

**ORDINANCE No. 2007- 03**  
**FOR**

**THE VILLAGE OF FREDERICKTOWN**

**KNOX COUNTY, OHIO**

**PREAMBLE**

An ordinance of the Village of Fredericktown, Knox County, Ohio, enacted in Accordance and the Provisions of Section 713 (303,519) of the Ohio Revised Code, dividing the village into Zones and Districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration, and use of structures and land, promoting the orderly development of Residential, Business, Industrial, Recreational, and Public Areas: providing for adequate light, air, and convenience of access to property by requesting the use of land and buildings and the bulk of structures in relationship to surrounding properties: limiting congestion in the public right-of-ways: providing the compatibility of different land areas and the most appropriate use of land: providing for the administration of this Ordinance, defining the powers and duties of the Administrative Officers as provided hereafter, and prescribing penalties for the violation of the provisions in this ordinance or any amendment thereto, are for the purpose of protecting the Public Health, Safety, Comfort, and General Welfare, and or hereby provided thereof: and to declare an emergency.

Therefore, Be It Ordained by the Council of the Village of Fredericktown, Knox county, State of Ohio that this ordinance shall be codified and known as title 3 chapter 4 of the Village of Fredericktown, Ohio and is hereby enacted according to the title, chapter, section and subsection numbers and letters as herein contained.

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE  
TABLE OF CONTENTS  
TITLE 3 CHAPTER 4**

		Page
<b>PURPOSE AND AUTHORITY</b>		
<hr/>		
SECTION 304.01		
<hr/>		
A.	GENERAL PROVISIONS	1
<hr/>		
B.	INTERPRETATION	1
<hr/>		
C.	SEPARABILITY CLAUSE	1
<hr/>		
D.	REPEAL OF CONFLICTING ORDINANCES - EFFECTIVE DATE	1
<hr/>		
SECTION 304.02		
<hr/>		
<b>DEFINITIONS</b>		2
<hr/>		
SECTION 304.03		
<hr/>		
<b>DISTRICTS AND GENERAL PROVISIONS</b>		22
<hr/>		
A.	DISTRICTS AND GENERAL PROVISIONS	22
<hr/>		
B.	ZONING MAP	22
<hr/>		
C.	DISTRICT BOUNDARIES	22
<hr/>		
D.	COMPLIANCE WITH REGULATIONS	23
<hr/>		
E.	REAR DWELLINGS	23
<hr/>		
F.	STREET FRONTAGE REQUIRED	23
<hr/>		
G.	TRAFFIC VISIBILITY ACROSS CORNER LOTS	23
<hr/>		
H.	OFF-STREET PARKING AND LOAD	23
<hr/>		
I.	ESSENTIAL SERVICES	23
<hr/>		
J.	UNSAFE BUILDINGS	23
<hr/>		
K.	VACATED STREET OR ALLEY	24
<hr/>		
L.	TRAILERS PROHIBITED - EXCEPT	24
<hr/>		
M.	TRAILERS-VISITORS	24
<hr/>		
N.	TERRITORY NOT INCLUDED-ANNEXATIONS	24
<hr/>		
O.	ACCESSORY BUILDINGS IN R-DISTRICTS AG DISTRICTS	24
<hr/>		
P.	AUTOMOBILE WRECKING AND JUNK YARDS	24
<hr/>		
Q.	FENCE REQUIREMENTS	24
<hr/>		

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE  
TABLE OF CONTENTS**

SECTION 304.04

	<b>NONCONFORMING USES OR BUILDINGS</b>	26
A.	EXISTING NONCONFORMING USES - CONTINUATION	26
B.	NONCONFORMING USES OF BUILDINGS, ENLARGEMENT, OR SUBSTITUTION, ETC	26
1	SUBSTITUTION	26
2	NONCONFORMING USE MADE TO CONFORM	26
3	INCOMPATIBILITY OF NONCONFORMANCE	26
4	UNSAFE BUILDINGS	26
5	DISCONTINUANCE OF USE	26
6	NONCONFORMITY - PERFORMANCE STANDARDS	27
7	REPAIRS AND ALTERATIONS	27
8	AVOIDANCE OF UNDUE HARDSHIP:	27
9	NONCONFORMING LOTS OF RECORD	27
10	NONCONFORMING STRUCTURE	28
11	NONCONFORMING USES OF STRUCTURE OR STRUCTURES AND PREMISES IN COMBINATION	28
12	USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES	29
13	CERTIFICATION FOR NONCONFORMING USES	29

SECTION 304.05

	<b>C-1 CONSERVATION DISTRICT</b>	
A.	C-1 CONSERVATION DISTRICT PURPOSE	30
B.	USES PERMITTED IN THE C-1 CONSERVATION DISTRICT	30
C.	CONDITIONAL USES IN THE C-1 CONSERVATION DISTRICT	30
D.	REQUIRED CONDITIONS	30
E.	REQUIRED LOT AREA AND LOT WIDTH IN THE C-1 DISTRICT	30
F.	HEIGHT REGULATION IN THE C-1 DISTRICT	30
G.	SIGNS PERMITTED	30

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE**

**TABLE OF CONTENTS**

SECTION 304.06

**AGRICULTURAL DISTRICT**

A.	AG DISTRICT- AGRICULTURAL DISTRICT	31
B.	USES PERMITTED IN THE AG DISTRICT	31
C.	CONDITIONAL USES IN THE AG DISTRICT	31
D.	REQUIRED LOT AREA AND LOT WIDTH IN THE AG DISTRICT	31
E.	HEIGHT REGULATION IN THE AG DISTRICT	31
F.	REQUIRED YARD IN THE AG DISTRICT	32
G.	FLOOR SPACE REQUIREMENTS	32
H.	OFF-STREET PARKING REQUIREMENTS IN THE AG DISTRICT	32
I.	GARAGES REQUIRED	32

SECTION 304.07

**R-1, SINGLE-FAMILY RESIDENCE DISTRICT**

A.	PURPOSE	33
B.	USES PERMITTED IN THE R-1 DISTRICT	33
C.	CONDITIONAL USES IN THE R-1 RESIDENCE DISTRICT	33
D.	REQUIRED LOT AREA AND LOT WIDTH IN THE R-1 DISTRICT	33
E.	HEIGHT REGULATION IN THE R-1 RESIDENCE DISTRICT	33
F.	REQUIRED YARD IN THE R-1 RESIDENCE DISTRICT	33
G.	FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION	34
H.	OFF-STREET PARKING REQUIREMENTS IN THE R-1 DISTRICT	34
I.	GARAGES REQUIRED	34
J.	FENCING	34

SECTION 304.08

**R-2, TWO-FAMILY RESIDENCE DISTRICT**

A.	R-2, TWO-FAMILY RESIDENCE DISTRICT PURPOSE	35
B.	USES PERMITTED IN THE R-2 DISTRICT	35
C.	CONDITIONAL USES IN THE R-2 DISTRICT (As approved by the Board)	35
D.	REQUIRED LOT AREA AND LOT WIDTH IN THE R-2 DISTRICT	35
E.	HEIGHT REGULATION IN THE R-2 DISTRICT	35

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE**

**TABLE OF CONTENTS**

SECTION 304.08 Cont.

F.	TWO-FAMILY RESIDENTIAL DWELLING	35
G.	REQUIRED YARD IN THE R-2 DISTRICT	35
H.	FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION	36
I.	GARAGES REQUIRED	36
J.	OFF STREET PARKING REQUIREMENTS IN THE R-2 DISTRICT	36
K.	COMMON WALL HOUSES	36
L.	FENCING	37

SECTION 304.09

**R-3, MULTI-FAMILY RESIDENCE DISTRICT**

A.	PURPOSE	38
B.	USES PERMITTED IN THE R-3 DISTRICT	38
C.	CONDITIONAL USES IN THE R-3 DISTRICT	38
D.	REQUIRED LOT AREA AND LOT WIDTH IN THE R-3 DISTRICT	38
E.	HEIGHT REGULATION IN THE R-3 DISTRICT	38
F.	REQUIRED YARD IN DISTRICT	39
G.	CORNER LOTS	39
H.	FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION	39
I.	OFF-STREET PARKING REQUIREMENTS IN THE R-3 DISTRICTS	39
J.	FENCING	39

SECTION 304.10

**P-1 DISTRICT-PUBLIC SEMI-PUBLIC**

A.	PURPOSE	40
B.	USES PERMITTED IN THE P-1 DISTRICT	40
C.	CONDITIONAL USES IN THE P-1 DISTRICT	40
D.	REQUIRED LOT AREA AND LOT WIDTH IN THE P-1 DISTRICT	40
E.	BUILDING HEIGHT REGULATION IN PUBLIC, SEMI-PUBLIC DISTRICT	40
F.	YARDS REQUIRED IN PUBLIC, SEMI-PUBLIC DISTRICT	40
G.	OFF-STREET PARKING AND LOADING	40
H.	LANDSCAPING OR SCREENING PROVISIONS	41
I.	FENCING	41

---

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE**

---

**TABLE OF CONTENTS**

---

SECTION 304.11

---

**PROVISIONS GOVERNING CENTRAL BUSINESS DISTRICT ON  
MAIN ST. B-1**

---

A.	PURPOSE	42
B.	USES PERMITTED IN THE B-1 CENTRAL BUSINESS DISTRICT	42
C.	PROHIBITED USES	42
D.	REQUIRED LOT AREA AND LOT WIDTH IN THE B-1 DISTRICT	42
E.	BUILDING HEIGHT REGULATION IN THE B-1 DISTRICT	42
F.	REQUIRED YARDS IN THE B-1 DISTRICT	43
G		
.	OFF-STREET PARKING AND LOADING REQUIREMENTS	43
H.	LANDSCAPING OR SCREENING PROVISIONS	43
I.	SPECIFIC LOCATION OF B-1 CENTRAL BUSINESS DISTRICT	43
J.	FENCING	43

---

SECTION 304.12

---

**PROVISIONS GOVERNING GENERAL BUSINESS  
DISTRICTS B-2**

---

A.	PURPOSE	44
B.	USES PERMITTED IN THE B-2 GENERAL BUSINESS DISTRICT	44
C.	REQUIRED LOT AREA AND LOT WIDTH IN THE B-2 DISTRICT	44
D.	BUILDING HEIGHT REGULATION IN THE B-2 DISTRICT	44
E.	REQUIRED YARDS IN THE B-2 DISTRICT	45
F.	FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION	45
G		
.	OFF-STREET PARKING AND LOADING REQUIREMENTS:	45
H.	LANDSCAPING OR SCREENING PROVISIONS	46
I.	FENCING	46

---

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE  
TABLE OF CONTENTS**

SECTION 304.13

<b>PROVISIONS GOVERNING BYPASS BUSINESS DISTRICTS B-3</b>		
A.	PURPOSE	47
B.	USES PERMITTED IN THE B-3 BYPASS BUSINESS DISTRICT	47
C.	REQUIRED LOT AREA AND LOT WIDTH IN THE B-3 DISTRICT	47
D.	BUILDING HEIGHT REGULATION IN THE B-3 DISTRICT	48
E.	REQUIRED YARDS IN THE B-3 DISTRICT	48
F.	FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION	48
G.	OFF-STREET PARKING AND LOADING REQUIREMENTS	48
H.	SITE DEVELOPMENT PROPERTIES IN THE B-3 DISTRICT	48
I.	LANDSCAPING OR SCREENING PROVISIONS	50
J.	FENCING	50

SECTION 304.14

<b>PROVISIONS GOVERNING MANUFACTURING DISTRICTS</b>		
A.	PURPOSE	51
B.	USES PERMITTED IN THE M-I GENERAL MANUFACTURING DISTRICT	51
C.	CONDITIONAL USES	51
D.	SPECIAL EXCEPTIONS IN THE M-1 GENERAL MANUFACTURING DISTRICT	51
E.	REQUIRED LOT AREA AND LOT WIDTH IN MANUFACTURING DISTRICTS	52
F.	BUILDING HEIGHT REGULATION IN MANUFACTURING DISTRICTS	52
G.	YARDS REQUIRED IN MANUFACTURING DISTRICTS	52
H.	SCREENING REQUIRED BETWEEN MANUFACTURING AND RESIDENTIAL DISTRICTS	52
I.	OFF-STREET PARKING AND LOADING	52
J.	FENCING	52

---

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE**

---

**TABLE OF CONTENTS**

SECTION 304.15

---

**PNP - PLANNED NEIGHBORHOOD DISTRICTS**

---

A.	PURPOSE	53
B.	USES PERMITTED IN A PNP – PLANNED NEIGHBORHOOD DISTRICT:	53
C.	CONDITIONAL USES IN A PNP – PLANNED NEIGHBORHOOD DISTRICT	53
D.	DEVELOPMENT STANDARDS	53
E.	PROCEDURES FOR DEVELOPMENT APPROVAL	55
F.	MOBILE HOME PARK REQUIREMENTS	56
G.	FEES	56

---

SECTION 304.16

---

**MOBILE HOME PARKS**

---

A.	PURPOSE	57
B.	Approval Procedures	57
C.	General Standards for Mobile Home Parks (MHP)	57
D.	UTILITIES	57
E.	RECREATION AREAS	58
F.	MOBILE HOME PARK REQUIREMENTS	58
G.	FEES	58

---

SECTION 304.17

---

**SPECIAL PROVISIONS**

---

A.	PERFORMANCE STANDARDS	59
B.	FIRE HAZARDS	59
C.	RADIOACTIVITY OR ELECTRICAL DISTURBANCE	59
D.	NOISE	59
E.	VIBRATION	59
F.	SMOKE	59
G.	ODORS	59
H.	AIR POLLUTION	59
I.	GLARE	59
J.	EROSION	59
K.	WATER POLLUTION	60
L.	ENFORCEMENT PROVISIONS	60

---



**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE  
TABLE OF CONTENTS**

Section 304.18

**OFF-STREET PARKING AND LOADING REGULATIONS**

A.	OFF-STREET PARKING	61
B.	NUMBER OF PARKING SPACES REQUIRED	61
C.	DEVELOPMENT AND MAINTENANCE OF PARKING AREAS	62
1	Parking Spaces	62
2	Screening and Landscaping	62
3	Surfacing	62
4	Lighting	63
5	Joint Use of Parking Areas	63
6	Parking Areas-Modifications	63
7	Loading Space-Dock	63
8	Loading Space-Dimensions	63
9	Loading Space-Occupy Yard	63
1		
0	Loading Space-Distance from "R" Districts	63
D.	AUTOMOBILE SERVICE STATIONS, PARKING GARAGES AND PARKING AREAS	63

SECTION 304.19

**SIGNS AND OUTDOOR ADVERTISING STRUCTURES**

A.	PURPOSE	64
B.	REAL ESTATE SIGNS	64
C.	ANNOUNCEMENT OR PROFESSIONAL	64
D.	BULLETIN BOARDS	64
E.	BILLBOARDS	64
F.	TEMPORARY SIGNS	64
G.	BUSINESS AND MANUFACTURING DISTRICT SIGNS	64
H.	REAL ESTATE SIGNS AND BULLETIN BOARDS	65
I.	ILLUMINATION	65
J.	REMOVAL OF SIGNS	65
K.	ABANDONED SIGNAGE	65
L.	PERMITS	66

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE**  
**TABLE OF CONTENTS**

SECTION 304.20

**PRIVATE SWIMMING POOLS**

A.	DEFINITION	67
B.	EXCLUSIVE PRIVATE USE	67
C.	DISTANCE REQUIREMENTS	67
D.	FENCING	67
E.	DRAINAGE	67
F.	LIGHTING	67
G.	PERMIT REQUIRED	67

SECTION 304.21

**EXTRACTION OF MINERALS**

A.	GENERAL REQUIREMENTS	68
B.	DISTANCE FROM PROPERTY LINES	68
C.	DISTANCE FROM PUBLIC RIGHT-OF-WAY	68
D.	FENCING	68
E.	EQUIPMENT	68
F.	PROCESSING	68
G.	APPLICANT - FINANCIAL ABILITY	68
H.	APPLICATION - CONTENTS, PROCEDURE	68
I.	PUBLIC HEARING	69
J.	REHABILITATION	69
K.	SURFACE REHABILITATION	69
L.	VEGETATION	69
M.	BANKS OF EXCAVATIONS NOT BACKFILLED	69
N.	ADDITIONAL REQUIREMENTS	70

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE**

**TABLE OF CONTENTS**

SECTION 304.22

**SEXUALLY ORIENTED BUSINESSES**

A.	PURPOSES AND FINDINGS	71
B.	SEXUALLY ORIENTED BUSINESS USE COMMISSIONER	73
C.	SEXUALLY ORIENTED BUSINESS LICENSES GENERALLY	73
D.	FORM AND SUBMITTAL OF SEXUALLY ORIENTED BUSINESS LICENSE APPLICATION	74
1	Required Form	74
2	Administrative Processing Fee	74
3	Required Information and Documents	74
E.	PROCESSING OF LICENSE APPLICATION	76
F.	STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE	76
G.	FORM AND SUBMITTAL OF SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE	77
H.	INSPECTION BY THE VILLAGE	79
I.	CHANGE IN INFORMATION	80
J.	LICENSE REVOCATION OR SUSPENSION	80
1	Grounds	80
2	Procedure	81
K.	APPEAL RIGHTS	82
L.	REGULATIONS APPLICABLE TO ALL SEXUALLY ORIENTED BUSINESSES:	83
1	General Compliance	83
2	Hours of Operation	83
3	Animals	84
4	Restrooms	84
5	Restricted Access	84
6	Live Entertainment	84
7	Specific Prohibited Acts	84
8	Exterior Display	85
9	Noise	85
10	Gambling and Related Devices Prohibited	85
11	Manager's Station	85

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE**  
**TABLE OF CONTENTS**

SECTION 304.22 Cont.

