. The owner/operator must provide the Village with the current contact information for the Registered Agent and the Agent must be available twenty-four (24) hours a day. The owner/operator must provide the following information to the Zoning Inspector, who will forward the information to neighboring residential property owners located within a 200-foot radius of the Short-Term Rental property within seven (7) days of the license issuance date. If the owner/operator or Agent's contact information changes, the owner/operator shall forward said information to the Zoning Inspector within twenty-four (24) hours. Information to be provided to the neighbors for both the owner/operator and agent:

(1) Cellular or emergency telephone number and email address.

(2) A copy of the Property Rules.

(3) Information as to the location of approved on-site parking.

(j) Every owner/operator shall ensure provision of refuse and recycling collection and disposal services to the Short-Term Rental.

(k) The owner/operator shall ensure their Property Rules, in compliance with this Chapter, are posted on all reservation platforms so guests are aware of what is required and in a conspicuous location in the Short-Term Rental. The owner/operator shall further post a

statement on all reservation platforms indicating that they have received a valid Short-Term Rental License issued by the Village of Kirkersville.

(Ord. 07-2025. Passed 10/01/2025.)

1164.09 PROPERTY RULES.

A list of property rules must be posted at the Short-Term Rental property, provided to the guests, posted to all reservation platforms, and a copy submitted with the application for a license. Property rules must contain, at minimum, the following information:

- (a) The name and phone number of the owner/operator.
- (b) A diagram of the property identifying the property lines and the location of off-street parking, including the maximum number of off-street parking spaces provided for renters, and where located, including prohibited vehicles and parking areas.
- (c) Quiet hours of 10:00 p.m. to 10:00 a.m.
- (d) Pet policy in compliance with, at minimum, this Chapter and the Village's Codified Ordinances.
- (e) Information about refuse and recycling storage and collection.
- (f) Fireworks are strictly prohibited.
- (g) Outdoor burning regulations consistent with the Village's Codified Ordinances.
- (h) Information specific to the property about tornado safety, operation of the fire and carbon monoxide alarms, where to locate a fire extinguisher and location of all hoses for extinguishing.
- (i) No illegal activity is permitted on the property.
- (j) Notification that the owner/operator may be cited or fined by the Village or have their license revoked if the renter violates any provision of this Chapter or other applicable sections of the Village's Codified Ordinances.

(Ord. 07-2025. Passed 10/01/2025.)

1164.99 PENALTY.

Any owner/operator that fails to comply with the provisions of this Chapter shall, upon conviction or admission, pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000) for the first offense, a fine of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) for the second offense, and a fine of not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000) for the third and subsequent offenses, plus the applicable surcharges, assessments, and costs including legal fees and costs of prosecution for each violation. Each day a violation exists or continues constitutes a separate offense under this Chapter. The owner/operator is responsible for any violation that occurs on their property.

(Ord. 07-2025. Passed 10/01/2025.)

CODIFIED ORDINANCES OF KIRKERSVILLE

BUILDING CODE

CHAPTER 1301 Ohio Building Code

1301.01 Adoption.

1301.02 Purpose.

1301.03 Scope.

1301.04 Compliance.

1301.05 Existing structures.

1301.06 Orders and violations.

1301.07 Unsafe buildings.

1301.08 Conflict.

1301.09 Enforcement.

1301.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Removal of unsafe structures - *see* Ohio R.C. 715.26(B), 715.261

Power to enact further and additional regulations - *see* Ohio R.C. 3781.01

Authorization by Board of Building Standards - *see* Ohio R.C. 3781.12

Enforcement - *see* Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19

Final jurisdiction - *see* Ohio R.C. 3781.04

Application - *see* Ohio R.C. 3781.06, 3781.10(E), 3781.11(A)

Submission of plans - *see* Ohio R.C. 3791.04

Dead bolt locks in apartment buildings - *see* Ohio R.C. 3781.103

Smoke detection system for apartments and condominiums - *see* Ohio R.C. 3781.104

Automatic sprinkler systems - *see* Ohio R.C. 3781.105, 3791.041 et seq.

Fire suppression systems - *see* Ohio R.C. 3781.108

Use of public buildings by handicapped persons - *see* Ohio R.C. 3781.111

Energy conservation - *see* Ohio R.C. 3781.181, 3781.182, 3781.21

Abandoned service stations - *see* Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - *see* Ohio R.C. 3791.21

1301.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, effective January 1, 2016, as amended to date, and as identified and published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC).

(Ord. 07-2025. Passed 10/01/2025.)

1301.02 PURPOSE.

The purpose of the Ohio Building Code is to establish uniform minimum requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy with consideration for the following:

(a) Performance. Establish such requirements, in terms of performance objectives for the use intended.

(b) Extent of Use. Permit to the fullest extent feasible, the use of materials and technical methods, devices, and improvements which tend to reduce the cost of construction without affecting minimum requirements for the health, safety, and security of the occupants of buildings without preferential treatment of types or classes of materials or products or methods of construction.

(c) Standardization. To encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

The rules of the Board of Building Standards and proceedings shall be liberally construed in order to promote its purpose. When the Building Official finds that the proposed design is a

reasonable interpretation of the provisions of this Code, it shall be approved. Materials, equipment and devices approved by the Building Official pursuant to Section 114 of the Ohio Building Code shall be constructed and installed in accordance with such approval. (OBC 101.3)

(Ord. 07-2025. Passed 10/01/2025.)

1301.03 SCOPE.

(a) Application and Compliance. The provisions of the Ohio Building Code, the Ohio Mechanical Code and the Ohio Plumbing Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. As provided in Section 3791.04(B) of the Ohio Revised Code, no plans or specifications shall be approved or inspection approval given unless the building represented by those plans or specifications would, if constructed, repaired, erected or equipped according to those plans or specifications, comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rules adopted by the Board.

An owner may exceed the requirements of the Ohio Building Code in compliance with Section 102.9 of the Ohio Building Code.

This Building Code applies to detached one-, two-, and three-family dwellings and structures accessory to those dwellings only to the extent indicated in Section 310 of this Building Code.

(b) Exceptions.

(1) Detached one-, two-, or three-family dwellings, structures accessory to those dwellings, or those single-family dwellings with five or fewer persons receiving care in a supervised environment but capable of self-preservation with or without limited verbal or physical assistance are within the scope of the “Residential Code of Ohio for One-, Two-, or Three-Family Dwellings”.

(2) Buildings owned by and used for a function of the United States Government.

(3) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this Section, a building or structure is not considered used in the business of retail trade if fifty percent (50%) or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (*see* Ohio R.C. 3781.06 and 3781.061).

(4) Agricultural labor camps.