M.	SPECIAL REGULATIONS FOR ADULT BOOTHS	85
1	Prohibited Except in Adult Stores	85
2	Occupancy and Prohibited Acts	85
3	Open Booth Requirement	85
4	Aisle Required	86
5	Holes Prohibited	86
6	Signage	86
7	Age Limitations.	86
N.	SPECIAL REGULATIONS FOR ADULT CABARETS	86
1	Performance Area	86
2	Lighting	86
3	Tipping	87
4	Notice of Select Rules	87
5	Age Limitations	87
O.	SPECIAL REGULATIONS FOR ADULT STORES	88
1	Windows	88
2	Age Limitations	88
P.	SPECIAL REGULATIONS FOR ADULT THEATERS	88
1	SEATING	88
2	AISLE	88
3	SIGN	88
4	AGE LIMITATION	88
Q.	SPECIAL REGULATIONS FOR ADULT MOTELS	89
R	LOCATION REQUIREMENTS	89
S.	PENALTY	90
T.	TRANSFER OF LICENSE	90
U.	ADMINISTRATIVE RECORD	90
V.	NUISANCE DECLARED	90
W.	COMPUTATION OF TIME	90
X.	APPLICABILITY	91

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE  
TABLE OF CONTENTS**

SECTION 304.23

**DISH ANTENNAS**

A.	PURPOSE	92
B.	PERMIT NOT REQUIRED	92
C.	PERMIT REQUIRED	92
D.	APPLICATION FOR PERMIT	92
E.	LOCATION OF DISH ANTENNA	93

SECTION 304.24

**CELLULAR OR WIRELESS COMMUNICATION SYSTEMS**

A.	PURPOSE	95
B.	PERMIT REQUIRED	95
C.	APPLICATION FOR PERMIT	95
D.	USE REGULATIONS	95
E.	STANDARDS OF APPROVAL FOR CONDITIONALLY PERMITTED CELLULAR OR WIRELESS COMMUNICATIONS ANTENNAS AND TOWERS	96
F.	STANDARDS FOR APPROVAL OF ALL CELLULAR OR WIRELESS COMMUNICATONS ANTENNAS AND TOWERS	97
1	Antenna/Tower Height	97
2	Setbacks from the Base of the Tower	97
3	Cellular or Wireless Communications Tower Safety	97
4	Fencing	97
5	Landscaping	97
6	Limiting the Number of Cellular or Wireless Towers	98
7	Licensing	98
8	Required Parking	98
9	Appearance	98
10	Site Plan Required	98

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE  
TABLE OF CONTENTS**

SECTION 304.25

**HOME OCCUPATION**

A.	PURPOSE	100
B.	PERMIT REQUIRED	100
C.	REGULATIONS	100
D.	ENFORCEMENT AND REVOCATION OF HOME OCCUPATION PERMIT	102
E.	VIOLATION OF REGULATIONS: PERMIT REVOCATION, APPEAL	102

SECTION 304.26

**EXCEPTIONS AND MODIFICATIONS**

A.	LOT OF RECORD	103
B.	EXCEPTION TO YARD REQUIREMENTS	103
1	Allowable Projections of Residential Structure into Yards	103
2	Allowable Projections of Business Structures over Sidewalk in the B-1 Central Business District - Main Street	103
3	Allowable Projections of Accessory Building into Rear Yard	103
C.	EXCEPTION TO HEIGHT LIMITS	103

SECTION 304.27

**ENFORCEMENT**

A.	ENFORCEMENT BY ZONING INSPECTOR	104
B.	FILING PLANS	104
C.	CERTIFICATE OF HEALTH OFFICER	104
D.	ZONING CERTIFICATE	105
1	Use Prohibited Without Zoning Certificate	105
2	Certificate of Occupancy	105
3	Excavating - Permit	105
E.	INSPECTOR TO ACT WITHIN 30 DAYS	105
F.	FEES	105
G.	VIOLATIONS AND PENALTIES	106
H.	VIOLATIONS - REMEDIES	106

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE  
TABLE OF CONTENTS**

SECTION 304.28

**BOARD OF ZONING APPEALS**

A.	APPOINTMENT	107
B.	PROCEDURE	107
C.	QUORUM, ETC.	107
D.	ASSISTANCE	107
E.	APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS	107
1	Applications - when and by whom taken	107
2	Secretary - Report	108
3	Appeals - When & By Whom Taken	108
4	Secretary - Report	108
5	Hearings	108
F.	APPEAL FROM DECISIONS OF THE BOARD	108
1	Decisions of the Board	108
2	Stay of Proceedings	108
G.	POWERS OF THE BOARD OF ZONING APPEALS	109
1	Conditional Uses, Special Exceptions and Interpretation of Zoning Map	109
2	Other Conditional Uses	109
3	Nonconforming Uses - Substitutions	109
4	Temporary Structures and Uses	109
H.	INTERPRETATION OF ZONING ORDINANCE AND MAP	109
I.	ADMINISTRATIVE REVIEW AND VARIANCES	110
1	Variances - Literal Enforcement Would Create Undue Hardship	110
2	Variances - Conditions Prevailing	110
3	Variance - Findings of the Board	110
4	Exceptional Circumstances	110
5	Preservation of Property Rights	111
6	Absence of Detriment	111
7	Not of General Nature	111
8	Variances - Board May Reverse Orders	111

**VILLAGE OF FREDERICKTOWN ZONING ORDINANCE  
TABLE OF CONTENTS**

SECTION 304.29

---

**DISTRICT CHANGES AND REGULATION AMENDMENTS**

---

A.	COUNCIL MAY AMMEND ORDINANCE	112
B.	PROCEDURE FOR CHANGE	112
C.	COMMISSION HEARING NOTICE	112
D.	COUNCIL HEARING	113
E.	MAP CHANGE PENDING - ZONING CERTIFICATE, BUILDING PERMIT	113
F.	FEES	113

---

SECTION 304.30

---

**SEVERABILITY AND REPEAL**

---

A.	SEVERABILITY	114
B.	AUTHENTICATION	114
C.	CONFLICTING ORDINANCES	114

---

SECTION 304.31

---

**VILLAGE OF FREDERICKTOWN ZONING DISTRICTS  
DESCRIPTIONS**

---

	PASSAGE INFORMATION	115
--	---------------------	-----

---

**TABLES**

---

1	PERMITTED AND CONDITIONAL USES	116
2	BASIC YARD, AREA AND HEIGHT REQUIREMENTS FOR DWELLINGS	119
3	FLOOR AREA REQUIREMENTS	121

---



**TITLE 3 CHAPTER 4**

**SECTION 304.01**

**A. GENERAL PROVISIONS**

This ordinance shall be known as and may be cited to as the Zoning Ordinance of the Village of Fredericktown, Knox County, Ohio.

**B. INTERPRETATION**

Provisions of this Ordinance are declared to be Minimum Restrictions. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements; adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

**C. SEPARABILITY CLAUSE**

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

**D. REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE**

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

## **DEFINITIONS**

**INTERPRETATION:** For the purpose of this resolution certain terms or words used herein shall be interpreted as follows:

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Ordinance. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used," and the word "shall" is mandatory and not directory.

- 1) **ACCESSORY USE OR BUILDING:** Accessory building means a use or structure subordinate to the principal use of land which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.
- 2) **ADULT ARCADE:** Any place to which the public is permitted or invited where either or both (i) motion picture machines, projectors, video, or laser disc players, or (ii) other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- 3) **ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE:** A commercial establishment that devotes a significant portion of its interior business or advertising (25% or more of its retail floor space) to the sale or rental, for any form of consideration, of any one or more of the following:
  - a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined herein.
  - b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse.
- 4) **ADULT BOOTH:** Any area of an Adult Oriented Business set off from the remainder of such business by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any sexually oriented materials or to view any live performance that is 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.

- 5) **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 in a state of nudity.
  - b. Live performances 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.
  - c. Films, motion pictures, video or audio cassettes, slides, computer 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.
- 6) **ADULT MATERIAL:** Any of the following, whether new or used:
  - a. Books, magazines, periodicals, or other printed matter, or digitally-stored materials that are distinguished or characterized by an emphasis on the exposure, depiction or description of Specified Anatomical Areas or the conduction of simulations or Specified Sexual Activities.
  - b. Films, motions pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduction or simulation of Specified Sexual Activities.
  - c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.
- 7) **ADULT MOTEL:** A hotel, motel, or similar commercial establishment that:
  - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videos, cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or
  - b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.
- 8) **ADULT STORE:** Any Commercial Establishment
  - a. That contains one or more Adult Booths;
  - b. That as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult materials, or
  - c. That has a segment or section devoted to the sale or display of Adult Materials.

- 9) **ADULT THEATER:** Any Commercial Establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, 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.
- 10) **AGRICULTURE:** The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operations of any such accessory uses shall be secondary to that of normal agricultural activities and provided, further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- 11) **ALLEY OR LANE:** A public or private way not more than 20 feet wide affording only secondary means of access to abutting property.
- 12) **APARTMENT:** See "Dwelling, multi-family."
- 13) **APARTMENT HOUSE:** See Dwelling, Multi-Family.
- 14) **AQUIFER WELLHEAD:** Refers to those locations where subsurface glacial sand and gravel deposits are present and are the means by which the Village of Fredericktown Aquifer is recharged from surface water.
- 15) **AUTOMOTIVE REPAIR:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles
- 16) **AUTOMOTIVE OR TRAILER SALES AREA:** An open area, other than a street, used for the display, sale or rental of new or used motor vehicles, trailers, farm implements, boats, motorcycles, bicycles, lawn mowers, etc. in operable condition and where no repair work is done.
- 17) **AUTOMOTIVE SALES:** The sale or rental of new or used motor vehicles or trailers.
- 18) **AUTOMOBILE SERVICES:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and cleaning of vehicles.
- 19) **AUTOMOBILE WASH OR AUTOMATIC CAR WASH:** A building or structure where mechanical devices are employed for the purpose of washing motor vehicles.
- 20) **AUTOMOBILE WRECKING:** The dismantling or disassembly of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- 21) **BASE FLOOD:** Is the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.
- 22) **BASEMENT:** A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than 5 feet above grade at any such entrance or exit.

- 23) **BED AND BREAKFAST:** Means a home occupation as defined in Chapter 1181 where the occupants of a dwelling unit provide a sleeping room and breakfast is prepared and served on the premises for remuneration to persons who are not family members.
- 24) **BEGINNING OF CONSTRUCTION:** The incorporation of labor and material within the walls of the building is to be constructed; the incorporation of labor and materials at the site, lot, or parcel where a building is to be used for purposes other than construction of a building; the moving of dirt which alters the natural topography and drainage patterns of the area.
- 25) **BLOCK:** In describing the boundaries of a district the word "block" refers to the legal description. In all other cases, the word "block" refers to the property abutting on one side of a street between two intersecting streets or a street and a railroad right-of-way or watercourse.
- 26) **BOARD:** The Board of Zoning Appeals of the Village of Fredericktown, Ohio.
- 27) **BOARD OR LODGING HOUSE:** A dwelling or part thereof where meals and or lodging are provided for three or more persons for compensation by previous arrangement, but not transients.
- 28) **BOARDING HOUSE:** A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three or more persons for compensation by previous arrangement, where no cooking or dining facilities are provided in individual rooms.
- 29) **BUILDING:** Any structure constructed or used for residential, business, industrial, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures, whether stationary or movable.
- 30) **BUILDING, FRONT LINE OF:** The line of that face of the building nearest the front line of the lot. This face includes porches whether enclosed or unenclosed but does not include steps.
- 31) **BUILDING, HEIGHT OF:** The vertical distance from the average contact with ground level at the front wall of the building to the highest point of the roof.
- 32) **BUILDING LINE:** The front yard setback; a line established by this Zoning Ordinance, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located except as may be provided by this Ordinance.
- 33) **BUSINESS (COMMERCIAL):** A concentration of a wide variety of offices and retail establishments located on or at the intersection of arterial streets as specified by the Master Plan.
- 34) **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which the building is situated.
- 35) **BUSINESSES:**
- a. **CENTRAL BUSINESS:** Includes comparison and convenience shopping; professional, business, and financial services; public and semipublic uses and other activities of a comparable clean and compact nature which contribute to the economic and design of the area as determined by the Board.

- b. **HIGHWAY AND GENERAL BUSINESS:** Includes commercial uses requiring locations on major thoroughfares and at their intersections. Highway uses include motels, gas stations and restaurants. General and service businesses include auto and farm implement sales and services, building trades and services, commercial recreation and other commercial uses which do not contribute to the design of unified commercial center.
- 36) **BUSINESS SERVICES:** Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.
- 37) **CELLAR:** A story partly underground and having more than 50% of its clear height below the average level of the adjoining ground. A CELLAR shall not be considered a story for purposes of height measurement, or in determining the permissible number of stories or in computing floor area or in calculating living area.
- 38) **CELLULAR COMMUNICATIONS SERVICES:** Personal communications accessed by means of cellular equipment and services.
- 39) **CELLULAR OR WIRELESS COMMUNICATION ANTENNA:** any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni directional antennas such as whips and other equipment utilized to serve personal communication systems.
- 40) **CELLULAR OR WIRELESS COMMUNICATIONS SITE:** A tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmissions.
- 41) **CELLULAR OR WIRELESS COMMUNICATIONS SUPPORT STRUCTURE:** Shall mean any building or structure accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.
- 42) **CELLULAR OR WIRELESS COMMUNICATIONS TOWER:** Shall mean any freestanding structure used to support a cellular or wireless communications antenna.
- 43) **CELLULAR OR WIRELESS COMMUNICATIONS TOWER, HEIGHT OF:** Shall mean the height from the base of the structure to its top; including any antenna located thereon
- 44) **CEMETERY:** The land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries if operated in connection with, and within the boundaries of such cemetery.
- 45) **CITY OR VILLAGE:** Means the municipal corporation of Fredericktown, Knox County, Ohio.
- 46) **CLINIC:** A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

- 47) **CLUB, ORGANIZATION:** A non-profit association of persons who are bonafide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily or as a commercial enterprise.
- 48) **CLUB, LOCATION:** A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- 49) **COMMERCIAL ENTERTAINMENT FACILITIES:** Any activity conducted for gain, which is generally related to the entertainment field, such as motion picture theaters, carnivals, night clubs and similar entertainment activities.
- 50) **COMMERCIAL ESTABLISHMENT:** Any place where admission, services, performances or products are provided for or upon payment of any form of consideration.
- 51) **COMMISSION:** The Planning Commission of the Village of Fredericktown, Ohio.
- 52) **COMMON WALL HOUSE :** Is a one family home joined along a continuous solid wall with a second one family home.
- 53) **COMPREHENSIVE PLAN:** Refers to the "Fredericktown Comprehensive Plan Report," December 1990, containing background and recommendations on the regulation and use of land, the building of public facilities and the offering of services.
- 54) **CONDITIONAL USE (SPECIAL EXCEPTIONS):** A use which is subject to conditional approval by the Planning Commission. A CONDITIONAL USE may be granted by the Planning Commission only when there is a specified provision for such special exceptions made in this chapter. A CONDITIONAL USE is not considered to be a nonconforming use.
- 55) **CONDOMINIUMS:** A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Both residential condominiums and commercial condominiums exist; however, for purposes of this chapter, residential are only heretofore defined. Commercial condominiums will be handled as any other commercial or business property.
- 56) **CONDOMINIUMS ASSOCIATION:** The community association which administers and maintains the common property and common elements of a condominium.
- 57) **COUNCIL:** The Village Council of Fredericktown, Ohio.
- 58) **COURT:** An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
- 59) **DAYS:** Calendar days, unless otherwise specifically set forth in this Ordinance.
- 60) **DENSITY:** used as a unit of measurement, means the number of dwelling units per acre of land.
  - a. **GROSS DENSITY:** The number of dwelling units per acre of land to be developed, including that area in publicly dedicated land or retained in

- private ownership.
- b. **NET DENSITY:** The number of dwelling units per acre of land exclusive of that area in publicly dedicated land, streets and easements.
- 61) **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or storage of equipment and materials.
- 62) **DEVELOPMENTAL DISABILITY:** A disability that originated before the attainment of eighteen years of age and which can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or requires similar treatment and services.
- 63) **DISH:** Means that part of a satellite signal-receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolic or similar in shape.
- 64) **DISH ANTENNA:** Shall mean a combination of the following:
- a. An antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources.
  - b. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals.
  - c. A coaxial cable whose purpose is to carry the signals into the interior of the building.
- 65) **DISH MEASUREMENTS:** For the purpose of this ordinance include:
- a. Small Dish: Means not more than eighteen (18) inches across.
  - b. Large Dish: Means greater than eighteen (18) inches across but not larger than twelve (12) feet across.
- 66) **DISPLAY SIGN:** A structure that is arranged, intended, or designed, or used as an advertisement, announcement, or direction, including a sign, sign screen, billboard, and advertising device of any kind.
- 67) **DISTRICT:** A portion of the territory of the Village within which certain uniform regulations
- 68) **DISTRICTS, ZONING DISTRICTS:** Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the "district map" which is part of this chapter.
- 69) **DRIVE-IN COMMERCIAL USES:** Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, drive-up and carry-out stores, and similar uses.
- 70) **DWELLING, MANUFACTURED OFF-SITE, OR MANUFACTURED HOME:** Also referred to as "pre-engineered" or "prefabricated unit" means an assembly of materials or products comprising all or part of a total structure which when constructed and installed, constitutes a dwelling unit, except for necessary preparations for its placement.



- 71) **DWELLING, MOBILE HOME:** An attached dwelling unit designed to be transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling and connection operations, but which involves no substantial reconstruction which would render the unit unfit as a conveyance on the highway. The unit shall be considered as real property if such reconstruction is undertaken.
- 72) **DWELLING, MULTI-FAMILY:** A building consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.
- 73) **DWELLING, SINGLE-FAMILY:** A building consisting a single dwelling unit only, separated from other dwelling units by open space.
- 74) **DWELLING, TWO-FAMILY:** A building consisting of two dwelling units, which may be either attached side by side or one above the other, each unit having either a separate or combined entrance or entrances.
- 75) **DWELLING, UNIT:** A space within a building comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.
- 76) **EASEMENT:** An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.
- 77) **EMPLOYEE/SEXUALLY ORIENTED BUSINESS:** A person who performs any service or work on the premises of a Sexually Oriented Business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support functions, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- 78) **ESCORT AGENCY:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- 79) **ESSENTIAL SERVICES:** Those public services provided by the state, county, or village. The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

- 80) **FAMILY:** Two or more persons related by blood, adoption, marriage, guardianship or foster parent contract, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding three exclusive of household servants living together as a single housekeeping unit but not related by blood, adoption, marriage, guardianship or foster parent contract shall be deemed to be a family. A number of persons with developmental disabilities not exceeding six, exclusive of not more than two house parents and employees caring for the persons with developmental disabilities, living together as a single housekeeping unit but not related by blood, adoption, marriage, guardianship or foster parent contract residing in a dwelling unit which meets all specifications for a family model home shall be deemed to be a family.
- 81) **FAMILY HOME:** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight persons with developmental disabilities.
- 82) **FAMILY MODEL HOME, GROUP HOME, OR COMMUNITY RESIDENCE:** A dwelling unit occupied as a home that provides room and board, personal care, habilitation services and supervision in a family setting for not more than six persons with developmental disabilities, exclusive of not more than two house parents and employees caring for the persons residing there with developmental disabilities, and licensed and regulated by the Ohio Department of Mental Retardation and Developmental Disabilities.
- 83) **FENCE:** Any artificially constructed barrier of any permitted material or combination of materials erected to enclose, screen properties, or to provide protection, and as-a means of designating a property boundary.
- 84) **FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.
- 85) **FLOOD INSURANCE RATE MAP (FIRM):** An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- 86) **FLOOD INSURANCE STUDY:** The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevation of the base flood.
- 87) **FLOOD PLAIN:** Any land area susceptible to being inundated by water from any source. The flood plain includes the floodway and floodway fringe as designated by the effective Flood Hazard Map and any amendments made to the map thereof.
- 88) **FLOOD RECURRENCE INTERVAL:** The average interval of time, based upon a statistical analysis of actual or representative stream flow records, which can be expected to elapse between floods equal to or greater than a specified flood.
- 89) **FLOOD PROOFING:** Any combination of structural and nonstructural additional changes, modifications or adjustments to properties and structures primarily for the reduction or elimination of flood damage to lands, water and sanitary facilities, structures and contents of buildings.

- 90) **FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- 91) **FLOODWAY FRINGE:** Those lands, from the floodway boundary line to the floodway fringe boundary line as designated in the effective Flood Hazard Map and any amendments made to the map thereof, subject to inundation by the 100 year recurrence interval flood.
- 92) **FLOODWAY OBSTRUCTION OR OBSTRUCTION IN A FLOODWAY:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, structure, wire fence, rock, gravel, refuse, fill or other analogous structure or matter in, along, across or projecting into any floodway which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting water-borne debris, or that is placed where the flow of water would carry the same downstream to the damage or detriment of life or property.
- 93) **FLOOR AREA:** The sum of the gross horizontal areas of those spaces designed for living, sleeping, eating, and cooking purposes. Garages, porches, attic space, and living areas, which are located below grade an average of four (4) feet, shall not be included in the definition of floor area. Calculations of floor areas shall be made from the exterior face of the enclosing walls at the respective floor line, and where applicable, the centerline of party walls. The "lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, parking access, or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is built in accordance with the applicable design requirements for enclosures below base flood elevation specified in this ordinance.
- 94) **FOOD PROCESSING:** The preparation or processing of food products. Examples of activities included are bakeries and dairies.
- 95) **FRONTAGE:** All the property abutting on one side of a street, between intersecting or intercepting streets, or between a street and right-of-way, waterway, and of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street, which it intercepts.
- 96) **FRONTAGE TO THE PUBLIC RIGHT-OF-WAY:** is the length of a property line, which abuts a legally accessible street right-of-way.
- 97) **GARAGE OR CAR PORT, PRIVATE:** A detached accessory building or a portion of the principal building for the storage of self-propelled vehicles or trailers.
- 98) **GARAGE, PUBLIC:** A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers.

- 99) **GAS STATION, SERVICE STATION:** Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.
- 100) **GROUP HOME:** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than 16 persons with developmental disabilities, per state regulations.
- 101) **HEIGHT OF BUILDING:** The vertical distance from the established average sidewalk grade, street grade, or finished grade, at the building line, whichever is the highest, to the highest point of the building.
- 102) **HIGHWAY, MAJOR:** A street or road of considerable continuity and used primarily as a traffic artery as designated by the planning commission at the time of plot review.
- 103) **HOME OCCUPATION:** An occupation, profession, activity, or use that is clearly an incidental, secondary, and customary use of a residential dwelling unit, which does not alter the exterior character or appearance of the dwelling (except as may be specifically defined by these regulations), and which is carried on solely within the main dwelling. The Board of Appeals shall rule on borderline cases.
- 104) **HOSPITAL:** A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, who are in need of medical or surgical attention.
- 105) **HOTEL, MOTEL, AND APARTMENT HOTEL:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, fraternity, sorority or dormitory which are separately defined.
- 106) **INDUSTRY:** The storage, repair, manufacture, preparation or treatment of any materials or products through processes which may involve hazardous materials or working conditions requiring separation from other uses of land.
- 107) **INSTITUTION:** Buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.
- 108) **JUNK OR SALVAGE YARD:** A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.
- 109) **KENNEL OR CATTERY:** Any lot or premises on which four or more domesticated animals more than four months of age are either commercially housed, groomed, bred, boarded, trained or sold.

- 110) **LAND USE PLAN:** The long-range plan for the desirable use of land in the Village, as officially adopted and as amended from time to time by the Village Council; the purpose of such plan is, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing needs, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as streets, parks, schools and public buildings. The Land Use Plan is a component part of the officially adopted Comprehensive Plan of the Village of Fredericktown.
- 111) **LEGAL COUNSEL:** An attorney representing a municipality.
- 112) **LIGHT INDUSTRIAL:** Industrial activities which are generally free of nuisance from noise, dust, smoke, odor or vibration.
- 113) **LICENSED PREMISES:** The place or location described in the Sexually Oriented Business Establishment License where a Sexually Oriented Business Establishment is authorized to operate. No sidewalks, streets, parking areas, public right-of-way, or grounds adjacent to any such place or location shall be included within the Licensed Premises.
- 114) **LICENSEE:** Any person or entity that has been issued a Sexually Oriented Business License pursuant to the provisions of this Ordinance. With respect to a sexually oriented employee license issued under this chapter, licensee means a person in whose name license has been issued authorizing employment in a Sexually Oriented Business.
- 115) **LOADING SPACE:** A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 45 feet and a vertical clearance of at least 14 feet.
- 116) **LODGING HOUSE:** Any building or portion thereof containing not more than four guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise.
- 117) **LOT** A piece, parcel or plot of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place. A LOT may or may not be the land shown on a duly recorded plat.
- 118) **LOT, CORNER:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if the side lot lines to the foremost depth of the lot meet at an interior angle of less than 135 degrees. Irrespective of building orientation, on a corner lot the setback for the front yard for that use shall apply to all sides of a lot having frontage on publicly dedicated rights-of-way. The other two sides shall be side yard setbacks.
- 119) **LOT COVERAGE:** The ratio of the enclosed ground floor area of all buildings on a lot to the area of the lot as a whole, expressed as a percentage. However, in certain zoning districts, "lot coverage" may include other uses such as driveways, parking or loading areas.

- 120) **LOT LINE, FRONT:** The lot line separating an interior lot from the street right-of-way upon which it abuts, or the lot line of a corner lot which abuts upon a street right-of-way. Unless the context clearly indicates the contrary, front lot line means the street right-of-way line.
- 121) **LOT LINE, REAR:** The lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and most distant from the front lot line of least dimension.
- 122) **LOT LINE, SIDE:** Any lot line, which is not a front or rear lot line.
- 123) **LOT MEASUREMENT:**
- a. **LOT DEPTH:** The mean horizontal distance of a lot measured between the front and rear lot lines.
  - b. **LOT WIDTH:** The width of a lot at the building setback line measured at right angles to its depth.
- 124) **LOT, MINIMUM AREA OF:** The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.
- 125) **LOT OF RECORD:** A lot which is part of the original Village Plat or a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- 126) **MANUFACTURING:** The making of articles, products or goods by hand or by machinery on a scale requiring the division of labor, within an industrial environment or use of land.
- 127) **MANUFACTURING, GENERAL:** Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor radiation, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water-carried waste.
- 128) **MASSAGE PARLOR:** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with Specified Sexual Activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her Specified Anatomical Areas. The definition of Massage Parlor shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program nor by any Licensed Massage Therapist licensed in the State of Ohio pursuant to Ohio R.C. 4731.15.
- 129) **MINERAL:** Any material quarried, mined or otherwise extracted from the earth, which is intended to be used as a commercial product.

- 130) **MINERAL EXTRACTION, STORAGE AND PROCESSING:** Any mining, quarrying or processing of limestone sand, gravel or other mineral resources.
- 131) **MOBILE HOMES:** Structures designed to be used for human habitation, caring, or storage of persons or property, not having a permanent foundation, being able to be easily equipped with wheels or other devices to be transported from place to place.
- 132) **MOBILE HOME PARKS** or **MANUFACTURED HOME PARKS:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. "Mobile Home Park" or "Manufactured Home Park" shall exclude any manufactured home park as defined in Ohio R.C. 3733.01 for which the Public Health Council has exclusive rule-making power.
- 133) **MOBILE HOME – TRAILER:** Any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- 134) **MORE RESTRICTIVE:** In reference to a nonconforming use, the changing of a use to more nearly conform to the permitted use, thus increasing the requirements such as side yards, and the like, or generally increasing compatibility of a nonconforming use to the requirements of the district in which it is located.
- 135) **MOTOR VEHICLES:** Any powered vehicle, which is required to be licensed by the state.
- 136) **NONCONFORMING USE:** A use of building or land lawful at the time of enactment of this Ordinance that does not conform with the "permitted use" provisions of this Ordinance.
- 137) **NUDE OR STATE OF NUILITY:** A state of dress or undress that exposes to view
- a. Less than completely or opaquely covered human genitals; public region, anus, or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in discernibly turgid state.
- 138) **NURSERY (DAY CARE CENTER):** A facility, which temporarily assumes responsibility for three (3) or more children in their parent's absence.
- 139) **NURSERY (PLANT MATERIALS):** A space including accessory buildings or structures for the growing or storage of live trees, shrubs or plant materials that may be offered for retail sale on the premises, including products used for gardening or landscaping.
- 140) **NURSING HOME:** Includes convalescent and extended care facilities, and means an establishment which specializes in providing necessary services to those unable to be responsible for themselves.
- 141) **OFF STREET PARKING:** A hard surfaced area made of all-weather, durable, dustless, asphaltic or cement pavement of not less than 200 square feet, either with a structure or in the open, exclusive of driveways or access drives for the parking of one motor vehicle.

- 142) **OPEN SPACE:** That part of a zoning lot, including courts or yards, which are open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning lot. "Open space" also means natural scenic land areas or land areas that are characterized by a rural quality having an absence of development or as defined by surrounding development.
- 143) **PARKING AREA, PUBLIC:** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- 144) **PERFORMANCE STANDARD:** A criteria established, in the interest of protecting the public health and safety, to guide, regulate and protect the public in their uses of land.
- 145) **PERMITTED USE:** a class of specific uses of land and/or structures, which is allowed by right within a designated zoning district, provided there is conformance to site development and other criteria as specified within this Zoning Ordinance.
- 146) **PERSONAL SERVICES:** Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repairing, barbershop, beauty parlors and similar activities.
- 147) **PERSONAL WIRELESS SERVICES:** Commercial mobile services, unlicensed wireless services and common carrier wireless exchange assess services, including the cellular services.
- 148) **PLANNED DEVELOPMENT OR PLANNED UNIT DEVELOPMENT:** A development of land that is under unified control and is planned and developed as a whole or a single development operation or programmed series of development stages, which may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
- 149) **PLANNING COMMISSION:** The Planning Commission of the Village of Fredericktown.
- 150) **PLANT CULTIVATION:** The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses.
- 151) **PROFESSIONAL ACTIVITIES:** The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers.
- 152) **PUBLIC RIGHT-OF-WAY (ROW):** A strip of land occupied or intended to be occupied by a street, sidewalk, water, sewer, gas or electrical service.
- 153) **PUBLIC SERVICE FACILITY:** The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage disposal services.
- 154) **PUBLIC USES:** Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.



- 155) **RECIEVER:** Means the apparatus whose purpose is to obtain a signal from a cable or other like source and transform it to a television or radio signal.
- 156) **RECREATIONAL FACILITIES:** Any instrumentality provided by state, church, or private enterprise, for the purpose of rest and relaxation, mental or physical refreshment, or any other activity relating to fun and games.
- 157) **RECREATIONAL FACILITIES, COMMERCIAL:** Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals and similar commercial enterprises.
- 158) **RECREATIONAL FACILITIES, NONCOMMERCIAL:** Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools.
- 159) **RESIDENTIAL FLOOR AREA:** The interior floor area of a dwelling, including stairways, halls and closets but not including basements, porches, garages, breeze ways or carports.
- 160) **RECREATIONAL VEHICLE:** A vehicle, which is:
- a. Built on a single chassis,
  - b. 400 square feet or less when measured at the largest horizontal projection,
  - c. Designed to be self-propelled or permanently towable by a light-duty truck, and
  - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- 161) **RESEARCH ACTIVITIES:** Research, development or testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation- or engineering.
- 162) **RETIREMENT COMMUNITIES:** Planned developments designed to meet the needs of, and exclusively for, the residences of senior citizens.
- 163) **REVIEWING DEPARTMENTS:** The Mayor, Police Department, and Planning Commission.
- 164) **SCHOOL:** An institution of learning which offers instruction in the several branches of learning and study required to be taught in the schools by the applicable laws of the State.
- 165) **SEMIPUBLIC USES:** Churches, Sundays schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.
- 166) **SEWAGE DISPOSAL SYSTEM - ON SITE:** A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- 167) **SEXUALLY ORIENTED BUSINESS USE COMMISSIONER:** The Zoning Inspector or designee shall be the Sexually Oriented Business Use Commissioner.

- 168) **SEXUALLY ORIENTED BUSINESS OR SEXUALLY ORIENTED BUSINESS ESTABLISHMENT:** For purposes of this Ordinance shall mean an adult arcade, adult bookstore, adult motel, adult novelty store, adult video store, adult cabaret, adult store, adult theater, escort agency, or massage parlor.
- 169) **SEXUALLY ORIENTED BUSINESS ESTABLISHMENT PATRON:** Any individual, other than a Sexually Oriented Business Establishment Employee, present in or at any Sexually Oriented Business Establishment at any time when such Sexually Oriented Business Establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than Adult Materials), food and beverages, or performing maintenance or repairs, to the Licensed Premises.
- 170) **SIGN:** Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.
- 171) **SIGN, AREA OF:** The total exterior surface computed in square feet of a sign having but one exposed exterior surface, 1/2 the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.
- 172) **SIGN, ILLUMINATED:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light, located or arranged so as to cast illumination on a sign.
- 173) **SIGN, NON-ACCESSORY:** Any sign unrelated to a business or profession conducted, or to be a commodity or service sold or offered upon the premises where such sign is located.
- 174) **SIGN, OFF SITE:** Any sign located off of a business's property, which refers to the business, including billboards.
- 175) **SIGN, PROJECTING:** Any sign which projects from the exterior of a building.
- 176) **SPECIFIED ANATOMICAL AREAS:** Any of the following.
- a. Less than completely and opaquely covered human genitals, pubic region; buttocks, anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human genitals in a discernibly turgid state.
- 177) **SPECIFIED CRIMINAL ACTIVITIES:** Sexual crimes against children, sexual abuse, rape, gross sexual imposition, and other crimes connected with Sexually Oriented Businesses including, but not limited to, distribution of obscenity or other material harmful to minors, pandering, prostitution, tax violations in connection with a sexually oriented business or acts prohibited by R.C. 2907.24, 2907.241, or 2907.25.
- 178) **SPECIFIED SEXUAL ACTIVITIES:** 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 Paragraphs a-d of this definition.
- 179) **STABLE-COMMERCIAL:** A stable for horses, donkeys, mules, or ponies, which are let, hired, used, or boarded on a commercial basis and for compensation.
- 180) **START OF CONSTRUCTION:** 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 the start of excavation.
- 181) **STORY:** That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- 182) **STRADDLE DANCE:** The use by any person, including specifically but without limitation, a Sexually Oriented Business Establishment Employee, of any part of his or her body to touch the genitals, pubic region, buttocks, anus or female breast of any Sexually Oriented Business Establishment Patron or any other person, or the touching of the genitals, pubic region, buttocks, anus, or female breast of any person by any Sexually Oriented Business Establishment Patron. Conduct shall be a "Straddle Dance" regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any Specified Anatomical Area. Conduct shall also be a "Straddle Dance" regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance" "table dance" and "face dance" shall be included within the definition of Straddle Dance.
- 183) **STREET:** Any public or private way dedicated to public travel, and 30 feet or more in width. The word "street" shall include the words, "roads, highway, and thoroughfare."
- 184) **STREET, MAJOR OR ARTERIAL:** Those streets which are used primarily to carry fast to heavy traffic.
- 185) **STREET, COLLECTOR:** Those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulations within such a development.
- 186) **STREET, MINOR:** Those streets which are used primarily for access to the abutting properties.
- 187) **STREET OR THOROUGHFARE:** A public or private way for the purposes of vehicular travel, including the entire area within the right-of-way.
- 188) **STREETLINE, RIGHT-OF-WAY LINE:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.
- 189) **STRUCTURAL ALTERATIONS:** Any change in the structural members of a building, such as walls, columns, beams or girders.
- STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground.

- 190) **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. Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions on during a ten (10) year period for which the cost of repairs at the time of each flood event on average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damaged occurred.
- 191) **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. When the combined total of all previous improvements or repairs made during the life of the structure equals or exceeds fifty (50%) percent of a structure's market value, that structure is considered a substantial improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
- a. Any improvement to a structure which is considered to "new construction,"
  - b. 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 zoning permit by the Zoning Inspector and which are the minimum necessary to assure safe living conditions;
  - c. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- 192) **TEMPORARY STRUCTURE:** A structure without any foundation of footings and which is removed when the designated time period, activity or use for which the temporary structure was erected ceased.
- 193) **TEMPORARY USE:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
- 194) **THOROUGHFARE, PRIMARY OR SECONDARY:** An officially designated federal or state numbered highway or county or other road or street designed as a primary thoroughfare on an official Thoroughfare Plan, or a county or other road or street designated as a secondary thoroughfare on said Plan, respectively.
- 195) **TRAILER, SMALL UTILITY:** Any trailer drawn by passenger automobile, used for the occasional transport of personal effects.
- 196) **USE:** The purpose or activity for which a building, structure, or land is occupied or maintained.
- 197) **VARIANCE:** A relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.
- 198) **VILLAGE ADMINISTRATOR:** The administrative officer of the Village of Fredericktown, and shall have such powers and duties as are assigned by the Village Council and by law.

- 199) **YARD:** An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this Ordinance.
- a. **Front Yard:** The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.
  - b. **Rear Yard:** The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.
  - c. **Side Yard:** The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.
- 200) **ZERO LOT LINE:** A development approach in which a building is sited on one lot with no side yard on one side.
- 201) **ZONING CERTIFICATE:** A document issued by the Zoning Inspector or his/her designee authorizing buildings, structures or uses consistent with the terms of this Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.
- 202) **ZONING INSPECTOR:** The Zoning Inspector of the Village of Fredericktown, or his/her authorized representative, appointed by the mayor and approved by the Village Council
- ZONING MAP:** The Zoning Map or Maps of the Village, together with all amendments subsequently adopted.

## **DISTRICTS AND GENERAL PROVISIONS**

**A. DISTRICTS:** For the purpose of this Ordinance the Village of Fredericktown is divided into Districts:

**C-1 CONSERVATION**

**AG AGRICULTURAL**

**R-1 SINGLE-FAMILY RESIDENCE**

**R-2 GENERAL-FAMILY RESIDENCE**

**R-3 MULTI-FAMILY RESIDENCE**

**P-1 PUBLIC-SEMI PUBLIC**

**B-1 CENTRAL BUSINESS DISTRICT ON MAIN ST.**

**B-2 GENERAL BUSINESS DISTRICTS**

**B-3 BYPASS BUSINESS DISTRICTS**

**M-1 GENERAL MANUFACTURING**

**PND PLANNED NEIGHBORHOOD DISTRICT**

**B. ZONING MAP:** The districts and boundaries thereof are established as shown on the Zoning Map, which map, together with all notations, references, data, district boundaries, and other information shown thereon, shall be part of these Regulations. The Zoning Map, properly attested, shall be and remain on file in the office of the Village Clerk.

**C. DISTRICT BOUNDARIES:**

1. The district boundary lines on said map are intended to follow either streets or alleys or lot lines; and, where the districts designed on the Map are bounded approximately by such street, alley, or lot lines, the street, alley, or lot line shall be construed to be the boundary of the district, unless such is otherwise indicated on the Map. In case of subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.
2. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the said railroad line.

- D. 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 district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarge, or altered except in conformity with the area regulations minimum yard requirements and minimum off street parking and loading space requirements of this Ordinance for the district in which such building is located.
- E. REAR DWELLINGS:** No building in the rear of a principal building on the same lot shall be used for residential purpose unless it conforms to all the yard and other open space and off-street parking requirements. For the purpose of determining the front yard in some cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear.
- In addition, there must be provided for any such rear dwelling, an unoccupied and unobstructed access way not less than 20 feet wide, to a public street for each dwelling, or one not less than 50 feet for three or more dwelling units.
- F. STREET FRONTAGE REQUIRED:** Except as permitted by other provisions of these Regulations, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least 50 feet on a street; and there shall be not more than one single-family dwelling for such frontage.
- G. TRAFFIC VISIBILITY ACROSS CORNER LOTS:** In any R-District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.
- H. OFF-STREET PARKING AND LOAD:** In any district spaces for off-street parking and for off-street loading shall be provided in accordance with the provisions of Section 304.18.
- I. ESSENTIAL SERVICES:** Essential services shall be permitted as authorized and regulated by law and other resolutions of the Village, it being the intention hereof to except such essential services from the application of these regulations.
- J. UNSAFE BUILDINGS:** Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.

- K. VACATED STREET OR ALLEY:** Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations for the extended district or districts.
- L. TRAILERS PROHIBITED - EXCEPT:** A trailer, coach, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than 18 months. A separate zoning certificate shall be required for the use of temporary living quarters.
- M. TRAILERS-VISITORS:** Not more than one trailer coach may be temporarily used as a residence by a visitor on occupied property owned, leased or rented by a resident of the Village for a period of 30 days in any 12 month period.
- N. TERRITORY NOT INCLUDED-ANNEXATIONS:** In every case where territory has not been specifically included within a district or where a territory becomes part of the unincorporated area of the Village as the result of the disincorporation of any city, town or portion thereof, or otherwise, such territory shall automatically be classified as a "C-1" District until otherwise classified.
- O. ACCESSORY BUILDINGS IN R-DISTRICTS OR AG DISTRICTS:** Accessory buildings shall be at least 6 feet from any dwelling situated on the same lot unless an integrated part thereof, at least 6 feet from any other accessory building and at least 8 feet from any lot lines of adjoining lots which are within an R or AG District.
- P. AUTOMOBILE WRECKING AND JUNK YARDS:** These activities are disallowed within the Village Zoning District.
- Q. FENCE REQUIREMENTS:**
1. Front Yard Restrictions. No person shall erect any fence or wall in the Village between the front yard setback line and the street; with the exception that decorative landscaping walls and fences which do not exceed forty-two inches (42") in height above ground level may be allowed. This type of fence must meet the following requirements:
    - a. That the proposed decorative landscape wall or fence is compatible with other similar structures in the neighborhood.
    - b. That the height of said fence or wall does not exceed forty-two inches (42") in height when measured from the average grade of the yard where the fence or wall is to be installed. Artificially raising the height of the lot line by the use of mounding, retaining walls, or similar means shall be included in the forty-two inch (42") maximum height.