(5) Type A or Type B family day-care homes, except for the inspection required for licensure by the Ohio Department of Jobs and Family Services (ODJFS). This required inspection shall be conducted by the certified building department having jurisdiction or the Division of Industrial Compliance and Labor in accordance with the inspection checklist found on the Board of Building Standard's website.

(6) Buildings or structures which are designed, constructed, and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. Sections 18233(A)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.

(7) Manufactured homes constructed under "24 CFR Part 3280", "Manufactured Home Construction and Safety Standards" and within the scope of the rules adopted by the Ohio Manufactured Home Commission, including additions, alterations and all utility connections from the utility service point to the manufactured home. This exception does not apply to changes of occupancy of manufactured homes, except that a manufactured home located within a manufactured home park and used by the park operator to promote the sale/rental of manufactured homes in that part remains exempt.

(8) Sewerage systems, treatment works, and disposal systems (the tanks, piping and process equipment associated with these systems), regulated by the legislative authority of a municipal corporation or the governing board of a county or special district owning or operating a publicly owned treatment works or sewerage system as stated in division (A) of Section 6111.032 of the Ohio Revised Code, however a building that houses such process equipment is within the scope of this Code.

(9) Building sewer piping.

(10) Amusement rides and portable electric generators and wiring supplying carnival and amusement park rides regulated by the Ohio Department of Agriculture pursuant to Section 1711.50 of the Ohio Revised Code, et seq.

(11) Structures on the premises of and directly related to the operation of a generating plant defined as a major utility facility regulated by the Power Siting Board, including the structures associated with generation, transmission, and distribution. As a condition of the Power Siting Board's approval, the Building Department may be requested to review and inspect these structures for compliance with the rules of the Board of Building Standards. However, the Building Department has no enforcement authority.

(12) Structures associated with pipelines used for the transmission of natural gas and other hydrocarbons.

(13) Public water systems (the tanks, foundations, piping and process equipment associated with these systems) regulated by the Ohio Environmental Protection Agency in accordance with division (A) of Section 6109.07 of the Ohio Revised Code, however, a building that houses such process equipment is within the scope of this Code.

(14) Private water systems (the tanks, foundations, piping and process equipment associated with these systems) regulated by the Ohio Department of Health in accordance with Section 3701.344 of the Ohio Revised Code, however, a building that houses such process equipment is within the scope of this Code.

(15) Fixed or floating docks (including the electrical wiring, lighting, and fire protection systems serving the docks) at marinas or boatyards, unless the docks directly serve as a means of egress from, or an accessible route to, a regulated building located at the marina or boatyard.

(16) Portable mobile vehicles which have been issued a Vehicle Identification Number (VIN) by the United States Department of Transportation. The vehicles have wheels and license plates and are intended for transportation on public streets and highways. Examples of the exempt vehicles include, but are not limited to, recreational vehicles, book mobiles, blood mobiles, mobile medical imaging units, mobile concession trailers, network television transmission and production trailers used at sporting events, mobile restroom facilities, mobile pet grooming units, etc.

(17) Wind turbines, pumps, site lighting, and flagpoles not connected to building services equipment.

(18) Mine elevator shafts and structures.

(19) Ground signs.

(20) Oil or gas beam pumping units and derricks.

(21) Bungee jumping and zip line structures, and miniature golf courses.

(22) Retaining walls, bridges, walkways or stairs not associated with a building or building egress. (OBC 101.2)

(Ord. 07-2025. Passed 10/01/2025.)

1301.04 COMPLIANCE.

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in case of repairs for maintenance without affecting the construction, sanitation, safety or other vital feature of such building or structure, without complying with this Chapter, Chapters 3781 and 3791 of the Ohio Revised Code, or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto. (ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating this Chapter, Chapters 3781 and 3791 of the Ohio Revised Code, or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto. (ORC 3791.01, 3791.03)

(c) No owner shall proceed with the construction, erection, alteration or equipment of any building to which the Ohio Building Code is applicable until the plans or drawings, specifications, and data have been approved as Section 3791.04 of the Ohio Revised Code requires, or the industrialized unit inspected at the point of origin. No plans or specifications shall be approved, or inspection approval given unless the building represented would, if constructed, repaired, erected, or equipped comply with Chapters 3781 and 3791 of the Ohio Revised Code and any rule made under those Chapters. (ORC 3791.04)

(Ord. 07-2025. Passed 10/01/2025.)

1301.05 EXISTING STRUCTURES.

The provisions of Chapter 34 of the Ohio Building Code shall control the alteration, repair, addition, maintenance and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this Code shall be permitted to continue without change provided there are no orders of the Building Official pending, no evidence of fraud, or no serious safety or sanitation hazard. When requested, such approvals shall be in the form of a "Certificate of Occupancy for an Existing Building" in accordance with Section 111.2 of the Ohio Building Code.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this Code are existing buildings. (OBC 102.7)

(Ord. 07-2025. Passed 10/01/2025.)

1301.06 ORDERS AND VIOLATIONS.

(a) Adjudication Orders Required. When the Building Official denies any approval or takes action in response to findings of non-compliance with the rules of the Board, such action shall be initiated by issuing an adjudication order, prior to seeking any remedy, civil or criminal. Every adjudication order shall:

(1) Clearly identify the section of law or rules violated.

(2) Clearly identify, in a contrasting and obviously marked manner, all violations related to accessibility.

(3) Specifically indicate which detail, installation, site preparation, material, appliance, device, addition, alteration to structures, construction documents, assemblages or procedures are necessary to change to comply with the order.

(4) When issued to stop work, the order shall also clearly indicate the specific work that is required to cease, when the work must cease and the conditions under which the cited work will be permitted to resume. The order to stop work shall be given to the owner of the property involved, to the owner's agent and the person doing the work.

(5) Include notice of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the order. The order shall also indicate that, at the hearing, the owner may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the owner.

(6) Any hearing(s) scheduled for accessibility issues shall cause the Building Official or the appeals board to notify a local advocate organization for people with disabilities of the scheduled hearing. When a local advocate organization is not available, a state organization representing people with disabilities, such as the "Governor's Council on People with Disabilities" shall be notified.

(7) Specify a reasonable period of time in which to bring the item(s) on the order into compliance.

(8) Include the signature of the Building Official.

(9) The order shall be sent to the owner and the owner's representatives.

(b) Response to Orders. The person receiving an order shall exercise their right to appeal within 30 days of the mailing of the order, comply with the order, or otherwise be released from the order by the Building Official.

(c) Prosecution and Penalties. When an owner fails to comply with subsection (b) hereof, the owner may be prosecuted and is subject to the penalty provided in Section 1301.99.

(d) Unlawful Continuance. Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance. (OBC 109)

(Ord. 07-2025. Passed 10/01/2025.)

1301.07 UNSAFE BUILDINGS.

(a) Unsafe Buildings Defined. Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed.