- c. The installation of such fence and/or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.
  - d. That no chain link, wire mesh, concrete block, or other similar type material can be installed fronting a street as a decorative landscape wall or fence.
2. Side and Rear Yard Restrictions. No fence, wall, or combination thereof shall exceed eighty-four inches (84") in height as measured from the average grade of that portion of the lot in the rear or side yards. No side yard fence shall extend beyond the front setback line of the house. Artificially raising the height of the lot line by the use of mounding, retaining walls, or similar means shall be included within the eighty-four inches (84") maximum height restriction. Any fence or wall erected along the side or rear property lines must have the finished and not the structural side facing the neighboring property, alley, or street.
  3. Corner Lots. No fence, wall, or combination thereof shall exceed forty-two inches (42") in height in the side yard setback area as it faces a public or private street or alley. Fencing or walls exceeding forty-two inches (42") in height but in no case higher than eighty-four inches (84") as measured from the average grade may be allowed. This type of fence must meet the following requirements:
    - a. That the proposed side yard fence or wall on the street side of a corner lot exceeding forty-two inches (42") in height is compatible with other similar structures in the neighborhood.
    - b. That the height of such fence or wall shall not exceed eighty-four inches (84") in height; artificially raising the height of the lot line by the use of mounding, retaining walls, or similar means shall be included within the eighty-four inch maximum height.
    - c. The installation of such fence or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.
  4. Prohibited Fences. No person shall erect or maintain anywhere in the Village a fence or wall equipped with or having barbed wire, spikes, sharp points, or any similar device or an electrical charge sufficient to cause shock except, as part of an agricultural operation or for safety and protection of individuals from hazard, such as electric substations.

## **NONCONFORMING USES OR BUILDINGS**

**A. EXISTING NONCONFORMING USES - CONTINUATION:** Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this Ordinance may be continued, although such use, building, or structure does not conform with the provisions of the Ordinance for the district in which it is located.

**B. NONCONFORMING USES OF BUILDINGS, ENLARGEMENT, OR SUBSTITUTION, ETC.:**

1. No existing building or premises devoted to a use not permitted by this Ordinance in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof if changed to a use permitted in the district in which such building or premises is located, and except as follows:

a. Substitution: As long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any non-conforming use may, upon appeal to and approval by the Board, in accordance with the provisions of Section 304.26, the substitution for a nonconforming use of another not more objectionable non-conforming use for the district. The Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Zoning Ordinance. However, in any residential district, no change shall be authorized by the Board to any use which is not permitted or conditional use in any residential district.

2. Nonconforming Use Made to Conform: Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

3. Incompatibility of Nonconformance: Nonconformities are declared by this Zoning Ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Zoning Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

4. Unsafe Buildings: When the safety to the occupants of said structure or structures is in danger the repairs shall be limited to the correction only of such threat.

5. Discontinuance of a Use: No building, structure, or premises where a nonconforming use has been discontinued for a period of 24 months or more shall again be put to a non-conforming use.

6. Nonconformity-Performance Standards: All uses nonconforming at the time of adoption of this Ordinance, by reason of noncompliance with the provisions of Sections 304.17, 304.18 and 304.19, if not otherwise stipulated by the Planning Commission, shall adopt necessary measures to conform therewith a reasonable time from the adoption of this Ordinance where such conformity is practical and possible.
7. Repairs and Alterations: On any nonconforming structure or portion of a structure containing a nonconforming use repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, provided the total structural repairs and alterations shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed 50 percent of the assessed value of the building or structure for tax purposes at such date (or work done in any twelve (12) consecutive months on ordinary repairs, or repair or replacement of nonbearing walls, fixtures, wiring, heating, air conditioning or plumbing to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be provided that the cubic content of nonconforming area is not increased, unless such building or structure is permanently changed to a conforming use.
8. Avoidance of Undue Hardship: To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Ordinance and upon which actual building construction has been carried out diligently. Actual use is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be carried out diligently.
9. Nonconforming lots of record:
  - a. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of this Zoning Ordinance or amendments thereto, notwithstanding limitations imposed by other provisions of this Zoning Ordinance. Such lot must be in separate ownership and not of continuance frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained through action of the Board.

- b. If two (2) or more lots, or combinations of lots and portions of lots, with continuance frontage in single ownership are of record at the time of passage or amendment of this Zoning Ordinance and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance.
10. Nonconforming Structure: Where a lawful structure exists at the effective date of adoption of this Zoning Ordinance, or amendments thereto, that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area or coverage, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.
  - a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
  - b. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance, except in the case of a damaged nonconforming residential structure in any residential district which may be replaced and continued as a legal nonconforming use within the limits otherwise provided under this section.
  - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
11. Nonconforming Uses of Structure or of Structures and Premises in Combination: If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000) or more, or of a structure and premises in combination, exists at the effective date of adoption of this Zoning Ordinance or amendments thereto, that would not be allowed in the district under terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - a. No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - b. Any Nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
  - c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be as a special exception be changed to another nonconforming use provided that the Board either by general rule or by making findings in the special case, finds that the proposed use is equally appropriate or more appropriate to the district

than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the provisions of this Zoning Ordinance.

- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
  - e. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one (1) year except when government action impedes access to the premises, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
  - f. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.
12. Uses Under Conditional Use Provisions not Nonconforming Uses: Any use which is permitted as a conditional use in a district under the terms of this Zoning Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.
13. Certificates for Nonconforming Uses: The Zoning Inspector may upon his/her own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or becoming nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates, after verifying the existence of the non-conforming use.

## **C-1 CONSERVATION DISTRICT**

- A. C-1 CONSERVATION DISTRICT PURPOSE:** The purpose of the conservation district is to protect the public health and to reduce the financial burdens imposed on the community, its governmental units and its individuals, which may result from improper use of lands having excessively high water tables or are subject to frequent and periodic floods and over flow.
- B. USES PERMITTED IN THE C-1 CONSERVATION DISTRICT**
1. Any customary agricultural use, forestry.
  2. Any public or private noncommercial recreation facility, including fishing lakes, golf courses, parks and other similar uses.
  3. Water conservation works, including water supply works, flood control and watershed protection, fish and game hatcheries and preserves, hydro-electric power installations, etc.
  4. Accessory uses and buildings.
- C. CONDITIONAL USES IN THE C-1 CONSERVATION DISTRICT**
1. Commercial recreation; such as commercial fishing lakes, rifle ranges and gun clubs, providing they are not located closer than 200 feet distant from any R-District.
  2. Commercial mining; in accordance with the provisions of Section 304.20.
  3. Sewage disposal by the Village, its authorized agents and any other entity shall be subject to approval by the Ohio Environmental Protection Agency.
- D. REQUIRED CONDITIONS:** All activities performed within a C-1 District shall meet all appropriate flood plain regulations.
- E. REQUIRED LOT AREA AND LOT WIDTH IN THE C-1 DISTRICT:** None, except as may be specified by the Board; provided that no structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 15 feet to any side or rear lot line.
- F. HEIGHT REGULATION IN THE C-1 DISTRICT:** No structure shall exceed 35 feet in height.
- G. SIGNS PERMITTED:** Announcement of recreational activities-not to exceed twelve square feet.

## **AGRICULTURAL DISTRICT**

- A. AG DISTRICT- AGRICULTURAL DISTRICT: PURPOSE:** The purpose of the Agricultural District is to encourage the preservation of a proper setting for the Village; to provide an area for agricultural pursuits protected from infringement of unguided urban development; to create and preserve a setting for rural small estate residential development; to conserve areas physically unsuitable for intensive development; and to provide in the areas immediately surrounding the Village, an environment capable of accommodating future expansion of the Village in an orderly and efficient manner.
- B. USES PERMITTED IN THE AG DISTRICT**
1. Agricultural uses, commercial grain storage, nurseries and greenhouses.
  2. Single-family residential dwelling (home occupations - Section 304.25).
  3. Community buildings, utility and service system buildings and lands, public buildings, picnic grounds, religious, educational, or charitable institutions.
  4. Unlighted signs notifying of sale, rental, or lease of land or sale of farm goods on the premises on which the sign is maintained having not over 12 square feet of sign area; signs announcing meet-time and place of civic organizations.
- C. CONDITIONAL USES IN THE AG DISTRICT:** The following uses are permitted as conditional uses. The applicant shall ask the Planning Commission to make a recommendation to the Village Board of Zoning Appeals. The Village Board of Zoning Appeals shall hold a public meeting and rule upon the application for conditional use. The conditional use shall be authorized by the Board of Zoning Appeals if they determine that such conditional use is necessary to further the purpose of the Agricultural District as stated in the Purpose of this Section.
1. Real estate, professional and small announcement signs, subject to the provisions of Section 304.19.
  2. Uses of land including quarrying and mining of natural resources and clean fill dumps, subject to Section 304.20 and all other applicable codes and ordinances.
  3. Cemeteries
- D. REQUIRED LOT AREA AND LOT WIDTH IN THE AG DISTRICT**
1. Residential Use only - Each dwelling shall be located on a lot having an area of not less than one square acre and a lot width of not less than 120 feet at the building line.
  2. Residential and Agricultural Use - For combined residential and agricultural use each lot shall have an area of not less than five (5) acres and a lot width of not less than 250 feet at the building line.

**E. HEIGHT REGULATION IN THE AG DISTRICT:** No residential dwelling shall exceed 2 1/2 stories or 35 feet in height.

**F. REQUIRED YARD IN THE AG DISTRICT:** All residential structures shall have the following minimum yard spaces:

Front Yard	50 feet
Side Yard	25 feet per side
Rear Yard	50 feet

Corner lots shall provide the minimum front yard requirements on each street side of the lot. Agricultural Structures shall have a front yard set back of a minimum 50 feet and a side yard of 25 feet for each side.

**G. FLOOR SPACE REQUIREMENTS:** All buildings constructed for home habitation shall provide the following square feet of floor space, for living purposes excluding garage, porches, and breezeways, etc.

	Minimum 1 <sup>st</sup> Floor	Total Minimum
One Story Single Dwelling	1,100	1,100
1 1/2 Story Single dwelling	900	1,200
Two Story Single dwelling	750	1,400
Split Level Single Dwelling	500	1,600

**H. OFF-STREET PARKING REQUIREMENTS IN THE AG DISTRICT:** There shall be provided in the AG District off-street parking and loading in accordance with Section 304.18.

**I. GARAGES REQUIRED:** All residential dwellings shall be required to have a fully enclosed garage for vehicular storage, with a minimum of 240 square feet.



**R-1, SINGLE-FAMILY RESIDENCE DISTRICT**

**A. PURPOSE:** The purpose of the residence district is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

**B. USES PERMITTED IN THE R-1 DISTRICT**

1. Single-family dwellings.
2. Churches, playgrounds, and public services.
3. Home occupation as defined in section 304.02 and Section 304.25, home occupation parking as defined in Section 304.18 and signs as defined in section 304.19. Permits for home occupation are required and will be renewable yearly.
4. Accessory uses: such as private garages and accessory buildings.
5. Unlighted real estate signs, unlighted home occupation signs and public buildings or church signs or bulletin boards pertaining to the property on which they are placed as defined in section 304.19.

**C. CONDITIONAL USES IN THE R-1 RESIDENCE DISTRICT**

1. Utility substations and pump house providing that such structures shall not detract from the general appearance of the area nor adversely affect the comfort, safety, or welfare of the residents of the area.
2. Community centers, schools, libraries, parks, cemeteries, and utility office buildings.

**D. REQUIRED LOT AREA AND LOT WIDTH IN THE R-1 DISTRICT:** Each dwelling shall be located on a lot having an area of not less than 9,000 square feet and a lot width of not less than 75 feet at the building line.

**E. HEIGHT REGULATION IN THE R-1 RESIDENCE DISTRICT:** No residential dwelling shall exceed 2 ½ stories or 35 feet in height.

**F. REQUIRED YARD IN THE R-1 RESIDENCE DISTRICT:** All structures shall have the following minimum yard spaces:

Front Yard	25 feet on minor street or 35 feet on major street
Side Yard	18 feet total and 8 feet minimum
Rear Yard	30 feet
Corner lots	Shall provide the minimum front yard requirements on each street side of the lot, and the two side yards shall be a minimum of 8 feet with a minimum total of both side yards of 25 feet.

- G. FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION:** All buildings constructed for home habitation shall provide the following square feet of floor space, for living purposes, excluding garages, porches, and breezeways, etc.

	Minimum 1 <sup>st</sup> Floor	Total Minimum
One Story Single Dwelling	1,100	1,100
1 1/2 Story Single dwelling	900	1,200
Two Story Single dwelling	750	1,400
Split Level Single Dwelling	500	1,600

- H. OFF-STREET PARKING REQUIREMENTS IN THE R-1 DISTRICT:** There shall be provided in the R-1 District off-street parking and loading in accordance with Section 304.18.
- I. GARAGES REQUIRED:** All residential dwellings shall be required to have a fully enclosed garage for vehicular storage, with a minimum of 240 square feet
- J. FENCING:** Fencing information can be found in Section 304.03.

**R-2, TWO-FAMILY RESIDENCE DISTRICT**

- A. R-2, TWO-FAMILY RESIDENCE DISTRICT PURPOSE:** The purpose of the Residence District is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.
- B. USES PERMITTED IN THE R-2 DISTRICT**
  - 1. Any uses permitted in the R-1 District.
  - 2. Residential: two-family dwellings located on a lot adjoining or within 100 feet of a less restricted district, or on a lot abutting a primary or secondary thoroughfare.
  - 3. Common Wall Homes
  - 4. Accessory uses.
- C. CONDITIONAL USES IN THE R-2 DISTRICT (As approved by the Board)**
  - 1. Stricter Uses: same uses as are conditionally permitted and as regulated in R-1 District except as specifically limited in this Section.
- D. REQUIRED LOT AREA AND LOT WIDTH IN THE R-2 DISTRICT:** Each single family dwelling shall be located on a lot having an area of not less than 8,000 square feet and a lot width of not less than 70 feet at the building line.
- E. HEIGHT REGULATION IN THE R-2 DISTRICT:** No residential dwelling shall exceed 2 1/2 stories or 35 feet in height.
- F. TWO-FAMILY RESIDENTIAL DWELLING:** Two-family dwelling shall be located on lots having 9,000 square feet in lot area and a lot width of 75 feet at the building line. Height requirements shall be the same as permitted for a single-family dwelling.
- G. REQUIRED YARD IN THE R-2 DISTRICT:** Single-family and Two-family dwelling:  
 All structures shall have the following minimum yard spaces:

Front Yard	20 feet set back on minor streets and 30 feet setback on major streets.
Side Yard	8 feet per side
Rear Yard	25 feet
Corner lots	Shall provide the minimum front yard requirements on each street side of the lot, and the two side yards shall be a minimum of 8 feet with a minimum total of both side yards of 25 feet.

**H. FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION:** All buildings constructed for home habitation shall provide the following square feet of floor space for living purposes excluding garages, porches, and breezeways, etc.

	Minimum 1 <sup>st</sup> Floor	Total Minimum
One Story Single Dwelling	1,000	1,000
1 1/2 Story Single dwelling	900	1,200
Two Story Single dwelling	750	1,400
Split Level Single Dwelling	500	1,600
Two Family Dwelling: One Floor Plan (per unit)	850	850
Two Family Dwelling: Two Floor Plan (per unit)	450 per story	450 per story

**I. GARAGES REQUIRED:** All residential dwelling units shall be required to have a fully enclosed garage for vehicular storage, with a minimum of 240 square feet

**J. OFF STREET PARKING REQUIREMENTS IN THE R-2 DISTRICT:** There shall be provided in the R-2 District off-street parking and loading in accordance with Section 304.18.

**K. COMMON WALL HOUSES:**

1. Upon presentation to the Village Mayor, or his designated representative, by the owner of any vacant lot zoned R-2 a survey plot of such lot delineating a proposed split thereof, for the construction of a common wall one family structure, the Village Mayor, or his designated representative, may approve the same and issue a permit therefore if the plot clearly set forth:
  - a. The size of each resulting parcel, no one of which shall be less than five thousand (5,000) square feet in area.
  - b. The proposed location of the principal residential structures which shall conform to the lot, yard and height requirements of this code.
  - c. The proposed location for separate sewer and water taps for each individual unit.
  
2. Any deed proposing to transfer a portion of a lot in conformity with this section shall be presented to the Village Mayor, or his designated representative, for approval. Such approval shall not be noted upon the deed unless there is attached thereto for filing a drawing prepared by a registered surveyor delineating the following information:

- a. The size and dimension of the parcel to be conveyed which shall not be less than five thousand (5,000) square feet in area.
  - b. The exact "as built" location of the principal residential structure which must conform to lot, yard and height regulations.
  - c. The exact location of sewer and water taps and service lines from the main to the structure.
  - d. A detailed drawing reflecting the relationship between the common line and the common wall and a cross section of the common wall construction. Such drawing shall clearly delineate the relationship between the common wall and the property line.
  - e. The exact dimension of easements as required for maintenance of the common wall which shall not be less than five (5) feet per side.
  - f. Notice in bold lettering notifying the potential purchaser of the responsibility for common maintenance and insurance of the structure.
3. If such building permit is issued and the "as built" plat is submitted as required herein, the requirements for side yard setbacks on the joined side of the structure be reduced to zero (0) feet.

**L. FENCING:** Fencing information can be found in Section 304.03.

**R-3, MULTI-FAMILY RESIDENCE DISTRICT**

**A. PURPOSE:** The purpose of the Residence District is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the neighborhood they serve.

**B. USES PERMITTED IN THE R-3 DISTRICT**

1. Any uses permitted in the R-2 District.
2. Multi-family dwellings, Bed and Breakfasts Homes, and lodging houses.
3. Accessory uses.

**C. CONDITIONAL USES IN THE R-3 DISTRICT**

1. Stricter Uses: Same uses as are conditionally permitted and as regulated in the R-2 District, except as specifically limited in this Section.
2. Hotels and Motor Hotels.
3. Funeral Homes.
4. Clubs, lodges, rest homes, clinics.

**D. REQUIRED LOT AREA AND LOT WIDTH IN THE R-3 DISTRICT**

	Lot Area Per Unit Sq. Ft.	Lot Width In Feet
Single Family Dwelling	6,000	60
Two Family Dwelling	7,000	70
Three Family Dwelling	8,000	80
Multi-Family Dwelling (Add Per Unit Beyond 3)	2,000	10

**E. HEIGHT REGULATION IN THE R-3 DISTRICT:** No residential dwelling shall exceed 2 1/2 stories or 35 feet in height; no accessory structure shall exceed 2 stories or 25 feet in height, except as provided in Section 304.21.

**F. REQUIRED YARD IN DISTRICT:** All structures shall have the following minimum yard spaces:

1.

Single-Family, Two-Family and Three-Family Dwellings	
Front Yard	20 feet set back on minor streets and 30 feet on major streets
Side Yard	15 feet total with 5 feet minimum
Rear Yard	25 feet
Corner Lot	Shall provide the minimum front yard requirements on each street side of the lot, and the two side yards shall be a minimum of 8 feet with a minimum total of both side yards of 25 feet.

2.

Multi-Family and other Permitted Uses as required by the Planning Commission
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**G. LOT COVERAGE:** Maximum lot coverage shall not be more than 50% of lot for structure, parking, garage, carports, accessory buildings and all impermeable surfaces

**H. FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION:** All buildings constructed for home habitation shall provide the following square feet of floor space for living purposes, excluding garages, porches, breezeways, etc.

<b>For R-3 Residential Districts:</b>	Minimum 1 <sup>st</sup> Floor	Total Minimum
One Story Single Dwelling		960
1 1/2 Story Single dwelling	750	1,050
Two Story Single dwelling	675	1,200
Split Level Single Dwelling		1,400
Two Family Dwelling: One Floor Plan (per unit)	750	750
Two Family Dwelling: Two Floor Plan (per unit)	450	900
Multiple Family Dwelling Per Unit – One Bedroom Units		500
Multiple Family Dwelling Add for Each Additional Bedroom		120

**I. OFF-STREET PARKING REQUIREMENTS IN THE R-3 DISTRICTS:** There shall be provided in the R-3 District off-street parking and loading in accordance with Section 304.18.

**J. FENCING:** Fencing information can be found in Section 304.03.

**P-1 DISTRICT-PUBLIC SEMI-PUBLIC**

**A. PURPOSE:** The purpose of the Public-Semi-Public District is to provide an area within the Village of Fredericktown for the development and maintenance of major public and private institutions such as colleges, universities, hospitals, and other similar organizations requiring large parcels of land and housing a great number of patients, students, or inmates.

**B. USES PERMITTED IN THE P-1 DISTRICT:**

1. Colleges, universities, hospitals, and other major public and private institutions.
2. Churches, schools, libraries, parks, and playgrounds.
3. All facilities and areas normally associated with the above institutions such as athletic fields, stadiums, auditoriums, parking lots, housing units, etc.
4. Institutional signs and bulletin boards pertaining to the property on which they are placed and having thirty-two (32) square feet of sign area or less.

**C. CONDITIONAL USES IN THE P-1 DISTRICT:**

1. Utility substations and pump houses providing that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, or welfare of the residents of the area.
2. All residential dwellings not directly owned by or associated with the above institutions.

**D. REQUIRED LOT AREA AND LOT WIDTH IN THE P-1 DISTRICT:** No minimum lot area or minimum width is required for institutional uses. All conditional uses in the district shall have minimum requirements as prescribed by the Village Planning Commission and in no case may be less than those established for R-3 Districts.

**E. BUILDING HEIGHT REGULATION IN PUBLIC, SEMI-PUBLIC DISTRICT:** No building in the Public, Semi-Public District shall exceed 50 feet in height.

**F. YARDS REQUIRED IN PUBLIC, SEMI-PUBLIC DISTRICT:**

1. All structures to be constructed, altered, or moved in the P-1 District shall provide yards of the following minimum depths:

Front Yard	35 feet
Side Yard	35 feet
Rear Yard	35 feet

**G. OFF-STREET PARKING AND LOADING:** There shall be provided in the P-1 District off street parking and loading in accordance with the provisions of Section 304.18.



- H. LANDSCAPING OR SCREENING PROVISIONS:** For uses abutting a residential district, the owner or developer shall submit a landscaping plan to the Planning Commission. The Planning Commission shall review these plans and either approve them or send them back to the owner or developer to incorporate changes as required by the Planning Commission. These changes must be incorporated in a new landscape plan that will be submitted to the Planning Commission before the Zoning Inspector will issue a Zoning Permit.
- I. FENCING:** Fencing information can be found in Section 304.03.

**PROVISIONS GOVERNING CENTRAL BUSINESS DISTRICT ON MAIN ST. B-1**

- A. PURPOSE:** The purpose of the B-1 Central Business District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible due to the close proximity of the buildings in the central business district.
- B. USES PERMITTED IN THE B-1 CENTRAL BUSINESS DISTRICT**
1. Retail outlets: furniture, department, clothing, shoe, and variety stores, hardware, appliance, paint, and wallpaper stores.
  2. Food, drug, and beverage: grocery stores, supermarkets, meat markets, drug stores, and bakeries in conjunction with retail sales, restaurants, tea rooms, and taverns.
  3. Specialty shops: gift shops, magazine, book and stationary outlets, florist shops, camera, and photography shops, and sporting goods.
  4. Service and recreation: laundromat, dry cleaning, and laundry pick-up stations, barber and beauty shops, shoe repair and mortuaries.
  5. Business and professional offices: medical and dental offices and clinics, law offices, insurance and real estate offices; banks, finance, and utility companies.
  6. Automotive and related uses: gasoline and service stations, motorcycle and bicycle shops, and cab stands.
  7. Accessory Uses or Buildings.
  8. Business and advertising signs in accordance with section 304.19
  9. Residential uses permitted above the ground floor
- C. PROHIBITED USES:**
1. No first floor residential uses and/or overnight accommodations on the first floor shall be permitted in any buildings within the B-1 Central Business District.
- D. REQUIRED LOT AREA AND LOT WIDTH IN THE B-1 DISTRICT:**
1. Commercial Uses: No minimum lot area or minimum lot width is required for commercial uses.
- E. BUILDING HEIGHT REGULATION IN THE B-1 DISTRICT:** In the B-1 General Business District, no building shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 304.26.

**F. REQUIRED YARDS IN THE B-1 DISTRICT:**

1. Commercial Uses:

Front Yard	No minimum yard required.
Side Yard	No minimum yard required, except lots adjoining a residential district shall provide a side yard of 8 feet on that line adjoining a Residential District.
Rear Yard	20 feet. Where a lot line abuts an alley, 1/2 the width of such alley may be considered in meeting the rear yard requirements.

**G. OFF-STREET PARKING AND LOADING REQUIREMENTS:** There shall be provided in the B-1 Business District off-street parking and loading in accordance with the provisions of Section 304.18.

**H. LANDSCAPING OR SCREENING PROVISIONS:** For uses abutting a residential district, the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements if acceptable landscaping or screening, approved by the Planning Commission, is provided. Such screening shall be a masonry or solid fence between 4 and 6 feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height. A landscape plan shall be submitted to the Zoning Inspector. Before construction can commence the Zoning Inspector will review the landscape plan and either approve or reject it with recommended changes. These changes must be incorporated in a new landscape plan that will be submitted to the Zoning Inspector for approval.

**I. SPECIFIC LOCATION OF B-1 CENTRAL BUSINESS DISTRICT:** Shall be that portion of the following properties that are immediately adjacent to North Main Street, to-wit: Lot 4 (Parcel 65-00256 & 65-00255); Lot 5 (Parcel # 65-00640, # 65-00641, # 65-00130, & # 65-00890); Lot 13 (Parcel # 65-00637, #65-01385 & # 65-00022); Lot 14 (Parcel # 65-00639, # 65-00194, #65-00849, #65-00849, #65-00126 & #65-00844); Lot 23 (Parcel #65-00258, #65-01448 & #65-00393); Parcel #65-00592; Parcel #65-00680.001 and Parcel #65-00648.

**J. FENCING:** Fencing information can be found in Section 304.03.

**PROVISIONS GOVERNING GENERAL BUSINESS DISTRICTS B-2**

**A. PURPOSE:** The purpose of the B-2 General Business District is to provide for a wide range of retail facilities and services.

**B. USES PERMITTED IN THE B-2 GENERAL BUSINESS DISTRICT:**

1. Any use permitted in a residential district.
2. Retail outlets: furniture, department, clothing, shoe, and variety stores, hardware, appliance, paint, and wallpaper stores.
3. Food, drug, and beverage: grocery stores, supermarkets, meat markets, drug stores, and bakeries in conjunction with retail sales, restaurants, tea rooms, and taverns.
4. Specialty shops: gift shops, magazine, book and stationary outlets, florist shops, camera, and photography shops, and sporting goods.
5. Service and recreation: laundromat, dry cleaning, and laundry pick-up stations, barber and beauty shops, shoe repair and mortuaries.
6. Business and professional offices: medical and dental offices and clinics, law offices, insurance and real estate offices; banks, finance, and utility companies.
7. Automotive and related uses: gasoline and service stations, motorcycle and bicycle shops, and cab stands.
8. Accessory Uses or Buildings.
9. Business and advertising signs in accordance to section 304.19

**C. REQUIRED LOT AREA AND LOT WIDTH IN THE B-2 DISTRICT**

1. Residential Uses:

	Lot Area Per Unit Sq. Ft.	Lot Width In Feet
Single Family Dwelling	6,000	60
Two Family Dwelling	7,000	70
Three Family Dwelling	8,000	80
Multi-Family Dwelling (Add Per Unit Beyond 3)	2,000	10

2. Commercial Uses:

No minimum lot area or minimum lot width is required for commercial uses.
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**D. BUILDING HEIGHT REGULATION IN THE B-2 DISTRICT:** In the B-2 General Business District, no building shall exceed two (2) stories or thirty 30 feet in height, except as provided in Section 304.26.

**E. REQUIRED YARDS IN THE B-2 DISTRICT:**

1. Residential Uses:

Front Yard	20 feet set back on minor streets and 30 feet on major streets
Side Yard	15 feet total with 5 feet minimum
Rear Yard	25 feet
Corner Lot	Shall provide the minimum front yard requirements on each street side of the lot, and the two side yards shall be a minimum of 8 feet with a minimum total of both side yards of 25 feet.

2. Commercial Uses:

Front Yard	30 feet.
Side Yard	Shall provide a total of 25 feet with a minimum of 5 feet on one side yard
Rear Yard	20 feet

**F. FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION:** All buildings constructed for home habitation shall provide the following square feet of floor space for living purposes, excluding garages, porches, breezeways, etc.

<b>For B-2 Districts:</b>	Minimum 1 <sup>st</sup> Floor	Total Minimum
One Story Single Dwelling		960
1 1/2 Story Single dwelling	750	1,050
Two Story Single dwelling	675	1,200
Split Level Single Dwelling		1,400
Two Family Dwelling: One Floor Plan (per unit)	750	750
Two Family Dwelling: Two Floor Plan (per unit)	450	900
Multiple Family Dwelling Per Unit – One Bedroom Units		500
Multiple Family Dwelling Add for Each Additional Bedroom		120

**G. OFF-STREET PARKING AND LOADING REQUIREMENTS:** There shall be provided in the B-2 Business District off-street parking and loading in accordance with the provisions of Section 304.18.

- H. LANDSCAPING OR SCREENING PROVISIONS:** For uses abutting a residential district, the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements if acceptable landscaping or screening, approved by the Planning Commission, is provided. Such screening shall be a masonry or solid fence between 4 and 6 feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height. A landscape plan shall be submitted to the Zoning Inspector. Before construction can commence the Zoning Inspector will review the landscape plan and either approve or reject it with recommended changes. These changes must be incorporated in a new landscape plan that will be submitted to the Zoning Inspector for approval.
- I. FENCING:** Fencing information can be found in Section 304.03.

**PROVISIONS GOVERNING BYPASS BUSINESS DISTRICTS B-3**

**A. PURPOSE:** The purpose of the B-3 Bypass Business District is to provide for a wide range of retail facilities and services.

**B. USES PERMITTED IN THE B-3 BYPASS BUSINESS DISTRICT:**

1. Three (3) family and multiple family residences permitted.
2. Retail outlets: furniture, department, clothing, shoe, and variety stores, hardware, appliance, paint, and wallpaper stores.
3. Food, drug, and beverage: grocery stores, supermarkets, meat markets, drug stores, and bakeries in conjunction with retail sales, restaurants, tea rooms, and taverns.
4. Specialty shops: gift shops, magazine, book and stationary outlets, florist shops, camera, and photography shops, pet shops and sporting goods.
5. Service and recreation: laundromat, dry cleaning, and laundry pick-up stations, barber and beauty shops, shoe repair, mortuaries, duplicating, photocopying, printing, business machine repair, travel agencies, newspaper publishing and printing and service, garden centers, gasoline service stations, car washes, fast-food businesses, drive-in or drive-through business, carry-out business, convenience businesses and public service facilities
6. Business and professional offices: medical and dental offices and clinics, law offices, engineering, architectural, accounting, auditing, insurance and real estate offices; banks, finance, utility companies and other professional services not specifically listed as permitted uses in other districts.
7. Automotive sales and related businesses: gasoline and service stations, motorcycle and bicycle shops, and cab stands.
8. Community facilities including municipal buildings, public facilities, libraries and other public uses such as park areas.
9. Building material retail sales: paint, glass, wallpaper, plumbing, electrical, heating, air conditioning and supplies, discount stores.
10. Motion picture theatres (except drive-in).
11. Cultural facilities.
12. Hotel or motel
13. Accessory Uses or Buildings.
14. Business and advertising signs in accordance to section 304.19

**C. REQUIRED LOT AREA AND LOT WIDTH IN THE B-3 DISTRICT:**

1. Residential Uses:

	Lot Area Per Unit Sq. Ft.	Lot Width In Feet
Three Family Dwelling	8,000	80
Multi-Family Dwelling (Add Per Unit Beyond 3)	2,000	10

2. Commercial Uses:

	Minimum Lot Area.	Minimum Lot Width In Feet
Commercial Uses	12,000	100

**D. BUILDING HEIGHT REGULATION IN THE B-3 DISTRICT:** In the B-3 General Business District, no building shall exceed two (2) stories or thirty 30 feet in height, except as provided in Section 304.26.

**E. REQUIRED YARDS IN THE B-3 DISTRICT:**

1. Commercial Uses:

Front Yard	40 feet set back
Side Yard	15 feet for structure and 5 feet for pavement
Rear Yard	20 feet for structure and 5 feet for pavement
Corner Lot	Shall provide the minimum front yard requirements on each street side of the lot, and the two side yards shall be 15 feet for structure and 5 feet for pavement

**F. FLOOR SPACE REQUIREMENTS FOR BUILDINGS USED FOR HUMAN HABITATION:** All buildings constructed for home habitation shall provide the following square feet of floor space for living purposes, excluding garages, porches, breezeways, etc.

<b>For B-3 Districts:</b>	Minimum 1 <sup>st</sup> Floor	Total Minimum
Multiple Family Dwelling Per Unit – One Bedroom Units		500
Multiple Family Dwelling Add for Each Additional Bedroom		120

**G. OFF-STREET PARKING AND LOADING REQUIREMENTS:** There shall be provided in the B-3 Bypass Business District off-street parking and loading in accordance with the provisions of Section 304.18.

**H. SITE DEVELOPMENT REQUIREMENTS IN THE B-3 BYPASS DISTRICT:**

1. Off-street parking and loading requirements: There shall be provided in the B-3 Bypass Business District off-street parking and loading in accordance with the provisions of Section 304.18.
2. All applicable subdivision regulations, sign regulations as well as landscaping and all other regulations of this Zoning Ordinance must be satisfied.
3. Trash and litter shall be controlled, and stored in container systems which are located and enclosed in a manner to screen them from view.



4. Parking accommodations and loading areas shall be pursuant to a layout plan designed by the owner of the land to be developed, conforming with Section 304.18, showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. In addition the Planning Commission may request a written plan detailing the expected peak traffic volume for employees, members of the public and deliveries.
5. Provision for storm drainage shall be adequate to protect the public and owners of surrounding lands and in conformance to the Villages Subdivision Ordinance and the Stormwater Maintenance Ordinance.
6. All service and delivery shall be at the rear of the structure; provided, however, that under hardship conditions provision may be made for service and delivery at the side of the structures.
7. Outdoor storage and display of merchandise on pedestrian areas is prohibited unless a five-foot strip is left for pedestrian traffic.
8. Curb cuts shall be limited to no more than one (1) curb cut for each one hundred and twenty (100) feet of frontage.
9. Additional requirements for gasoline service stations.
  - I. Minimum lot area: 12,000 square feet for a station with or without, but not more than one service bay and 5,000 square feet for each additional bay.
  - II. Pump islands. Gasoline pumps shall be located no closer than twenty (20) feet of the property line.
  - III. Permitted accessory uses shall include, but not be limited to trailer rental, vehicle rental and storage of vehicles or trailers.
    1. No accessory use shall be permitted within one hundred (100) feet of a property line that is adjacent to a residential use or district.
    2. No accessory use shall occupy more than twenty percent (20%) of the lot area.
    3. No accessory use shall be located in the front yard area or within a side yard area which abuts a street.
    4. No accessory use shall be located within twenty-five (25) feet of a gasoline pump island.
10. No inoperable or damaged motor vehicle or inoperable motorized equipment shall be parked outside of service station building in excess of seventy-two (72) hours.
11. Parking areas shall not be located closer than five (5) feet to main structures.
12. The Planning Commission may request additional information from the applicant and attach conditions for approval as are deemed necessary to meet the objectives of this Zoning Ordinance.

- I. LANDSCAPING OR SCREENING PROVISIONS:** For uses abutting a residential district, the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements if acceptable landscaping or screening, approved by the Planning Commission, is provided. Such screening shall be a masonry or solid fence between 4 and 6 feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height. A landscape plan shall be submitted to the Zoning Inspector. Before construction can commence the Zoning Inspector will review the landscape plan and either approve or reject it with recommended changes. These changes must be incorporated in a new landscape plan that will be submitted to the Zoning Inspector for approval.
- J. FENCING:** Fencing information can be found in Section 304.03.

## **PROVISIONS GOVERNING MANUFACTURING DISTRICTS**

- A. PURPOSE:** The purpose of the M-I General Manufacturing District is to provide for commercial uses, storage and those manufacturing uses not normally creating a nuisance discernible beyond its property. The purpose of the Special Exception Provision is to provide for industrial uses not allowed in any other district, providing that, within this district, uses of a hazardous nature or those producing extensive smoke, noise, vibration or odor shall not be located so that the general hazard or nuisance affects a large segment of the community.
- B. USES PERMITTED IN THE M-I GENERAL MANUFACTURING DISTRICT:**
1. Any use permitted in the Business Districts except residential uses.
  2. Warehousing and Storage: indoor and outdoor storage of goods and materials including warehousing pole yards, building material storage, and trucking storage.
  3. Manufacturing: manufacture and processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors, or generators; textile products manufacture; furniture manufacture; food manufacture or processing including hatcheries, canning, freezing, storage, and bottling.
- C. CONDITIONAL USES:** Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a permit which shall be accompanied by a certification by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odor, dirt, vibration, or noise. In the event of the denial of such permit, an applicant shall have a right to the Zoning Board of Appeals, in accordance with Section 304.25.
- D. SPECIAL EXCEPTIONS IN THE M-1 GENERAL MANUFACTURING DISTRICT:** All uses, not otherwise, prohibited by law except residential uses, provided, however, that the following uses will be permitted as special uses in the M-I District when authorized by the Village Council after public hearing and recommendation by the Planning Commission: bag cleaning, boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; forge plant; foundry or metal fabrication plant; petroleum storage in excess of 500 gallons; slaughter house or stock yards; smelting plant; and the manufacture of acetylene, acid, alcohol, or alcoholic beverages; ammonia, bleaching powder, chemicals, brick, pottery, terra-cotta or tile; candles; disinfectants; dyestuffs; fertilizers; linseed oil, paint, oil, turpentine, varnish, soap and tar product, or any other use which in the opinion of the Planning Commission would emit detrimental or obnoxious noise, vibrations, smoke odors, dust or other objectionable conditions

beyond the confines of its property. The Planning Commission shall recommend Village Council approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the General Manufacturing District in which it is located.

Such special use shall be subject to any requirements the Planning Commission feels necessary to further the purpose of the Manufacturing District as stated in the preamble, located on Page 1.

**E. REQUIRED LOT AREA AND LOT WIDTH IN MANUFACTURING DISTRICTS:** Each use to be established in the M-1 District shall provide a minimum lot area of 1 acre and a minimum lot width of 150 feet.

**F. BUILDING HEIGHT REGULATION IN MANUFACTURING DISTRICTS:** No building in the M-1 District shall exceed 2 stories or 40 feet in height. Where greater height is required, such height may be allowed by the Zoning Board of Appeals.

**G. YARDS REQUIRED IN MANUFACTURING DISTRICTS:** All structures to be constructed, altered, or moved, in the M-1 District shall provide yards of the following minimum depths:

Front Yard	50 feet
Side Yard	30 feet. Except where a side yard abuts residential or business districts in which case a side yard of 50 feet shall be provided.
Rear Yard	50 feet

**H. SCREENING REQUIRED BETWEEN MANUFACTURING AND RESIDENTIAL DISTRICTS:** Newly established manufacturing uses adjacent or backing on a residential or business district shall provide, on that adjacent property line, a dense hedge, tree row, or other suitable landscape device adequate to visually screen the industrial area from the residential business area. A landscape plan shall be submitted to the Zoning Inspector. Before construction can commence the Zoning Inspector will review the landscape plan and either approve or reject it with recommended changes. These changes must be incorporated in a new landscape plan that will be submitted to the Zoning Inspector for approval.

**I. OFF-STREET PARKING AND LOADING:** There shall be provided in the M-1 District adequate off-street parking and loading in accordance with the schedule in Section 304.18.