(b) Orders, Injunction Proceedings. Where the Building Official finds that a building is a serious hazard and the owner of such building fails, in the time specified in an order from the Building Official, to eliminate such hazard, or to vacate or raze the building, the building official shall proceed under Section 3781.15 of the Ohio Revised Code.

(c) Restoration. Where the structure or equipment is determined to be unsafe by the Building Official, it is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are intended to be made, or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with Chapters 1 and 34 of the Ohio Building Code and this Chapter. (OBC 109)

(Ord. 07-2025. Passed 10/01/2025.)

1301.08 CONFLICT.

(a) General. Where, in any specific case, different sections of the Ohio Building Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Other Laws. The provisions of the Ohio Building Code shall not be deemed to nullify any provisions of state or federal law. The Municipality may make further and additional regulations, not in conflict with Chapters 3781 and 3791 of the Ohio Revised Code, or with the rules of the Board of Building Standards. However, approval by the Board of

Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio.

(c) Other Rules. As provided in division (B) of Section 3781.11 of the Ohio Revised Code, the rules of the Board of Building Standards shall supersede and govern any order, standard or rule of the Divisions of State Fire Marshal or Industrial Compliance in the Department of Commerce, and the Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Chapter 3743 of the Ohio Revised Code prevail in the event of a conflict.

There may be other requirements owners may be required to meet as set forth by other licensing agencies such as the Ohio State Fire Marshal, Ohio Department of Health, the Ohio Department of Jobs and Family Services, Ohio Department of Mental Health and Addiction Services, Ohio Department of Developmental Disabilities, federal agencies, or other licensing authorities. Owners and designers should investigate these additional licensing agency requirements to ensure they are incorporated into the building design before submitting to the certified building department for plan approval.

The rules of the Board of Building Standards adopted pursuant to Section 3781.10 of the Ohio Revised Code shall govern any rule or standard adopted by the Board pursuant to Sections 4104.02 and 4105.011 of the Ohio Revised Code. (OBC 102)

(Ord. 07-2025. Passed 10/01/2025.)

1301.09 ENFORCEMENT.

(a) Building Official. The Building Official is responsible for the enforcement of the rules of the Board and of Chapters 3781 and 3791 of the Ohio Revised Code relating to the construction, arrangement, and the erection of buildings or parts thereof. All building officials shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner. The Building Official shall render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Building Officials shall be responsible to assure that a system is in place to track and audit all projects, to assure that all Building Department personnel perform their duties in accordance with this Section, and for the overall administration of a Building Department as follows:

(b) Applications and Plan Approvals. The Building Official shall receive applications, require or cause the submitted construction documents to be examined, ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Ohio Building Code, and shall issue plan approvals for the construction, erection, alteration, demolition and moving of buildings and structures.

The Building Official shall require a master plans examiner or elective plans examiners to examine the construction documents to verify the construction indicated is in accordance with the requirements of this Code and shall assure coordination of plan review.

(c) Plan Examination by the Building Official. When the Building Department does not have in its full-time employ a certified master plans examiner, the certified Building Official shall examine construction documents to determine compliance with the rules of the Board if the registered design professional elects to submit construction documents that contain a written certification by the registered design professional indicating conformance with the requirements of the rules of the Board and Chapters 3781 and 3791 of the Ohio Revised Code.

(d) Orders. The Building Official shall issue all orders in accordance with Section 1301.06 to ensure compliance with the Ohio Building Code.

(e) Inspections.

(1) If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Building Official, under Section 108 of the Ohio Building Code, the Building Official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved construction documents. The Building Official shall identify any special conditions that would affect the timing of inspections and schedule inspections times mutually agreed upon by the Building Official and the owner.

(2) Special inspections are as required under Section 1704 of the Ohio Building Code.

(f) Department Records. The Building Official shall keep official records of applications received, certificate of plan approvals issued, notices and orders issued, certificates of occupancy, certificates of completion and other such records required by the rules of the Board of Building Standards. Such information shall be retained in the official permanent record for each project. One set of approved construction documents shall be retained by the Building Official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by document retention regulations.

(g) Department Reports. The Building Official shall be responsible for the submission of reports and any requested special information to the Board of Building Standards as required in paragraph (F) of Rule 4101: 7-2-01 of the Administrative Code. Failure to submit these reports as required by rule or by special request or inquiry of the Board of Building Standards may be grounds for Board action as described in paragraph (F)(7) of Rule 4101:7-3-01 of the Administrative Code.

(h) Liability. Liability of certified Building Department personnel for any tortious act will be determined by Ohio courts to the applicable provisions of Chapter 2744 of the Ohio Revised Code. (OBC 104)

(Ord. 07-2025. Passed 10/01/2025.)

1301.99 PENALTY.

Whoever violates any provision of this Chapter, or any Code adopted herein or fails to comply with any lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense. The Municipality may institute injunction proceedings in Common Pleas Court to abate the nuisance of failure to cease work after receipt of a stop work order.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1305 Residential Code of Ohio

1305.01 Adoption.

1305.02 File and distribution copies.

1305.03 Conflict.

CROSS REFERENCES

Adoption by reference - *see* Ohio R.C. 731.231

State to enforce industrialized unit regulations - *see* Ohio R.C. 3781.06, 3781.10

State to establish energy standards for one, two and three-family dwellings - *see* Ohio R.C. 3781.181

1305.01 ADOPTION.

The Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the Village.

(Ord. 07-2025. Passed 10/01/2025.)

1305.02 FILE AND DISTRIBUTION COPIES.

Copies of the Residential Code of Ohio adopted herein are on file with the Fiscal Officer for inspection by the public. The Fiscal Officer also has copies available for distribution to the public at cost.

(Ord. 07-2025. Passed 10/01/2025.)

1305.03 CONFLICT.

Except as otherwise specifically provided for in this Chapter, in all other cases of conflict between the Residential Code of Ohio and any other Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1309 Exterior Property Maintenance Code

EDITOR'S NOTE: *See* Chapter 1168 for current regulations.

CHAPTER 1327 Flood Damage Prevention

1327.01 General provisions.

1327.02 Definitions.

1327.03 Administration.

1327.04 Use and development standards for flood hazard reduction.

1327.05 Appeals and variances.

1327.06 Enforcement.

CROSS REFERENCES

County Commission flood control aid to governmental units - *see* Ohio R.C. 307.77

Marking flood areas - *see* Ohio R.C. 1521.14

Review of flood plain management ordinance - *see* Ohio R.C. 1521.18

1327.01 GENERAL PROVISIONS.

(a) **Statutory Authorization.** Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Village Council of Village of Kirkersville, State of Ohio, does ordain as follows:

(b) **Findings of Fact.** The Village of Kirkersville has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to flood loss. In order to minimize the threat of such damage and to achieve the purposes hereinafter set forth, these Regulations are adopted.

(c) **Statement of Purpose.** It is the purpose of these Regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

(7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

(8) Minimize the impact of development on adjacent properties within and near flood prone areas;

(9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

(10) Minimize the impact of development on the natural, beneficial values of the floodplain;

(11) Prevent floodplain uses that either hazardous or environmentally incompatible; and

(12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these Regulations include methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These Regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of Kirkersville as identified in subsection (f) hereof, including any additional areas of special flood hazard annexed by the Village of Kirkersville.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these Regulations, the following studies and/or maps are adopted:

(1) Flood Insurance Study Licking County, Ohio and Incorporated Areas and Flood Insurance Rate Map Licking County, Ohio and Incorporated Areas both effective May 2, 2007.

(2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazards.

(3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Kirkersville as required by Section 1327.04(c) Subdivisions and Major Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these Regulations. Such maps and/or studies are on file at 135 N Fourth Street Kirkersville, Ohio 43033.

(4) In addition, these Regulations shall apply to Future Condition Flood Hazard Areas determined through FEMA approved certified engineering analysis. Future Conditions Flood Hazard Areas may be determined in the FIRM and FIS, or per Section 1327.04(c).

(g) Abrogation and Greater Restrictions. These Regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these Regulations and any other ordinance, the more restrictive shall be followed. These Regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by these Regulations.

(h) Interpretation. In the interpretation and application of these Regulations, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of these Regulations may be in conflict with a State or Federal law, such State or Federal law shall take precedence over these Regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These Regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These Regulations shall not create liability on the part of the Village of Kirkersville, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these Regulations, or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 07-2025. Passed 10/01/2025.)

1327.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations the most reasonable application.

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

(b) Appeal: A request for review of the Floodplain Administrator's interpretation of any provision of these Regulations or a request for a variance.

(c) Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any- given year. The base flood may also be referred to as the one percent (1%) chance annual flood or the one-hundred-year flood.

(d) Base 100-Year-Flood Elevation (BFE): The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

(e) Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

(f) Best Available Data: Any data provided by a federal or State agency or Professional Engineer registered in the State of Ohio in accordance with FEMA approved certified engineering analysis. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway and or lower base flood elevation. Other sources of data showing increased base flood elevations and or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably utilized by the Floodplain Administrator.

(g) Clearing: The act or process of removing natural vegetation such as trees, shrubs, or brush to alter the current land use or for other development purposes.

(h) Community Rating System (CRS): A program established by the Federal Insurance Administration. The CRS rewards those communities that are doing more than the minimum National Flood Insurance Program (NFIP) requirements to help their residents prevent or reduce flood losses. The system should also provide an incentive for communities to initiate new flood protection activities.

(i) Conservation Best Management Practices: Conservation practices or systems of practices and management measures, including structural and nonstructural methods, developed through experience and research and using knowledge and technology, which control soil loss and reduce water quality degradation from sediment or nutrients, minimize adverse impacts to surface water and ground water, and maintain the integrity of the floodplain during land disturbing activities, such as excavation, filling, or construction.

(j) Crawl Space: An unfinished space beneath the first floor (not subgrade) especially for access to plumbing, wiring, duct work, etc.

(k) CRS Coordinator: A local official appointed by the Board of County Commissioners or their designee, to coordinate the community's CRS application and verification.

(l) Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(m) Enclosure Below the Lowest Floor: See "Lowest Floor."

(n) Executive Order 11988 (Floodplain Management): Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

(o) Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.

(p) Fill: A deposit of earth material placed by artificial means.

(q) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(r) Flood Hazard Boundary Map (FHBM): Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

(s) Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

(t) Flood Insurance Risk Zones: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

(1) Zone A:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

(2) Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

(3) Zone AO:

Special flood hazard areas inundated by the 100-year flood; with flood depths of one (1) to three (3) feet (usually sheet flow on sloping terrain); average depths are determined.

(4) Zone AH:

Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

(5) Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

(6) Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one (1) foot or with contributing drainage area less than one (1) square mile; and areas protected by levees from the base flood.

(7) Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

(8) Zone X (shaded) Future Conditions:

The flood risk zone that corresponds to the one percent (1%) annual chance floodplains that are determined based on future conditions hydrology. No BFEs or base flood depths are shown within this zone.

(u) Flood Insurance Study (FIS): The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

(v) Flood Protection Elevation: The Flood Protection Elevation, or FPE, is the base flood elevation plus 2 feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

(w) Floodway: A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. From May 2, 2007 forward, newly delineated floodways shall be based on a designated increase in flood heights of no more than 0.01 foot at any point within the community. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

(x) Flood Fringe: The portion of the floodplain, which lies on either side of the floodway.

(y) Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

(z) Future Conditions Flood Hazard Area or Future Conditions Floodplain: The land area that would be inundated by the one percent (1%) annual chance flood based on future conditions hydrology.

(aa) Future Conditions Hydrology: The flood discharges associated with the projected land use conditions based on a community zoning map or comprehensive land use plans.

(bb) Grading: To level off to a smooth horizontal or sloping surface.

(cc) Historic structure:

Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation office.

(4) Individually listed on the inventory of historic places maintained by Village of Kirkersville's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

(dd) Hydrologic and hydraulic engineering analysis: An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

(ee) Letter of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

(1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR); A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

(3) Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(ff) Lowest floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these Regulations for enclosures below the lowest floor.

(gg) Lowest Horizontal Structural Member: The bottom of the lowest horizontal beam or unit of framing supporting the flooring unit of a home built on a crawl space foundation or structure supported by piers or columns.

(hh) Major Development: Development occurring on one or more existing lots that involves the opening, widening, or extension of any easement of access or driveway, and/or will increase the traffic flow to and from the site onto a public roadway, and/or will increase the impermeable surface area of the site by more than twenty percent (20%) of the total lot area.

(ii) Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these Regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

(jj) Manufactured home park: As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the

individual lots are not for rent or rented but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

(kk) National Flood Insurance Program (NFIP): The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

(ll) New Construction: Structures for which the "start of construction" commenced on or after the initial effective date of the Village of Kirkersville Flood Insurance Rate Map, December 15, 1982, and includes any subsequent improvements to such structures.

(mm) Paving: The act or result of applying cement, concrete, asphalt paving blocks, or similar materials to any ground surface in such a manner as to present a uniform surface over an area.

(nn) Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in Section 111.15 of the Ohio Revised Code as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(oo) Recreational vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(pp) Registered Professional Architect: A person registered to engage in the practice of architecture under the provisions of Sections 4703.01 to 4703.19 of the Ohio Revised Code.

(qq) Registered Professional Engineer: A person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.

(rr) Registered Professional Surveyor: A person registered as a professional surveyor under Chapter 4733 of the Ohio Revised Code.