**J. FENCING:** Fencing information can be found in Section 304.03.

## **PND – PLANNED NEIGHBORHOOD DISTRICT**

- A. PURPOSE:** The purpose of the PND – Planned Neighborhood District is to ensure that large tracts of land, that are being developed for joint ownership of multiple residential dwellings or similar such development (condominiums), be done in such a way that the surrounding neighborhoods are not impacted in a negative manner.
- B. USES PERMITTED IN A PND – PLANNED NEIGHBORHOOD DISTRICT:**
1. Single Family Residence
  2. Two Family Residence
  3. Multiple Family Residential Condominiums
  4. Accessory Uses and Buildings
  5. Signs as permitted in Section 304.19
- C. CONDITIONAL USES IN A PND – PLANNED NEIGHBORHOOD DISTRICT**
1. With exception of single family dwellings, permitted uses in the R-1 Single Family District.
  2. Conditional uses in the R-1 Single Family District.
  3. Private swimming pools for the exclusive use of residents of the PND and their guests
  4. .
  5. Violation of conditional use as approved shall be grounds for revocation of the conditional use permit.
- D. DEVELOPMENT STANDARDS:**
1. Lot Requirements in the Planned Neighborhood District:
    - a. Lot Area: No minimum lot area is required, but an area can be considered a Planned Neighborhood District only if a variety of different types of dwelling units are used.
    - b. Yards: There are no minimum yard requirements or distances between dwellings established in order to enable creativity in design. The applicant shall arrange the buildings in such a way that adequate provision is guaranteed for all units to have open space, air, light and exposure to sunshine. Zero lot line clusters and variations in building setbacks are encouraged.
    - c. Maximum Density: The maximum density of dwelling units shall not exceed five (5) dwelling units per acre. Densities can be increased as provided in Section 304.15 (D)(3)(c) hereof. Public right-of-way shall not be included in the computation of the new area.
    - d. Single Family Developments: Single family developments that do not utilize zero lot line clusters or equally creative site design must conform to the R-1 single family district standards.
    - e. All residential dwellings shall be required to have a fully enclosed garage for vehicular storage, with a minimum of 240 square feet.

2. Building Requirements in the Planned Neighborhood District are:
  - a. Maximum Height: Except as provided in Section 304.15 (D)(3)(c) hereof, no multiple family structure shall exceed thirty-five (35) feet in height and single family and two family structures shall not exceed thirty (30) feet in height.
  - b. Minimum Floor Area: All buildings constructed for home habitation shall provide the following square feet of floor space for living purposes, excluding garages, porches, breezeways, etc.

<b>For PND – Planned Neighborhood Districts:</b>	Minimum Floor Space square feet/Unit
Single Family Dwelling	1000
Two Family dwelling	900
Multiple Family Dwelling	800

3. Site Development Requirements in the Planned Neighborhood District are:
  - a. All applicable subdivision regulations and parking, sign and landscaping regulations in the Village of Fredericktown’s Subdivision Ordinance and this Ordinance must be satisfied.
  - b. Comprehensive Development Plan: A Comprehensive Development Plan must be approved by the Planning Commission which include
    - I. Location and size of residential uses indicating the location of any types of dwellings, the density for each separate area of land to be developed, the overall number of units to be constructed, and the overall density of the proposed development.
    - II. Location, size and type of nonresidential uses such as open space, parks, playgrounds, community facilities and schools to be located in the land to be developed.
    - III. Proposed phases of development of the land in terms of units, land area, streets, access and uses.
    - IV. Traffic patterns, streets, bikeways, access, parking areas and pedestrian walkways. Conflict between the movement of pedestrians, bicycles and vehicles shall be minimized.
    - V. Trash collection systems to be used, the location and type of trash containers, and the types of enclosures to be used to screen trash containers from view.
    - VI. A preliminary plat conforming to the subdivision regulations and including at least twenty percent (20%) of the total acreage included in the comprehensive development plan.
  - c. Development Incentives: Development incentives of increased densities and increased building heights may be recommended by the Planning Commission based on the following criteria:
    - I. The development is directly adjacent to major thoroughfares and community services.

- II. Building design and site design is of high quality and includes the integration of buildings and structures with natural materials or well defined, and good design.
- III. A well designed open space system is utilized that provides pedestrian and bicycle access to neighborhood facilities, parks, play areas and scenic areas, and the system includes provision for landscaping and outdoor furniture.
- IV. Total density shall not exceed eight (8) residential units per acre.

**E. PROCEDURES FOR DEVELOPMENT APPROVAL:** Land within a Planned Neighborhood District shall not be developed until a comprehensive development plan has first been approved as provided in this section.

1. Application and Development Plan: An application shall be filed seeking approval of the Planning Commission, together with five (5) copies of a comprehensive development plan including the elements provided in Section 304.15 (D)(3)(b) and any additional information required by the Planning Commission and Council, and a development approval fee of \$50.00 is paid.
2. Procedure for Approval: The Village Administrator shall submit the application, and the comprehensive development plan to the Planning Commission for its review and recommendations. In determining the acceptability of the comprehensive development plan, the Planning Commission shall consider all relevant factors including setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility, and other elements having a bearing on the overall acceptability of the comprehensive development plan as it relates to the orderly development of land within the Village. The Planning Commission shall forward its recommendations to Council for final approval or denial. Council may return the application to the Planning Commission for further study if additional information or facts are presented to Council that were not available to the Planning Commission. If approved the application and comprehensive development plan shall be considered binding conditions upon which development may proceed.
3. The Development Plan as a Binding Condition: Development shall be in conformance with the comprehensive development plan and construction of site improvements must be commenced within two (2) years of Council approval, otherwise no development of the land shall take place until a new comprehensive development plan is approved pursuant to this section. With the approval of the Planning Commission, minor modifications of the approved comprehensive development plan may be made. Such modifications shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan, the plan must be resubmitted to Council for approval. Development of land shall not proceed prior to final approval of the comprehensive development plan. Any development undertaken without such final approval is in violation of this Zoning Ordinance and an abatable nuisance.

**FENCING:** Fencing information can be found in Section 304.03.

- G. FEES:** A fee of Fifty Dollars (\$50.00) shall be submitted to the Village Administrator at the time that the application is filed.



## **MOBILE HOME PARKS**

- A. PURPOSE:** The purpose of Mobile Home Parks District – MHP is to provide for the location and regulation of mobile home parks in order to foster their development and maintenance as an integral and stable part of the community.
- B. Approval Procedures:** Mobile home parks shall be located only in the Mobile Home Park District (MHP) and shall be developed according to the standards and regulations stated and referenced in this section.
- C. General Standards for Mobile Home Parks (MHP):**  
The Planning Commission shall review the particular facts and circumstances of each proposed Mobile Home Park development in terms of the following standards and shall find adequate evidence that such development meets these standards.
1. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
  2. The vehicular approaches to the proposed park property will be designed as not to create traffic interference or congestion on surrounding public streets or roads
  3. The establishment of the proposed park will not result in the damage, destruction or loss of any natural, scenic or historic features of major importance.
  4. The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.
- D. UTILITIES:** The following requirements shall apply.
1. **Water Supply:** Water supply shall be from a municipal water service. The use of open wells, springs, cisterns, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this Ordinance.
  2. **Sewage Treatment and Sewage Disposal:** The treatment of all sewage shall be through a direct connection to the Village's sanitary sewer unless that is not possible and then by a sewage disposal system approved by the Knox County and State Boards of Health.
  3. **Fire hydrants:** Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters and shall be of make and model as specified by the Village Water Department.

- E. RECREATION AREAS:** There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park applicants. Such recreation site or sites shall have a minimum area in the aggregate of 300 square feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.
- F. MOBILE HOME PARK REQUIREMENTS:** All Mobile Home Parks shall comply with the requirements of the Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.
- G. FEES:** Fee shall be charged in accordance with orders and directions of the Village Council.

## **SPECIAL PROVISIONS**

- A. PERFORMANCE STANDARDS:** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition unless the following performance standards are observed:
- B. FIRE HAZARDS:** Any activity involving the use of flammable or explosive materials shall devices as are normally used in the handling of any such material.
- C. RADIOACTIVITY OR ELECTRICAL DISTURBANCE:** No activity shall emit dangerous radioactivity at any point. Electrical disturbances which adversely affect the operation, at any point, of any equipment other than that of the creator of such disturbance are not permitted.
- D. NOISE:** Noise which is objectionable as determined by the Planning Commission due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- E. VIBRATION:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- F. SMOKE:** Smoke shall be controlled as much as economically possible as determined by the Village Council or Ohio EPA.
- G. ODORS:** No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- H. AIR POLLUTION:** No pollution of air by fly ash, dust vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling.
- I. GLARE:** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
- J. EROSION:** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

- K. WATER POLLUTION:** Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency and all regulations established by Village Council to protect the Village's well field.
  
- L. ENFORCEMENT PROVISIONS:**
  - 1. The Zoning Inspector shall refer any proposed use which is likely to violate performance requirements to the Planning Commission for review.

**OFF-STREET PARKING AND LOADING REGULATIONS**

- A. OFF-STREET PARKING:** Off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 250 square feet per parking space shall be used. A private garage can not be used to meet the required parking spaces.
- B. NUMBER OF PARKING SPACES REQUIRED:** The number of Off-street parking spaces required shall be as set forth in the following:

USE	REQUIRED PARKING SPACES
Automobile or Machinery Sales and Service Garages	1 space for each 600 sq. ft. floor area
Banks, Business, and Professional Offices	1 space for each 400 sq. ft. floor area
Bowling Alleys	5 spaces for each alley
Churches and Schools	1 space for each 6 seats in an auditorium or 1 space for each 12 classroom seats; whichever is greater
Drive-In Restaurants	Parking Allocation Conditional upon recommendation of Fredericktown Village Planning Commission as based on particular design of facility. Minimum of 1 space for each 50 sq. ft. of floor area.
Dwellings	2 spaces for each dwelling unit
Funeral Homes, Mortuaries	4 spaces for each parlor or 1 space for each 50 sq. ft. of floor area, whichever is greater.
Furniture & Appliance Stores, Household equipment or furniture repair shop	1 space for each 400 sq. ft. of floor area. over 1,000 sq. ft. floor area
Hospitals and Infirmaries	1 space for each bed
Hotels, Lodging Houses	1.5 space for each bedroom
Libraries, Museums or Art Galleries	1 space for each 250 sq. ft. of floor area

**USE**

**REQUIRED PARKING SPACES**

Mfg. Plants, Research or Testing Laboratories over 1,000 sq. ft. in area	1 space for each 3 employees in the maximum working shift, or 1,200 sq. of floor area, whichever is greater
Medical or Dental Clinics	1 space for each 250 sq. ft. of floor area.
Motel and Motor Hotels	1.5 space for each living or sleeping unit
Restaurants, Bars, and Night Clubs, over 1,000 sq. (except drive-ins)	2 space for each 100 sq ft of floor area
Retail Stores, Shops, etc. of over 2,000 sq. ft. of floor area.	1 space for each 300 sq. floor area ft.
Sanitariums, Convalescent Homes, Children's Homes	1 space for each 2 beds
Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than schools	1 space for each 6 seats
Wholesale Establishments or Warehouses	1 space for each 3 employees on maximum shift or for each 3,000 sq. ft of floor area, whichever is greater.

**C. DEVELOPMENT AND MAINTENANCE OF PARKING AREAS:** Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

1. Parking spaces: Parking spaces shall conform to the following minimum area and dimensions exclusive of driveways and driving aisles:

		Minimum Width Parallel to Aisle (Ft)	Minimum Length (Feet)
1	Ninety degree parking	9	19
2	Parallel parking	10	23
3	Sixty degree angle parking	10	19
4	Forty-five degree angle parking	13	25

2. Screening and Landscaping: Off-street parking areas for more than 5 vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between 4 and 6 feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height. A landscape plan shall be submitted to the Zoning Inspector. Before construction can commence the Zoning Inspector will review the landscape plan and either approve or reject it with recommended changes. These changes must be incorporated in a new landscape plan that will be submitted to the Zoning Inspector for approval.

3. Surfacing: Any off-street parking area for less than 5 vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface. Any off-street parking area for 5 or more vehicles shall be graded for proper drainage and hard-surfaced with an asphalt or concrete binder, provided that variances for parking to school auditoriums,

assembly areas, sports fields and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control and erosion control measures shall be undertaken and maintained.

4. Lighting: Lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
5. Joint Use of Parking Areas: Parking spaces may be located on a lot other than that containing the principal use with approval of the Board provided a written agreement, approved by the Planning Commission shall be filed with the application for a zoning permit.
6. Parking Areas-Modifications: The Board may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or in exceptional shape or size of the property or other exceptional situation or condition, would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Planning Commission regarding the appeal.
7. Loading Space-Dock: In any district, every building requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space, plus one (1) additional such loading space for each 10,000 square feet or major fraction thereof.
8. Loading Space-Dimensions:
  - I. For semi-truck vehicles each loading space shall be not less than fourteen (14) feet in width, sixty (60) feet in length, and fifteen (15) feet in height. The loading space shall not impede traffic and public walkways.
  - II. For other trucks each loading space shall be not less than twelve (12) feet in width, thirty (30) feet in length and fifteen (15) feet in height and arranged so as not to inhibit other service traffic.
9. Loading Space-Occupy Yard: Subject to the limitations in Section 304.18 such space may occupy all or any part of any required yard.
10. Loading Space-Distance from "R" Districts: No space shall be closer than 50 feet to any other lot located in any "R" District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than 6 feet in height.

**D. AUTOMOBILE SERVICE STATIONS, PARKING GARAGES AND PARKING AREAS:**

1. Entrance-Distance Requirements: No automobile service or filling station, parking area for 25 or more passenger motor vehicles, trucks or buses, or parking garage or automobile repair shop, shall have an entrance or exit for vehicles within 200 feet of any school, public playground, the entrance to a public park or cemetery, monastery, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

**SECTION 304.19**

**SIGNS AND OUTDOOR ADVERTISING STRUCTURES**

- A. PURPOSE:** To maintain the landscape and appearance of the village to the benefit of the public welfare and health by restricting the type, size, and design of local signs and outdoor advertisements.
- B. REAL ESTATE SIGNS:** not exceeding six (6) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property.
- C. ANNOUNCEMENT OR PROFESSIONAL:** signs for home occupations and professional activities where permitted shall not exceed two (2) square feet in area in "C" and "R" Districts and not more than four (4) square feet in other districts.
- D. BULLETIN BOARDS:** and signs for a church, school, community or other public or semi public institutional building and permitted conditional uses shall be permitted provided the area of such bulletin board or sign shall not exceed thirty-two (32) square feet in area per side.
- E. BILLBOARDS:** or other forms of offsite advertising shall not be permitted within the jurisdiction of this ordinance.
- F. TEMPORARY SIGNS:** not exceeding in the aggregate 40 square feet, announcing the erection of a building, the architect, the builders, contractors, etc., may be erected for the period of 60 days, plus the construction period not to exceed one year after the date of the issuance of permit after which the sign shall be removed from the premises.



**G. BUSINESS AND MANUFACTURING DISTRICT SIGNS:**

1. In a business district each business shall be permitted a maximum of two (2) signs with only one flat or wall sign. Projections of wall signs shall not exceed one (1) foot measured from the face of the main wall of the building.
2. The area of all permanent advertising signs for any single business enterprise shall not exceed a maximum of one hundred (100) square feet.
3. A single sign may have a maximum of sixty-four (64) square feet.
4. Free standing signs shall have a maximum height of sixteen (16) feet as measured from the edge of pavement closest to the sign.
5. Free standing signs shall be located no closer to the roadway than ten (10) feet behind the right-of-way line.
6. Two-sided free standing signs shall be considered one sign provided the faces are no more than twelve (12) inches apart.
7. Pole signs of symbolic design shall not be permitted for automobile service stations and other similar business establishments.

**H. REAL ESTATE SIGNS AND BULLETIN BOARDS:** For a church, school or other public or semi-public religious or educational institution may be erected within 10 feet of the established right of way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersection.

**I. ILLUMINATION:** The following provisions shall be observed in the illumination of signs and advertising structures.

1. All signs and advertising structures may be illuminated internally or by reflected light provided the source of light is not visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
2. No illumination involving flashing movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted.

**J. REMOVAL OF SIGNS:** Portable or temporary signs which do not comply with the provisions of this section and all other Signs heretofore erected or displayed without legal authorization or as to which a nonconforming use has not been established, shall be removed within ten days after the delivery of written notice to that effect by the Zoning Inspector to the owner or occupant of the premises on which such signs are located.

**K. ABANDONED SIGNAGE:** If any sign shall become abandoned in the manner defined herein, such a sign shall be declared to be a public nuisance. An abandoned sign is defined as any sign that meets any one of the following criteria:

1. Any sign associated with an unlawful nonconforming use.

2. Any conforming sign that remains after the termination of a business if the business has ceased operations and is closed to the public for at least 180 consecutive days or six months within a twelve-month period. Seasonal business is exempt from this determination.
3. Any nonconforming sign that remains after the termination of a business. Upon determining that a sign is abandoned, the zoning inspector shall make a reasonable effort to notify, in writing, the owner of the property on which the sign is located. Upon receiving notification that an abandoned sign exists on his property, the owner shall have the abandoned sign removed within thirty days or shall file an appeal to the Board of Zoning Appeals under the procedure prescribed in Section 304.25. The filing of such an appeal shall stay the time for removal of the Sign pending decision of the Board of Zoning Appeals. If the Board upholds the decision of the Zoning Inspector, and If the property owner does not remove the sign, the zoning inspector shall instruct the Director of Law to take appropriate steps to have the sign removed at the owner's expense.

- L. **PERMITS:** A separate permit shall be required for the erection of signs regulated in this Ordinance, **except** that no permit shall be required for temporary real estate signs with an area of 6 square feet for the sale or lease of property and for small announcement signs with an area of less than 20 square feet. Announcement signs shall be removed by the person or persons responsible for posting same within 30 days after erection. Each application for a sign permit shall be accompanied by drawing to scale, showing the design proposed, the size, character and color of letters, lines, and symbols, method of illumination; the exact location of the sign in location to the buildings and property, and details and specification for construction.

## **PRIVATE SWIMMING POOLS**

- A. DEFINITION:** A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank, not located within a completely enclosed building, and containing or normally capable of containing, water to a depth at any point greater than one and one-half feet. No such swimming pool shall be allowed in any "R" District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements:
- B. EXCLUSIVE PRIVATE USE:** the pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
- C. DISTANCE REQUIREMENTS:** The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 10 feet to any property line of the property on which located; provided further that pump and filter installations shall be located not closer than 20 feet to any property line.
- D. FENCING:** The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall be a minimum of 48 inches above the surrounding surface. If pool wall is at least 48 inches above the surrounding surface, then the ladder shall be removed or locked in the upright position when not in use. If fence or wall is less than 48 inches above the surrounding surface then the area around the pool shall be entirely fenced by a 48" high fence.
- E. DRAINAGE:** Adequate provision for drainage shall be made subject to approval by the Village Administrator.
- F. LIGHTING:** Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
- G. PERMIT REQUIRED:** No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector.

## **EXTRACTION OF MINERALS**

- A. GENERAL REQUIREMENTS:** Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any AG or Manufacturing District may file with the Planning Commission an application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the District in which said property is located, and with the following additional requirements:
- B. DISTANCE FROM PROPERTY LINES:** No quarrying operation shall be carried on or any stock pile placed closer than 50 feet to any property line, unless a greater distance is specified where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of the abutting property.
- C. DISTANCE FROM PUBLIC RIGHT-OF-WAY:** In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest line of such right-of-way.
- D. FENCING:** Fencing shall be erected and maintained around the entire site or portions thereof where such fencing is necessary for the protection of the public safety and shall be of a type specified by the Zoning Inspector.
- E. EQUIPMENT:** All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified.
- F. PROCESSING:** The crushing, washing and refining or other similar processing may be authorized as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.
- G. APPLICANT - FINANCIAL ABILITY:** In accepting such plan for review, the Planning Commission must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted. The Planning Commission may require the developer to provide adequate documentation to prove the financial ability of the Developer to complete the proposed project

- H. APPLICATION - CONTENTS, PROCEDURE:** An application for such operation shall set forth the following information.
1. Name of the owner or owners of land from which removal is to be made.
  2. Name of the applicant making request for such permit.
  3. Name of the person or corporation conducting the actual removal operation.
  4. Location, description and size of the area from which the removal is to be made.
  5. Location of processing plant used.
  6. Type of resources or materials to be removed.
  7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
  8. Description of equipment to be used.
  9. Method of rehabilitation and reclamation of the mined area.
- I. PUBLIC HEARING:** Upon receipt of such application, the Planning Commission shall set the matter for a public hearing in accordance with the provisions of Section 304.26.
- J. REHABILITATION:** To guarantee the restoration, rehabilitation and reclamation of mined out area, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to the Village of Fredericktown, in an amount of not less than \$500.00 and not more than \$10,000.00 per acre as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land shall within a reasonable time and to the satisfaction of the Planning Commission meet the following minimum requirements. Rehabilitation shall comply with the most stringent requirements of the current Ohio Department of Mining requirements or the Village's requirements.
- K. SURFACE REHABILITATION:** All excavation shall be made either to a water producing depth, such depth to be not less than 5 feet below the low water mark, or shall be graded or back filled with nonnoxious, noninflammable and noncombustible solids, to secure:
1. That the excavated area shall not collect and permit to remain therein stagnant water, or,
  2. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof -so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- L. VEGETATION:** Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.