(ss) Riparian Corridor: The area between a stream or other body of water and the adjacent upland, where frequent flooding is likely to occur, and which is integral to maintaining the natural quality of the water body.

(tt) Special Flood Hazard Area: Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, State or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse. SFHA that has been delineated through FEMA approved engineering practices in accordance with Section 1327.04(c) Subdivisions and Major Developments, shall also be considered SFHA.

(uu) Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

(vv) Streambank Buffer: The area located on each side of the watercourse that has a zone of no disturbance from the top of the stream bank, which shall be maintained in its natural or scenic condition, and an additional zone with no impervious surfaces, which shall provide water quality protection and flood buffering. (See Section 1327.04(j)).

(ww) Structure: A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(xx) Subdivision:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots any one which is less than twenty acres for the

purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than twenty acres not involving any new street or easements of access, and the sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites, shall be exempted.

(2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets except private streets serving industrial structures; or involving the division or allocation of land as open spaces for common use by owner, occupants, or leaseholders, or as easements for the extension and maintenance of public or private sewers, water, storm drainage, or other similar facilities.

(yy) Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(zz) Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(1) Any improvement to a structure that is considered "new construction,"

(2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

(aaa) Variance: A grant of relief from the standards of these Regulations consistent with the variance conditions herein.

(bbb) Violation: The failure of a structure or other development to be fully compliant with these Regulations.

(Ord. 07-2025. Passed 10/01/2025.)

1327.03 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The Mayor or designee is hereby appointed to administer and implement these Regulations and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

(1) Evaluate applications for permits to develop in special flood hazard areas.

(2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

(3) Issue permits to develop in special flood hazard areas when the provisions of these Regulations have been met or refuse to issue the same in the event of noncompliance.

(4) Inspect buildings and lands to determine whether any violations of these Regulations have been committed.

(5) Make and permanently keep all records for public inspection necessary for the administration of these Regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these Regulations.

(6) Enforce the provisions of these Regulations.

(7) Provide information, testimony, or other evidence as needed during variance hearings.

(8) Coordinate map maintenance activities and FEMA follow-up.

(9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these Regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1327.01 (f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show

that the proposed development activity is in conformity with the provisions of these Regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these Regulations have been met.

(d) Application Required. A valid development permit, Request for Permit to Develop in an Identified Flood Hazard Area, shall be obtained before construction or development begins in any area located wholly within, partially within, or in contact with any area of special flood hazard established in Section 1327.01 (f). Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, lot dimensions, floodplain and floodway boundaries if present, stream bank buffer area, existing or proposed structures, location of benchmark on site and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Specifically, the following information is required:

(1) Elevation in relation to mean sea level of the bottom of the lowest proposed horizontal structural member supporting the floor of a structure or the bottom of the lowest horizontal structural member supporting the floor of the manufactured home placed on a permanent foundation, or the top of the lowest floor including basement, of all proposed structures.

(2) Elevation in relation to mean sea level to which any proposed structure will be flood proofed.

(3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 1327.04(e)(2).

(4) Description of the extent to which any watercourse or riparian corridor is proposed to be altered or relocated as a result of proposed development (this may require approval by the Army Corps of Engineers), and certification by a Professional Engineer that flood storage and conveyance of flood carrying capacity will not be diminished.

(5) Certification by a registered professional engineer, architect, or surveyor of the as-built lowest floor of the structure.

(6) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

A. Floodproofing certification for non-residential floodproofed structure as required in Section 1327.04(c).

B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1327.04(d)(5) are designed to automatically equalize hydrostatic flood forces.

C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1327.04(i)(3).

D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than 0.01 feet in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations, but no floodway as required by Section 1327.04(i)(2).

E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1327.04(i)(1).

F. Generation of base flood elevation(s) for subdivision and major developments as required by Section 1327.04(c).

G. Generation of base flood elevations and floodways where they cannot be determined through other sources as required by Section 1327.04(i)(4).

(e) Review and Approval of a Floodplain Development Permit Application.

(1) Review.

A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these Regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1327.03(d) has been received by the Floodplain Administrator.

B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the

application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

(1) For new or substantially improved residential structures, or non-residential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

(2) For all development activities subject to the standards of Section 1327.03(j)(1), a Letter of Map Revision.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1327.05.

(i) Exemption from Filing a Development Permit. Exemption of a project from these Regulations can only be determined by the Floodplain Administrator upon satisfaction of one of the following conditions. An application for a floodplain development permit shall not be required for:

(1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than one thousand dollars (\$1,000).

(2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.

(3) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.

(4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.

(5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these Regulations.

(j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Kirkersville's flood maps, studies and other data identified in Section 1327.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data.

A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

iv. Subdivision or major development proposals requiring the establishment of base flood elevations in accordance with Section 1327.04(c).

B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1327.03(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

i. Proposed floodway encroachments that increase the base flood elevation; and

ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1327.03(j)(1)A.

(2) Right to submit new technical data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of Village of Kirkersville and may be submitted at any time.

(3) Annexation/detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Kirkersville have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Kirkersville's Flood Insurance Rate Map accurately represents the Village of Kirkersville boundaries, include within such notification a copy of a map of the Village of Kirkersville suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Kirkersville has assumed or relinquished floodplain management regulatory authority.

(k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

(1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, State, or other source.

(2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

(3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:

A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these Regulations.

B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

(4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1327.05, Appeals and Variances.

(5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(I) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. after such a damage event, the Floodplain Administrator shall:

(1) Determine whether damaged structures are located in special flood hazard areas;

(2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

(3) Make a reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

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1327.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1327.01(f) or 1327.03(k)(1).

(a) Use Regulations.

(1) Permitted uses. All uses not otherwise prohibited in this Section or any other applicable land use regulation adopted by Village of Kirkersville are allowed provided they meet the provisions of these Regulations.

(2) Prohibited uses.

A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.

B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

(b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewage, and waste disposal systems not otherwise regulated by the Ohio Revised Code:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(4) Individual wastewater treatment systems shall be located to avoid impairment to them or contamination from them during flooding; and,

(5) A concurrent site investigation is required by the Floodplain Administrator and the Licking County Health Department for proper placement of all individual sewage systems.

(c) Subdivisions and Major Developments.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these Regulations.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations and delineates floodway limits for a subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less. The most restrictive standard and/or definition of subdivision and major development found in these Regulations shall prevail.

(5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1327.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1327.04(c)(4).

(6) All platted subdivision and major development proposals, including manufactured home subdivisions and/or parks, shall not include any area identified as special flood hazard areas upon a lot within said plat, unless that lot contains more than 2 acres outside of the flood hazard areas exclusive of road right-of-ways or other easements of record. Special flood hazard areas shall be designated as permanent open space unless otherwise specified by the Village of Kirkersville.

(7) For developments occurring adjacent to or near any stream or body of water not identified by the FIRM, including intermittent streams, the developer shall determine the 100-year base flood elevations through a certified engineering analysis. These elevations shall be determined in accordance with FEMA approved certified engineering analysis by a Registered Professional Engineer.

(8) Where base flood elevation data are utilized within areas of special flood hazard the following provisions apply:

A. Special Flood Hazard Areas: The approval of subdivisions and major development that is located in or partially in an area of periodic flooding, or identified as a special flood hazard area shall be limited to the following:

i. Approval shall not be given for streets within a subdivision, which would be subject to flooding.

ii. All street surfaces must be located one or more feet above the flood elevation.

B. Where subdivisions and major developments are proposed to be located, all streams, including intermittent streams identified, will require delineation of special flood hazard areas, and such flood prone areas shall be left undeveloped as open space, recreation areas, etc. No area where natural elevation is shown as flood prone shall be used for building sites, leach fields, well sites, or required yard or lot area. These requirements shall be included in the covenants and deed restrictions on the final plat and individual lot deed. If the special flood hazard area (or floodway) designation is disputed, the developer must demonstrate where the FIRM is inaccurate through an engineering analysis that is accepted by FEMA, according to their flood map amendment procedures. All central sanitary sewer systems and water supply systems must either be located outside the special flood hazard areas, or they must be floodproofed.

C. Additional permits may be required for sanitary and septic systems from the Licking County Health Department, Licking County Water and Wastewater Department, and/or local water and sewer district, and other agencies.

D. Stream, Drainage, Flood Easements, and Stream Bank Buffers - If a stream flows through, or is adjacent to, the proposed subdivisions and/or major developments, the subdivider/developer shall provide for a storm water easement and streambank buffer along the stream(s).

i. Access to streams or storm drainage ditches and channels shall be by means of easements. Such easements shall not be less than 30 feet in width, exclusive of the width of the ditch, or channel, or similar type facility.

ii. For identified special flood hazard areas, the subdivider shall provide that the special flood hazard areas be established on the preliminary plan and the final plat. The subdivider will also incorporate into the deed restrictions and covenants that no permanent or temporary structures (i.e. yard barns, accessory buildings, bridges, etc.) will be constructed within the flood hazard area. Underground facilities, such as tiles and storm sewers shall have easements with a minimum of twenty feet.

iii. Stream bank buffer areas shall be designated and established on the preliminary plan and the final plat within identified flood hazard areas. The buffer area can be located on lots if the lot provides more than two acres of useable ground outside of the buffer. The buffer area shall be maintained in its natural or scenic condition to provide water quality protection and flood buffering, and shall have these conditions incorporated into the deed restrictions and covenants.

iv. Whenever a storm drainage ditch or channel has a depth of three feet or more, a slope of two foot horizontal to one foot vertical shall be provided.

v. Public Access - Floodplain, storm water easements, and streambank buffers established under these Regulations shall provide for public access for inspection and enforcement of these Regulations, and the regulations adopted by local, state, and federal regulations. The establishment of these easements and buffers does not in itself provide for public maintenance of these facilities.

vi. Stream bank buffers include:

a. A minimum of one hundred (100) feet on each side of all streams draining an area of greater than twenty (20) square miles.

b. A minimum of seventy-five (75) feet on each side of all streams draining an area of greater than .5 square miles (320 acres) and up to twenty (20) square miles.

c. A minimum of fifty (50) feet on each side of all streams draining an area of greater than 0.05 square miles (32 acres) and up to 0.5 square miles (320 acres).

d. A minimum of thirty (30) feet on each side of all streams draining an area of less than .05 square miles (32 acres).

e. Where the special flood hazard area (base flood area, or 100-year floodplain, or one percent (1%) annual chance floodplain) is wider than the stream bank buffer on either or both sides of the stream as prescribed above, stream bank buffer shall be extended to the outer edge of the special flood hazard area (base flood area, or 100-year floodplain, or one percent (1%) annual chance floodplain).

(d) Residential Structures.

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring and construction materials resistant to flood damage are satisfied.

(2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

(3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) New construction and substantial improvement of any residential structure shall have the bottom of the lowest horizontal structural member supporting the floor of a structure or the bottom of the lowest horizontal structural member supporting the floor of the manufactured home placed on a permanent foundation, or top of the lowest floor including basement, elevated to or above the flood protection elevation.

(5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

A. Be used only for the parking of vehicles, building access, or storage; and

B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

(6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Other requirements include:

A. Over-the-top ties be provided at each of the four corners of the manufactured home, with five additional ties per side at intermediate points (for manufactured homes less than 50 feet long only four additional ties per side shall be required);

B. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points (for manufactured homes less than 50 feet long only four additional ties per side shall be required); and,

C. All components of the anchoring system are capable of carrying a force of 4,800 pounds.

D. Any additions to the manufactured home be similarly anchored or permanently anchored to the ground by foundation.

(7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1327.04(d).

(e) Nonresidential Structures.

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (d)(1) - (3) and (5) - (7).

(2) New construction, major developments, and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the bottom of the lowest horizontal structural member, the lowest horizontal structural member supporting the floor of a structure, the bottom of the lowest horizontal structural member supporting the floor of the manufactured home placed on a permanent foundation, or top of the lowest floor including basement, elevated to or above the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

A. Be dry floodproofed so the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with subsection (e)(2)A. and B. hereof.

(f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 576 square feet. Such structures must meet the following standards:

- (1) They shall not be used for human habitation;
- (2) They shall be constructed of flood resistant materials;
- (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- (4) They shall be firmly anchored to prevent flotation;
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- (6) They shall meet the opening requirements of subsection (d)(5)C.;
- (7) They shall be designed to have low flood damage potential;
- (8) The applicant should be aware that the exemption of accessory structures may have insurance cost ramifications.

(g) **Recreational Vehicles.** Recreational vehicles must meet at least one of the following standards:

- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
- (2) They must be fully licensed and ready for highway use, or
- (3) They must meet all standards of subsection (d) hereof.

(h) **Above Ground Gas or Liquid Storage Tanks.** All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(i) **Assurance of Flood Carrying Capacity.** Pursuant to the purpose and methods of reducing flood damage stated in these Regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

- (1) **Development in Floodways.**

A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or

B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

i. Meet the requirements to submit technical data in Section 1327.03(j)(1);

ii. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

iii. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;

iv. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and

v. Concurrence of the Mayor of the Village of Kirkersville and the Chief Executive Officer of any other communities impacted by the proposed actions.

C. Prohibit dredging, mining, excavation, or similar activities unless a technical evaluation by a registered professional engineer certifies there will be no increase in erosion, sedimentation, or turbidity upstream or downstream of the site.

(2) Development in Riverine Areas with base flood elevations but no floodways.