- M. BANKS OF EXCAVATIONS NOT BACKFILLED:** The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than 3 feet horizontal to 1 foot vertical and said bank shall be seeded.
- N. ADDITIONAL REQUIREMENTS:** In addition to the foregoing the Planning Commission may impose such other conditions, requirements or limitations, concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Planning Commission may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Planning Commission prior to issuance of the permit.

## **SEXUALLY ORIENTED BUSINESSES**

### **A: Purposes and Findings.**

1. Purpose: The purpose of this Ordinance is to establish reasonable and uniform regulations to minimize and control the negative secondary effects of Sexually Oriented Businesses within the Village in order to promote the health, safety, and welfare of the citizens of the Village. The provisions of this Ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials or communication, including sexually oriented entertainment. Similarly, it is not the purpose or effect of this Ordinance to restrict or deny access by adults to adult oriented entertainment protected by the First Amendment, or to deny access by distributors and exhibitors of adult oriented entertainment to their intended market. Furthermore, it is not the intent or effect of this Ordinance to condone or legitimize the distribution or exhibition of entertainment that is obscene.
2. Findings: Based on substantial evidence concerning the association of negative secondary effects with Sexually Oriented Businesses in the cases of Village of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 426 U.S. 50 (1976); and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); Arcata v. Cloud Books, Inc., 478 U.S. 697 (1986); California v. Large, 409 U.S. 109 (1972); Iacobucci v. Village of Newport, Ky, 479 U.S. 92 (1986); United States v. O'Brien, 391 U.S. 367 (1968); DLS, Inc., v. Village of Chattanooga, 107 F.3d 403 (6<sup>th</sup> Cir. 1997); Kev, Inc. v., Kitsap County, 793 F. 2d 1053 (9<sup>th</sup> Cir. 1986); Hang On, Inc. v. Village of Arlington, 65 F.3d 1248 (5<sup>th</sup> Cir. 1995); and South Florida Free Beaches, Inc. v. Village of Miami, 734 F. 2d 608 (11<sup>th</sup> Cir. 1984); as well as studies conducted in other cities including but not limited to Phoenix, Arizona; Garden Grove, California; Austin, Texas; Indianapolis, Indiana; Whittier, California; Cleveland, Ohio; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, this Council finds:
  - a. Sexually Oriented Businesses lend themselves to ancillary unlawful and unhealthy activities.
  - b. Sexual acts, including masturbation and oral and anal sex, occur at Sexually Oriented Businesses, especially those that provide private or semi-private booths or rooms for viewing films, videos, or live sexually oriented entertainment. Such activities may result in the spreading of communicable diseases such as syphilis, gonorrhea, and human immunodeficiency virus (HIV).

- c. Offering sexually oriented entertainment under conditions that encourage such activities creates unhealthy conditions.
- d. Sanitary conditions in some Sexually Oriented Businesses are unhealthy, in part because of the failure of owners and operators to regulate those activities and maintain their facilities.
- e. Numerous studies and reports have determined that semen is found in the areas of Sexually Oriented Businesses where persons view sexually oriented films.
- f. The findings noted in paragraphs numbered a through e raise substantial governmental concerns.
- g. Sexually Oriented Businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- h. A reasonable licensing procedure is an appropriate mechanism to regulate the owners and operators of Sexually Oriented Businesses. Further, such a licensing procedure will place a hereto before nonexistent incentive on operators to see that Sexually Oriented Businesses are run in a manner consistent with the health, safety, and welfare of patrons, employees, as well as the citizens of the Village. It is appropriate to require reasonable assurances that the licensee is the actual operator of the Adult Oriented Business, and fully in possession and control of the premises and activities occurring therein.
- i. The regulation of nudity in Sexually Oriented Businesses will further the substantial government interests in preventing prostitution and other sex-related crimes, including illegal sex acts, and protecting the public health, safety, and welfare.
- j. Removal of doors, curtains, and partitions, drapes or any other obstruction whatsoever that would be capable of wholly or partially obscuring the view from outside a viewing booth of any person inside a viewing booth in an Adult Oriented Business and requiring sufficient lighting on premises with viewing booths will advance the substantial government interest in curbing the illegal and unsanitary sexual activity occurring in adult arcades and theaters and will facilitate enforcement of the provisions of this chapter and other federal, state, and local laws thereby furthering the substantial governmental interest in protecting the public health, safety, and welfare.
- k. Requiring sufficient lighting in all Sexually Oriented Businesses will advance the substantial government interest in curbing illegal sexual activity on the premises of the Sexually Oriented Businesses, and will facilitate enforcement of the provisions of this chapter and other federal, state, and local laws, thereby furthering the substantial governmental interest in protecting the public health, safety, and welfare.



- I. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of Sexually Oriented Businesses, and by employees of such businesses, will facilitate the enforcement of the provisions of this chapter and other federal, state, and local laws and will thereby further the substantial government interest in protecting the public health, safety, and welfare.
- m. A person who recently has been convicted of a sexually oriented crime is not an appropriate individual to operate or be employed in an Adult Oriented Business.

**B. SEXUALLY ORIENTED BUSINESS USE COMMISSIONER:** The Zoning Inspector or designee shall be the Sexually Oriented Business Use Commissioner. The Sexually Oriented Business Use Commissioner shall have the following powers and duties:

1. To accept applications for and to make recommendations related to the issuance, renewal, suspension, and revocation of Sexually Oriented Business Licenses as set forth in this Ordinance.
2. To conduct or provide for such inspection of Sexually Oriented Businesses as shall be necessary to determine and ensure compliance with the provisions of this Ordinance and other applicable provisions of law.
  - I. To periodically review the provisions of this Ordinance and the conduct and operation of Sexually Oriented Business establishments, and to make such related reports and recommendations to the Village Council as the Sexually Oriented Business Use Commissioner shall deem necessary.
4. To conduct hearings, studies, and reports on Sexually Oriented Business as the Sexually Oriented Business Use Commissioner shall deem necessary.
5. To take such further actions as the Sexually Oriented Use Commissioner deems necessary to carry out the purpose and intent of this Ordinance and to exercise such additional powers in furtherance thereof as are implied by the powers and duties expressly set forth in this Ordinance.

**C. SEXUALLY ORIENTED BUSINESS LICENSES GENERALLY:**

1. Sexually Oriented Business License Required. A Sexually Oriented Business License shall be required to establish, operate or maintain a Sexually Oriented Business within the Village.
2. Operation Without License Prohibited. It shall be unlawful for any person not having a current and valid Sexually Oriented Business License to establish, operate, or maintain a Sexually Oriented Business within the Village at any time after the effective date of this Ordinance, subject to the provisions of Section (Y) of this Ordinance.
3. Operation in Violation of License Prohibited. It shall be unlawful for any Licensee to establish, operate, or maintain a Sexually Oriented Business within the Village except in the manner authorized by, and in compliance with, the provisions of this Ordinance and the Licensee's Sexually Oriented Business License.

4. Content and Display of License. Every Sexually Oriented Business License shall be provided by the Village and shall, at a minimum, prominently display on its face the name of the Licensee, the expiration date, and the address of the Sexually Oriented Business. Every Licensee shall display the License at all times in plain view in a conspicuous place on the Licensed Premises so that it can be easily seen and read at any time by any person entering the Licensed Premises.
5. License Term. Sexually Oriented Business Licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on the date of issuance and may be renewed only by making an application. Application for renewal should be made at least forty-five days before the expiration date.

**D. FORM AND SUBMITTAL OF SEXUALLY ORIENTED BUSINESS LICENSE APPLICATION:**

1. Required Form. An application for a Sexually Oriented Business License, or the renewal shall be made in writing to the Sexually Oriented Business Use Commissioner on a form prescribed by the Sexually Oriented Business Use Commissioner and shall be signed by:
  - a. the applicant, if the applicant is an individual;
  - b. at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization; or (3) by a duly authorized agent, if the applicant is a corporation. Each application shall specifically identify the applicant and the Licensed Premises for which a Sexually Oriented Business License is sought. Each initial or renewal application shall be accompanied by ten identical copies.
2. Administrative Processing Fee. Every applicant for a Sexually Oriented Business License shall pay an Administrative Processing Fee in the amount of one hundred dollars (\$100). The Administrative Processing Fee shall in all cases be non-refundable.
3. Required Information and Documents. Each application shall include the following information and documents:
  - a. Names of Applicants.
    - i. Individuals. The applicant's legal name, all of the applicant's aliases, tax mailing address, the applicant's business address and social security number, written proof of the applicant's age, the citizenship and place of birth of the applicants, and, if a naturalized citizen, the time and place of the applicant's naturalization.

- II. Corporations. The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, tax mailing address, business addresses, and social security numbers of all the directors, officers, and managers of the corporation and of every person owning or controlling more than 50 percent of the voting shares of the corporation; the corporation's date and place of incorporation and the objects for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Ohio; and the name of the registered corporate agent and the address of the registered office for service of process.
- III. Partnerships (general or limited), joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization. The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, tax mailing address, business addresses, and social security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.
  - b. The general character and nature of the business of the applicant.
  - c. The location, including street address and legal description, and telephone number, of the premises for which the Sexually Oriented Business License is sought.
  - d. The specific name of the business that is to be operated under the Sexually Oriented Business License.
  - e. The identity of each fee simple owner of the Licensed Premises.
  - f. A diagram, showing the internal and external configuration of the licensed premises, including all doors, entrances, exits, the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performances areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clear compliance with the provisions of this Ordinance. The requirements of the Paragraph shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the License sought to be renewed and if the licensee certifies that the Licensed Premises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The use of the diagram required pursuant to this Paragraph shall not be deemed to be, and shall not be interpreted or constructed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.

- g. The specific type or types of Sexually Oriented Business(es) that the applicant proposes to operate in the Licensed Premises.
- h. A copy of each Sexually Oriented Business License, liquor license, and gaming license currently held by the applicant or any of the individuals identified in the application.
- i. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed Sexually Oriented Business.
- j. A signature section explicitly authorizing the Village of Fredericktown Police Department to conduct background check on all persons applying for the Sexually Oriented Business License.
- k. Any application for a Sexually Oriented Business License that does not include all of the information and documents required pursuant to this section shall be deemed to be incomplete and shall not be acted on or processed by the Village. The Sexually Oriented Business Use Commissioner shall, within five (5) days of the such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

**E. PROCESSING OF LICENSE APPLICATION:** Upon the filing of an application for a Sexually Oriented Business License, the Sexually Oriented Business Use Commissioner shall refer the application to the Board of Zoning Appeals and to the appropriate Village departments for investigation to be made on the information contained in the application. The Board of Zoning Appeals shall hold a hearing on the application within ten (10) days from the date of the submission of the completed application.

**F. STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE:**

1. The Board of Zoning Appeals shall issue a Sexually Oriented Business License to an applicant if, but only if, the Board of Zoning Appeals finds and determines all of the following based on the reports, investigations, and inspections conducted by the Sexually Oriented Business Use Commissioner and any Reviewing Departments:
  1. All information and documents required by this Ordinance for issuance of a Sexually Oriented Business License have been properly provided and the material statements made in the application are true and correct.
  2. No person identified in the application has been convicted of, or pleaded no contest to any Specified Criminal Activity within five years immediately preceding the date of this application.
  3. No person identified in the application is overdue on payment to the Village of taxes, fees, fines, or penalties assessed against or imposed on any such individual in connection with any Sexually Oriented Business.

- d. The Sexually Oriented Business and the Licensed Premises comply with all then-applicable building, health, and safety codes and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Village of Fredericktown Zoning Regulations.
  - e. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this Ordinance and all provisions of the Village Zoning Ordinance applicable to Sexually Oriented Business, that the applicant is familiar with their terms and conditions, and that the Licensed Premises and the proposed Sexually Oriented Business Establishment and its proposed operation are and shall be in compliance therewith.
2. Denial. If the Board of Zoning Appeals determines that the applicant has not met any one or more of the conditions set forth herein, then the Board of Zoning Appeals shall deny issuance of the Sexually Oriented Business License and shall give the applicant a written notification and explanation of such denial within ten (10) days.
  3. License Deemed Issued. License Deemed Issued. If the Board of Zoning Appeals does not issue or deny the Sexually Oriented Business License within twenty days (20) days after the properly completed application is submitted, then the Sexually Oriented Business License applied for shall be deemed to have been issued.
  4. License Fee. The annual fee for a Sexually Oriented Business License is five hundred dollars (\$500.00).

**G. FORM AND SUBMITTAL OF SEXUALLY ORIENTED BUSINESS  
EMPLOYEE LICENSE:**

1. An application for a Sexually Oriented Business Employee License shall be submitted to the Sexually Oriented Business Use Commissioner or the Commissioner's Designee on a form provided by the Sexually Oriented Business Use Commissioner or Designee. The application may request and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable the Village to determine whether the applicant meets the qualifications established by this chapter.
2. An application for a Sexually Oriented Business Employee License shall be completed according to the instructions of the application form, which shall require the following:
  - a. State the applicant's name and any other names (including stage names) or aliases used by the applicant.
  - b. State the applicant's date and place of birth.
  - c. State the applicant's height, weight, and hair and eye color.
  - d. Submit a recent photograph of the applicant, which clearly shows the applicant's face.
  - e. Submit the applicant's fingerprints, recorded by the Village of Fredericktown Police Department.

- f. Describe and identify the location of any tattoos on the applicant's face, arms, legs, or hands, or any other anatomical area that normally would be visible when the applicant is on the premises of the proposed Sexually Oriented Business.
  - g. State the applicant's present residence address and telephone number.
  - h. State the applicant's present or intended business address and telephone number.
  - i. State the applicant's driver's license number and Social Security number.
  - j. Submit proof that the applicant is at least eighteen (18) years old.
  - k. Provide a statement detailing the Sexually Oriented Business-related history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate a Sexually Oriented Business, in this or any other jurisdiction, and whether the applicant has ever had a Sexually Oriented Business-related license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation, or suspension. Attach a copy of any order of denial, revocation, or suspension.
  - l. State whether the applicant has been convicted of a Specified Criminal Activity, as defined in Section 304.02 of this chapter and, if so, the Specified Criminal Activity involved and the date, place and jurisdiction of each such conviction.
3. Issuance of Sexually Oriented Business Employee License.
- a. Upon the filing of a completed application for a Sexually Oriented Business employee license, the Sexually Oriented Business Use Commissioner may issue a temporary license to said applicant.
  - b. The Sexually Oriented Business Use Commissioner shall immediately initiate an investigation of the information provided in the application concerning the criminal background of the applicant. The Sexually Oriented Business Use Commissioner shall document on the results of his investigation in writing and will complete the investigation within thirty (30) days of receiving the completed application.
  - c. Upon completion of the investigation, the Board of Zoning Appeals shall conduct a hearing within ten (10) days and shall approve the issuance of a license to applicant unless it determines that one or more of the following findings is true:
    - I. The applicant has failed to provide information reasonably necessary for issuance of the license as requested on the application form, or has falsely answered a question or request for information on the application form.
    - II. The applicant is under eighteen (18) years of age.
    - III. The applicant has been convicted of a Specified Criminal Activity as defined in the Definitions Section of this Ordinance.

- IV. The Sexually Oriented Business employee license is to be used for employment in a business prohibited by local, state, or federal law, statute, rule or regulation.
  - V. The applicant has been denied a Sexually Oriented Business employee license or has had a Sexually Oriented Business employee license revoked within the preceding twelve (12) months by any jurisdiction.
  - d. If the Sexually Oriented Business employee license is denied, the temporary license previously issued is immediately deemed null and void. The Board of Zoning Appeals shall advise the applicant in writing of the reason(s) for any such denial within ten (10) days of it's hearing.
4. Fees.
- a. Every application for a new Sexually Oriented Business employee license shall be accompanied by a \$100.00 non-refundable application, investigation and license fee.
  - b. Every application for renewal of a Sexually Oriented Business employee license shall be accompanied by a \$100.00 non-refundable application, investigation, and license fee.

**H. INSPECTION BY THE VILLAGE:**

- 1. Authority. The Sexually Oriented Business Use Commissioner and other Village representatives and departments with jurisdiction shall periodically inspect that portion of each Sexually Oriented Business that is open to the public to assess compliance with the provisions of this Ordinance and all other applicable law.
- 2. Licensee Cooperation. A licensee shall permit representatives of the Village to inspect those portions of the Licensed premises and the Sexually Oriented Business Establishment that are open to the public for the purpose of determining compliance with the provisions of this Ordinance and all other applicable law at any time during which the Licensed Premises is occupied or the Sexually Oriented Business Establishment is open for business, upon condition that the Village has reasonable cause to believe noncompliance exists and notifies the Licensee thereof, in writing, at the time of the inspection.
- 3. Interference or Refusal Illegal. It shall be unlawful for the Licensee, any Sexually Oriented Business employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the Village pursuant to this Ordinance or any other authority.
- 4. Suspension or Revocation. Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the Sexually Oriented Business License.

**I. CHANGE IN INFORMATION:**

1. During the pendency of any application for, or during the term of, any Sexually Oriented Business License, the Applicant or Licensee shall promptly notify the Sexually Oriented Business Use Commissioner in writing of any change in any material information given by the Applicant or Licensee shall promptly notify the Sexually Oriented Business Use Commissioner in writing of any change in any material information given by the Applicant or Licensee in the application for such License, including specifically, but without limitation, any change in managers of the Sexually Oriented Business Establishment or in the individuals identified in the application pursuant to this Ordinance; or if any of the events constituting grounds for suspension or revocation pursuant to this Ordinance occur.

**J. LICENSE REVOCATION OR SUSPENSION:**

1. Grounds. Pursuant to the procedures set forth in this Section, the Sexually Oriented Business Use Commissioner may suspend for not more than 30 days, or revoke, any Sexually Oriented Business Establishment License if the Commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:
  - a. The Licensee has violated any of the provisions or requirements of this Ordinance or the Sexually Oriented Business Establishment License issued pursuant hereto, or the provisions of the Village Zoning Regulations applicable to the Licensed Premises or the Sexually Oriented Business Establishment.
  - b. The Licensee
    - I. Knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the Village for the issuance or renewal of any Sexually Oriented Business Establishment License or
    - II. Knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the Licensee's behalf.
  - c. The Licensee has been convicted of a felony or Specified Criminal Act on the Licensed Premises.
  - d. The Licensee authorizes, approves, or, as a result of the Licensee's negligent failure to supervise the Licensed Premises or the Sexually Oriented Business Establishment, allows
    - I. Sexually Oriented Business Establishment Employee, a Sexually Oriented Business Establishment Patron, or any other person to
    - II. Violate any of the provisions or requirements of this Ordinance or of the provisions or requirements of the Sexually Oriented Business Establishment License issued pursuant hereto, or
    - III. Commit any felony or Specified Criminal Act on the Licensed Premises.
  - e. The Licensee, or any person identified in this Ordinance becomes disqualified for the issuance of a Sexually Oriented Business



Establishment License at any time during the term of the License at issue.