A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 0.01 foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

i. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;

ii. Section 1327.04 (i)(1)B 1. and 3. - 5.

(3) Alterations of a Watercourse. Watercourses are not to be altered, including enclosed (piped), unless no practicable alternative exists. For the purpose of these Regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with Village of Kirkersville specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

D. The applicant shall meet the requirements to submit technical data in Section 1327.03(j)(1)A.iii. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(4) Development in Riverine Areas without Base Flood Elevations or Floodways. Where base flood elevation and floodway boundaries cannot be determined using other sources of data, the applicant shall determine the base flood

elevation (and floodway limits if necessary) through hydrologic and hydraulic engineering analysis. Hydrologic and Hydraulic analyses shall be performed only by a Registered Professional Engineer, who shall demonstrate that the technical methods used correctly reflect standard engineering practices, and meets FEMA approved certified engineering analysis requirements. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Floodplain Administrator, or other agency/persons deemed appropriate.

(j) Streambank Buffer Protection Area. The Stream Bank Buffer Area located within the delineated 100-year floodplain areas shall be kept in a natural or scenic condition. Existing bushes, groundcover, shrubs, and trees are not permitted to be removed from the buffer except to maintain the ecological health of the forest, to create access to the watercourse, or for the construction or maintenance of permitted uses such as:

(1) Passive recreational uses such as hiking, biking, horseback riding, hunting, fishing, etc.

(2) The installation of Conservation Best Management Practices that will protect the public health, safety, and welfare along with the environment.

(3) Access for compatible public recreational facilities, such as fishing piers, canoe launches, and all other similar structures, that shall be perpendicular to the streambank buffer.

(4) Storm water outfall, provided such lines are combined where appropriate, construction activity is minimized, and the buffer is restored to its pre-construction state.

(5) Underground utility crossings, provided such crossings are combined where appropriate, construction activity is minimized, and the buffer is restored to its pre-construction state.

(6) Additional stream crossings, provided such crossings are combined where appropriate, construction activity is minimized, and the buffer is restored to its pre-construction state.

(k) Placement of Fill in the Special Flood Hazard Area. Any fill placed within the floodplain fringe area of the Special Flood Hazard Area shall cause no rise greater than 0.01 feet on the site of the fill or adjacent areas. Fill placed within the Special Flood Hazard Area shall be compacted to current accepted engineering practices and standards to reduce the occurrence of erosion or scouring of the fill material from the fill area. Fill sites upon which structures will be constructed or placed shall be compacted to ninety-five percent (95%) of the maximum density obtainable with the Standard Proctor Test method or an accepted equivalent method as approved by the Village of Kirkersville.

(Ord. 07-2025. Passed 10/01/2025.)

1327.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

(1) The Kirkersville Planning Commission is hereby appointed as the Appeals Board for these Regulations as established by Village code.

(2) A chairperson shall be elected by the members of the Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed at 135 N Fourth Street, Kirkersville, Ohio 43033.

(b) Powers and Duties.

(1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these Regulations.

(2) Authorize variances in accordance with subsection (d) hereof.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within fifteen days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted

(d) Variances. Any person believing that the use and development standards of these Regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these Regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these Regulations would result in unnecessary hardship.

(1) Application for a Variance.

A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.

B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

C. There will be a one hundred fifty-dollar (\$150.00) fee, plus expenses incurred for review, advertising, and professional fees.

(2) Notice for Public Hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

(3) Public Hearing.

A. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these Regulations and the following factors:

i. The danger that materials may be swept onto other lands to the injury of others.

ii. The danger to life and property due to flooding or erosion damage.

iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

iv. The importance of the services provided by the proposed facility to the community.

v. The availability of alternative locations for the proposed use are not subject to flooding or erosion damage.

vi. The necessity to the facility of a waterfront location, where applicable.

vii. The compatibility of the proposed use with existing and anticipated development.

viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

ix. The safety of access to the property in times of flood for ordinary and emergency vehicles.

x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

B. Variances shall only be issued upon:

i. A showing of good and sufficient cause.

ii. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these Regulations does not constitute an exceptional hardship to the applicant.

iii. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these Regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

iv. A determination that the structure or other development is protected by methods to minimize flood damages.

v. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. Upon consideration of the above factors and the purposes of these Regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these Regulations.

(4) Other Conditions for Variances.

A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (d)(3)A.i. to xi. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Procedure at Hearings.

(1) All testimony shall be given under oath.

(2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.

(3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.

(4) The administrator may present evidence or testimony in opposition to the appeal or variance.

(5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.

(6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.

(7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

(8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing, or the decision may be issued in writing within a reasonable time after the hearing.

(f) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Licking County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

(Ord. 07-2025. Passed 10/01/2025.)

1327.06 ENFORCEMENT.

(a) Compliance Required.

(1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these Regulations and all other applicable regulations which apply to uses within the jurisdiction of these Regulations, unless specifically exempted from filing for a development permit as stated in Section 1327.03(i).

(2) Failure to obtain a floodplain development permit shall be a violation of these Regulations and shall be punishable in accordance with subsection (c) hereof.

(3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these Regulations and punishable in accordance with subsection (c) hereof.

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these Regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these Regulations as hereinafter provided. Such notice and order shall:

(1) Be put in writing on an appropriate form;

(2) Include a list of violations, referring to the section or sections of these Regulations that have been violated, and order remedial action, which, if taken, will affect compliance with the provisions of these Regulations;

(3) Specify a reasonable time for performance;

(4) Advise the owner, operator, or occupant of the right to appeal; and

(5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known

mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of these Regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense and shall constitute a minor misdemeanor. Any person who violates these Regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village or Kirkersville. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Kirkersville from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Kirkersville shall prosecute any violation of these Regulations in accordance with the penalties stated herein.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1335 Soil Contamination

1335.01 Construction and operation of soil contamination facilities prohibited.

1335.99 Penalty.

CROSS REFERENCES

Solid and hazardous waste - *see* Ohio R.C. Ch. 3734.

1335.01 CONSTRUCTION AND OPERATION OF SOIL CONTAMINATION FACILITIES PROHIBITED.

The construction and/or operation of landfills, transfer stations, medical waste facilities, toxic material disposal facilities and facilities for the treatment of soil contaminated by regulated or nonregulated petroleum products or hazardous substances within the Village is hereby prohibited. As used in this Section, "facilities for the treatment of soil contaminated by regulated or nonregulated petroleum products or hazardous substances" includes, but is not necessarily limited to: soil decontamination facilities, soil and aggregate remediation systems, and soil remediation thermal oxidizer facilities, both permanent and mobile.

(Ord. 07-2025. Passed 10/01/2025.)

1335.99 PENALTY.

Any person, firm or corporation violating or failing to comply with any provision of this Chapter shall be fined not more than five hundred dollars (\$500.00), or imprisoned not more than thirty days, or both. Each day on which the aforesaid activity continues may be deemed a separate offense.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1341 Demolition of Unsafe Structures

1341.01 Structures to be maintained.

1341.02 Inspection by Fire Chief.

1341.03 Notice to repair structure.

1341.04 Appeal to Council.

1341.05 Hearing on appeal.

1341.06 Demolition and removal by Village.

1341.07 Costs to be paid by owner; lien.

CROSS REFERENCES

Demolition or repair of unsafe structures - *see* Ohio R.C. 715.26 et seq.

1341.01 STRUCTURES TO BE MAINTAINED.

No owner of a building or structure within the boundaries of the Village shall permit the same to remain in such an advanced state of disrepair as to endanger the health, safety and welfare of the residents of the Community or so as to be a public nuisance by reason of its condition.

(Ord. 07-2025. Passed 10/01/2025.)

1341.02 INSPECTION BY FIRE CHIEF.

The Fire Department shall have free access at any reasonable hour upon showing appropriate identification when a building is occupied, to make inspection, examinations and survey of any building, dwelling or structure located within the Municipality where he has probable cause to believe the building, dwelling or structure is unsafe or insecure and thereby dangerous to the residents of the Municipality.

(Ord. 07-2025. Passed 10/01/2025.)

1341.03 NOTICE TO REPAIR STRUCTURE.

Upon a determination by the Fire Chief that any building, dwelling or structure is in such advanced state of disrepair by reason of defective or inadequate plumbing or sanitary facilities, or faulty or defective electric wiring; accumulation of debris, filth, rubbish or garbage; general deterioration in the structure by reason of age, neglect, exposure to the elements, or vandalism; failure of the exterior enclosure causing exposure to the elements and general deterioration of the structure; partial damage to the structure by reason of fire, windstorm or other calamity; or by reason of deterioration or damage to the foundation, so as to endanger the health, safety and welfare of the public and is therefore a public nuisance, he shall direct the owner of such building, dwelling or structure, in writing by certified mail, at the last known address of said owner, to effect the repairs necessary to put the building in a reasonable safe condition, or, if the owner is unknown or cannot be located, by publishing a notice to effect such repairs as are necessary to put the building in a reasonable safe condition, in a newspaper of general circulation in the community for a period of no less than two consecutive weeks. No repairs shall be made unless all requirements of the Village zoning laws are complied with.

(Ord. 07-2025. Passed 10/01/2025.)

1341.04 APPEAL TO COUNCIL.

Within sixty (60) days after receipt of such notice or the last publication of the same in a newspaper, as provided herein, the owner may appeal a finding by the Fire Chief that any such building, dwelling or structure is in such an advanced state of disrepair as to endanger the health, safety and welfare of the public to Council.

(Ord. 07-2025. Passed 10/01/2025.)

1341.05 HEARING ON APPEAL.

Upon receipt of a written appeal as provided in Section 1341.04 hereof, Council shall set the matter down for hearing within thirty (30) days after receiving notice of appeal and the owner shall have an opportunity to appear before Council and to present evidence that the building or structure is not in such an advanced state of disrepair for any of the reasons set forth in Section 1341.03 as to endanger the health, safety and welfare of the public, and therefore, not a public nuisance.

(Ord. 07-2025. Passed 10/01/2025.)

1341.06 DEMOLITION AND REMOVAL BY VILLAGE.

If no appeal is filed from the finding of the Fire Chief within the sixty (60)-day period, or if Council affirms the findings of the Fire Chief and determines the building or structure involved to be a public nuisance, Council shall order the Fiscal Officer to advertise for bids for the demolition and removal of the building, dwelling, or structure in accordance with the law, unless the owner has repaired the same, in accordance with the requirements of zoning laws.

In the event Council is apprised the owner appealed its decision to the Common Pleas Court, or any other court having jurisdiction of such an appeal, the matter will be held in abeyance until further order of the Court.

(Ord. 07-2025. Passed 10/01/2025.)

1341.07 COSTS TO BE PAID BY OWNER; LIEN.

All charges, costs, and expenses arising out of or connected with the demolition and removal of any insecure building or structure pursuant to this Chapter shall be paid by the owner of the premises upon which any such building, dwelling or structure is situated, within ninety (90) days after the demolition or removal thereof as provided in this Chapter, and if not paid within said ninety (90)-day period, they shall be certified to the Auditor of Licking County, at which time the lien shall vest, and the Auditor shall place the same on the tax duplicate of the County with the interest and penalties allowed by law and be collected as other taxes.

(Ord. 07-2025. Passed 10/01/2025.)

CHAPTER 1347 Numbering of Buildings

1347.01 Numbering system established.

1347.02 Number received with building permit or plat approval.

1347.03 Exclusion.

1347.01 NUMBERING SYSTEM ESTABLISHED.

Main Street running east and west through the Village, and Fifth Street and Outville Road running north and south through the Village, shall be the center of the Village for the purpose of determining the direction from the center of the Village in the numbering scheme. All buildings shall be numbered with one hundred (100) numbers assigned to each block. One (1) number shall be assigned for every twenty-five (25) lineal feet of frontage. In the event any building occupies more than twenty-five (25) feet of frontage, two (2) numbers or more shall be assigned to the building. Apartments on the second floor of any building shall be designated by using the number one-half (1/2).

If a lot is less than twenty-five (25) feet in width, one (1) number shall be assigned for each lot.

This method of numbering all buildings designating the same to be east, west, north, or south of the center of the Village shall be used at all times hereafter.

In the event of the removal of any building to which a number has been assigned and the later construction of another building upon the same site, the former number shall be assigned to the new building.

(Ord. 07-2025. Passed 10/01/2025.)

1347.02 NUMBER RECEIVED WITH BUILDING PERMIT OR PLAT APPROVAL.

(a) The Fiscal Officer shall, at the time of issuance of the building permit, assign a building number to the permit, which number shall be the official designation of the building at all times thereafter.

(b) At the time of approval of any plat, whether it is in a new or re-subdivided lot within the Village, the Fiscal Officer shall number each lot upon the plat in accordance with the plan of numbers then existing, and such numbers shall be used as building permits are issued upon any of the lots.

(Ord. 07-2025. Passed 10/01/2025.)

1347.03 EXCLUSION.

No lands used solely as agricultural lands within the Village and which are not subdivided or platted shall be numbered, provided, however, that in the event of any subdivision of any such lands, numbers shall be used thereon in the same manner as other buildings within the Village. Nothing herein shall restrict the use of numbers for such buildings by any owner or occupant, so long as they conform to the regular scheme of numbering within the Village.

(Ord. 07-2025. Passed 10/01/2025.)