2. Procedure. A Sexually Oriented Business Establishment License may be suspended for not more than 30 days or revoked pursuant to the terms and conditions set forth in this Subsection.
  - a. Notice. Upon determining that one or more of the grounds for suspension or revocation under this Section may exist, the Sexually Oriented Business Use Commissioner shall serve a written notice on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. The written notice shall, at a minimum,
    - I. State that the Sexually Oriented Business Use Commissioner has determined that the Sexually Oriented Business Establishment License may be subject to suspension or revocation pursuant to this Ordinance;
    - II. Identify the specific grounds for the Commissioner's determination; and
    - III. Set a date for hearing regarding the Commissioner's determination as to the possibility of suspension or revocation of the Sexually Oriented Business Establishment License. The date of the hearing shall be no less than five days after service of the Commissioner's notice, unless an earlier or later date is agreed to by the Licensee and the Sexually Oriented Business Use Commissioner.
  - b. Hearing. The hearing shall be conducted by the Board of Zoning Appeals. At the hearing, the Licensee may present and submit evidence and witnesses to refute the ground cited by the Sexually Oriented Business Use Commissioner for suspending or revoking the License and the Village and any other person may submit evidence and witnesses to refute the grounds cited by the Commissioner for suspending or revoking the License and the Village and any other person may submit evidence to sustain such grounds. The administrative record compiled on the Sexually Oriented Business Establishment pursuant to this Ordinance shall be made a part of the hearing record. Within ten (10) days after the close of the hearing, the Board of Zoning Appeals shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decisions. The action taken by the Board of Zoning Appeals shall be final and shall be subject to immediate judicial review.
  - c. Note and Effective Date of Suspension or Revocation. The Board of Zoning Appeal's written decision shall be served on the Licensee in person or by certified U.S. mail, postage pre-paid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the Board of Zoning Appeals written decision is delivered in person or three days after it is placed in the U.S. mail as provided in this paragraph.

- d. Surrender of License. Upon the suspension or revocation of a Sexually Oriented Business Establishment License pursuant to this Ordinance, the Sexually Oriented Business Use Commissioner shall take custody of the suspended or revoked License.

**K. APPEAL RIGHTS:**

1. Any decision by the Board of Zoning Appeals shall be a final appealable order, and the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.
2. In the event that an applicant or licensee seeks judicial review of a decision issued pursuant to this chapter, the applicant or licensee shall provide written notice of such appeal to the Board of Zoning Appeals in advance or at the time of the filing of the appeal. Within thirty (30) days of receiving such written notice of appeal, or within such shorter time as may be ordered by the court, the Board of Zoning Appeals shall transmit to the court in which appeal was sought a copy of the full administrative record for the matter, including a complete transcript of all the original papers, testimony and evidence offered, heard, and taken into consideration in issuing the final order. The Board of Zoning Appeals and all other departments or agencies of the Village shall provide any further information, assistance, or cooperation requested by the reviewing court without delay.
3. Subject to the provisions of subsection (6) of this section, any licensee lawfully operating a Sexually Oriented Business prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this Chapter to the Board of Zoning Appeals or to a court.
4. Subject to the provisions of subsection (6) of this section, any licensee lawfully acting as an employee in a Sexually Oriented Business prior to the denial of a license renewal application, or the suspension or revocation of a licensee may continue to serve in such capacity during the pendency of an appeal of a decision rendered under this Ordinance to the Board of Zoning Appeals or to a court.
5. In the event that an applicant for a new Sexually Oriented Business license or a new Sexually Oriented Business employee license seeks judicial review of the denial of a new license, and such review does not result in a final judicial decision within thirty (30) days of the date the appeal was filed, the Village will issue such applicant a provisional Sexually Oriented Business Employee license upon request of the applicant. The provisional license:
  - a. Will allow an applicant for a Sexually Oriented Business license to operate the Sexually Oriented Business named in the license application under the same terms as a normal Sexually Oriented Business license issued pursuant to the chapter for the period of time

specified in subsection (7) of this section; and

- b. Will allow an applicant for a Sexually Oriented Business employee license to act as an employee on the premise of a Sexually Oriented Business under the same terms as a normal Sexually Oriented Business employee license issued pursuant to this chapter for the period of time specified in subsection (G) of this section and
  - c. Will be subject to the same requirements as a normal Sexually Oriented Business License or Sexually Oriented Business employee license issued under this chapter.
6. A provisional license will expire on whichever of the following three dates is earliest:
- a. The date that a judicial decision is issued upholding the license denial;
  - b. The date on which a non-provisional Sexually Oriented Business license or Sexually Oriented Business employee license is issued to the applicant pursuant to a judicial decision overturning the license denial; or
  - c. The date one year from the issuance of the provisional license.
7. In the event that judicial review of the denial of a new license application is still pending thirty (30) days before the expiration date of the provisional license, the provisional licensee may file a renewal license application with the Sexually Oriented Use Commissioner who shall refer the application to the Board of Zoning Appeals. The Board of Zoning Appeals shall grant an application for a renewal of a provisional license unless it is determined that new grounds exist for denial of a license application, which did not exist at the time of the original license application. In the event that an application for renewal of a provisional license is denied and the applicant seeks judicial review of that denial; the Village has the right to consolidate such review with the pending judicial appeal of the previous license denial.

**L. REGULATIONS APPLICABLE TO ALL SEXUALLY ORIENTED BUSINESSES:**

1. General Compliance. All Licensed Premises and Sexually Oriented Business Establishments shall comply with the provisions of this Ordinance, and with the provisions of all other applicable Village ordinances, resolutions, rules, and regulations and all other applicable federal, state, and local laws.
2. Hours of Operation.
  - a. No Sexually Oriented Business Establishment shall be open for business at any time on any State of Ohio or Federal holiday.
  - b. No Sexually Oriented Business Establishment shall be open for business between the hours of 12:00 midnight and 9:00 a.m. on any day.
  - c. If a Sexually Oriented Business Establishment holds a liquor license issued by the State of Ohio that permits the establishment to serve alcoholic beverages outside of the time parameters listed in (a) and (b) above, such Sexually Oriented Business Establishment shall not be

subject to these time parameters. However, all Sexually Oriented Business entertainment, such as live erotic dancing and the display of films and other adult materials shall take place only during the times permitted in (1) and (2) of this Subsection.

3. Animals. No animals, except Seeing Eye dogs required to assist the blind, shall be permitted at any time at or in any Sexually Oriented Business Establishment or Licensed Premises.
4. Restrooms. All restrooms in Sexually Oriented Business Establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No Adult Materials or live performances shall be provided or allowed at any time in the restrooms of a Sexually Oriented Business Establishment. Separate male and female restrooms shall be provided for and used by Sexually Oriented Business Establishment employees and patrons.
5. Restricted Access. No Sexually Oriented Business Establishment patron shall be permitted at any time to enter into any of the non-public portions of any Sexually Oriented Business Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Sexually Oriented Business Employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Licensed Premises. These persons shall remain in the non-public areas only for the purposes and to the extent and time necessary to perform their job duties.
6. Live Entertainment. All live entertainment and performances in a Sexually Oriented Business must take place on a stage that is at least 24 inches from the floor and a distance of at least 60 inches from all parts of a clear designated area in which patrons will be present.
7. Specific Prohibited Acts.
  - a. No Sexually Oriented Business Employer or any other person at any Sexually Oriented Business Establishment shall appear, be present, or perform while in a State of Nudity. This section prohibits a Sexually Oriented Business Employee from appearing in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or a female appearing in such a manner or attire as to expose to view the portion of the breast below a horizontal line across the top of the areola at its highest point or simulation thereof. This includes the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
  - b. No Sexually Oriented Business Employee or any other person at any Sexually Oriented Business Establishment shall perform or conduct any Specified Sexual Activity with or for any Sexually Oriented Business Patron or any other person at any Sexually Oriented Business Establishment, or any other Sexually Oriented Business Employee, or any other person. No Sexually Oriented Business

Establishment Patron or any other person at any Sexually Oriented Business Establishment shall perform or conduct any Specified Sexual Activity with or for any Sexually Oriented Business Establishment employee or patron or any other person.

- c. Straddle dances shall be prohibited at all Sexually Oriented Business Establishments.
8. Exterior Display. No Sexually Oriented Business Establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any Adult Material, or any entertainment depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the Licensed Premises is located.
9. Noise. No loudspeakers or sound equipment audible beyond the Licensed Premises shall be used at any time.
10. Gambling and Related Devices Prohibited. No Sexually Oriented Business Establishment shall contain any video, pinball, slot bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.
11. Manager's Station. Each Sexually Oriented Business Establishment shall have one or more manager's stations. The interior of each Sexually Oriented Business Establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the Establishment to which any Sexually Oriented Business Establishment Patron is permitted to access for any purpose.

**M. SPECIAL REGULATIONS FOR ADULT BOOTHS:**

1. Prohibited Except in Adult Stores. Adult Booths shall be prohibited in all Sexually Oriented Business Establishments except Adult Stores.
2. Occupancy and Prohibited Acts. Only one individual shall occupy an Adult Booth at any one time. No individual occupying an Adult Booth shall engage in any Specified Sexual Activities. No individual shall damage or deface any portion of an Adult Booth.
3. Open Booth Requirement. In addition to satisfying the Manager Station requirements of this Ordinance, all Adult Stores containing Adult Booths shall be physically arranged in such a manner that the entire interior portion of each Adult Booth shall be visible from the common area of the Adult Store. To satisfy this requirement, there shall be a permanently open and unobstructed entranceway for each Adult Booth and for the entranceway from the area of the Adult Store that provides other Adult Materials to the area of the Adult Store that provides other Adult Materials to the area of the Adult Store containing the Adult Booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the Adult Store containing the Adult Booths or any person situated in an Adult booth. It shall be unlawful to install Adult Booths within a Sexually

Oriented Business Establishment for the purpose of providing secluded viewing of Adult Materials or live performances.

4. Aisle Required. There shall be one continuous lighted main aisle alongside the Adult Booths provided in any Adult Store. Each person situated in a Booth shall be visible at all times from the aisle.
5. Holes Prohibited. Except for the open booth entranceway, the walls and partitions of each Adult Booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.
6. Signage. A sign shall be posted in a conspicuous place at or near the entranceway to each Adult Booth that states
  - I. That only one person is allowed in any Adult Booth at any one time,
  - II. That it is unlawful to engage in any Specified Sexual Activities while in an Adult Booth, and
  - III. That it is unlawful to damage or deface any portion of an Adult Booth.
7. Age Limitations.
  - a. No Sexually Oriented Business Establishment Employee or Sexually Oriented Business Establishment Patron at an Adult Booth or a Licensed Premises that includes an Adult Booth shall be under the age of 18.
  - b. No person under the age of 18 shall be admitted to any Adult booth or any Licensed premises that includes an Adult Booth.
  - c. No person under the age of 18 shall be allowed or permitted to remain at any Adult Booth or at any Licensed Premises that includes an Adult Booth.
  - d. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Booth or any Licensed Premises that includes an Adult Booth.

**N. SPECIAL REGULATIONS FOR ADULT CABARETS:**

1. Performance Area. The performance area of an Adult Cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be elevated above the level of, and separate from, the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least 18 inches from all areas of the premises to which Sexually Oriented Business Establishment Patrons have access. A continuous barrier at least two feet in height and located at least 18 inches from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating areas. No Adult Patron shall be allowed at any time on any Cabaret Stage.
2. Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the Adult Cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at 30 inches from the floor and on 10 foot centers shall be maintained at all times for all areas of the Adult Cabaret where Sexually Oriented Business Establishment patrons are permitted.

3. Tipping. No Sexually Oriented Business Establishment Patron shall offer, and no Sexually Oriented Business Establishment Employee having performed on any Cabaret Stage shall accept any form or tip or gratuity offered directly or personally to the Employee by the sexually Oriented Business Patron. Rather, all tips and gratuities to Sexually Oriented Business Establishment Employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the Sexually Oriented Business Establishment Patron on the Cabaret Stage on which the Sexually Oriented Business Establishment Employee is performing.
4. Notice of Select Rules. A sign at least two feet by two feet, with letters of at least one inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following:

THIS ADULT CABARET IS REGULATED BY THE VILLAGE OF  
FREDERICKTOWN. ENTERTAINERS ARE:

1. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
  2. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY OR PERSONALLY FROM PATRONS. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT OR MUST BE PLACED DIRECTLY ON THE CABARET STAGE.
  3. NOT PERMITTED TO APPEAR IN A STATE OF NUDITY.
5. Age Limitations.
    - a. No Sexually Oriented Business Establishment Employee or Sexually Oriented Business Establishment Patron at an Adult Cabaret or a Licensed Premises used for an Adult Cabaret shall be under the age of 21.
    - b. No person under the age of 21 shall be admitted to any Adult Cabaret or to any Licensed Premises used for an Adult Cabaret.
    - c. No person under the age of 21 shall be allowed or permitted to remain at any Adult Cabaret or any Licensed Premises used for an Adult Cabaret.
    - d. No person under the age of 21 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Cabaret or any Licensed Premises used for an Adult Cabaret.

**O. SPECIAL REGULATIONS FOR ADULT STORES:**

1. Windows. Window areas for Adult Stores shall not be covered or obstructed in any way.
2. Age Limitations.
  - a. No Sexually Oriented Business Establishment Employee or Sexually Oriented Business Establishment patron at an Adult Store or a Licensed Premises used for an Adult Store shall be under the age of 18.
  - b. No person under the age of 18 shall be admitted to any Adult Store or to any Licensed Premises used for an Adult Store.
  - c. No person under the age of 18 shall be allowed or permitted to remain at any Adult Store or any Licensed Premises use for an Adult Store.
  - d. No person under the age of 18, shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Store or any Licensed Premises used for an Adult Store.

**P. SPECIAL REGULATIONS FOR ADULT THEATERS:**

1. Seating. Each Adult Theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the Adult Theater.
2. Aisle. Each Adult Theater shall have a continuous main aisle alongside the seating area in order that each person seated in the Adult Theater shall be visible from the aisle at all times.
3. Sign. Each Adult Theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.
4. Age Limitations.
  - a. No Sexually Oriented Business Establishment Employee or Sexually Oriented Business Establishment Patron at an Adult Theater or a Licensed Premises used for an Adult Theater shall be under the age of 18.
  - b. No person under the age of 18 shall be admitted to any Adult Theater or to any Licensed Premises used for an Adult Theater.
  - c. No person under the age of 18 shall be allowed or permitted to remain at any Adult Theater or any Licensed premises used for an Adult Theater.
  - d. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Theater or any Licensed Premises used for an Adult Theater.



**Q. SPECIAL REGULATIONS FOR ADULT MOTELS:**

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.
2. A person commits a minor misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or a similarly commercial establishment that does not have a Sexually Oriented Business License, he/she rents or subrents a sleeping room to a person, and within ten (10) hours from the time the room is rented, he/she rents or subrents the same sleeping room again.
3. For the purposes of subsection (B), the terms "rent" or "subrent" means the act of permitting a room to be occupied for any form of consideration.

**R. LOCATION REQUIREMENTS:**

1. A Sexually Oriented Business may be located in accordance with the following restrictions:
  - a. No such business shall be located on any parcel within one thousand (1000) feet from a child care center, hospital, park, playground, public library, public recreation facility, religious facility, school, or residentially zoned district or use;
  - b. No such business shall be located on any parcel within one thousand (1,000) feet of another sexually oriented business;
  - c. Such businesses shall only be located in an M-1 General Manufacturing District.
2. For the purposes of subdivision (1), measurement shall be made in a straight line, without regard to intervening structures or objects, from the closet portion of the building or structure used as part of the premises where a Sexually Oriented Business is conducted to the closest property line of the premises of a child day care center, hospital, park, playground, public library, public recreation facility, religious facility, school, or residentially zoned district or use.
3. For the purposes of subdivision (1), the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

**S. PENALTY:**

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this Ordinance or of any of the provisions or requirements of any Sexually Oriented Business Establishment License, shall be guilty of a misdemeanor of the third degree. Each day that such violation continues shall constitute a separate offense. The Sexually Oriented Business Use Commissioner shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application.

**T. TRANSFER OF LICENSE:**

A licensee shall not transfer his/her license to another, nor shall a licensee operate a Sexually Oriented Business Establishment under the authority of a license at any place other than the address designated in the application.

**U. ADMINISTRATIVE RECORD:**

The Sexually Oriented Business Use Commissioner shall cause to be kept in the commissioner's office an accurate record of every Sexually Oriented Business Establishment License application received and acted on, together with all relevant information and material pertaining to such application, any Sexually Oriented Business Establishment License issued pursuant thereto, and any Sexually Oriented Business Establishment operated pursuant to such Sexually Oriented Business Establishment License.

**V. NUISANCE DECLARED:**

Any Sexually Oriented Business Establishment established, operated, or maintained in violation of any of the provision or requirements of this Ordinance or of any Sexually Oriented Business Establishment License shall be, and the same is, declared to be unlawful and public nuisance. The Village may, in addition to or in lieu of any other remedies set forth in this Ordinance, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining a Sexually Oriented Business Establishment contrary to the provisions of this Ordinance.

**W. COMPUTATION OF TIME:**

Unless otherwise specifically set forth in this Ordinance, the time within which any act required by this Ordinance is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday, or a Federal or State of Ohio holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded.

**X. APPLICABILITY:**

1. Any establishment in operation on the effect date of this Ordinance that is considered a Sexually Oriented Business under the terms of this Ordinance will be subject to the terms of this Ordinance as of the effective date of this Ordinance. Any such establishment must submit an application for a Sexually Oriented Business License pursuant to this Ordinance within sixty (60) days of its effective date. Any establishment for which a Sexually Oriented Business License application is submitted within the required sixty (60) day period will be permitted to operate, subject to compliance with the non-licensing provisions of this Ordinance, pending review of the license application.
2. Any person acting, on the effective date of this Ordinance, as an employee in an establishment that is considered a Sexually Oriented Business under the terms of this Ordinance, will be subject to the terms of this Ordinance as of the effective date of this Ordinance. Any such person must submit an application for a Sexually Oriented Business Employee License within sixty (60) days of its effective date. Any person who has submitted an application for a Sexually Oriented Business Employee License within the required sixty (60) day period will be permitted to continue acting as an employee in an establishment that is considered a Sexually Oriented Business, subject to compliance with the non-licensing provisions of this Ordinance, pending review of the license application.

## **DISH ANTENNAS**

- A. PURPOSE:** To regulate the location and construction of dish-type satellite signal-receiving antennas within the Village of Fredericktown in order to protect the public health, safety and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with wind loads and the reasonable accommodation of the aesthetic concerns of neighboring property owners.
- B. PERMIT NOT REQUIRED:** Small satellite dish antennas may be installed in any district without a permit, as an accessory use in a manner consistent with typical television or radio receiving antennas when attached to the principal structure in accordance with manufacturers specifications and instructions, standard industry practice and grounding requirements of the National Electrical Code current edition and subject to the following provisions;
1. The maximum diameter of any roof-mounted satellite dish shall not exceed eighteen (18) inches
  2. The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet.
  3. The satellite dish and its mounting assembly shall not project out more than four (4) feet in horizontal measurement from the point of attachment to any side of the principal structure and shall be no less than eight (8) feet above ground.
  4. The satellite dish and its mounting assembly may not project more than four (4) feet horizontal measurement from the point of attachment to the principal structure into any required yard.
- C. PERMIT REQUIRED:** Permits are required for all dish antennas not exempted in B above. No person, firm, or corporation shall erect a dish antenna without a permit nor shall installation or erection commence before the permit is issued.
- D. APPLICATION FOR PERMIT:** The owner(s) or occupants, with written permission of the owner(s), of any parcel of land within the Village of Fredericktown who desires to construct or erect a dish antenna on said parcel must first obtain a permit therefore from the Village of Fredericktown.

The Village of Fredericktown shall issue such permit, provided the applicant submits a written application along with a plot plan of the lot or a parcel of land, showing the exact location of the proposed dish antenna, the location of all existing buildings on the lot or parcel, a description of the kind of dish antenna proposed, and complete construction plans showing proposed methods of installation, structural engineering analysis, and the elevation of the proposed dish antenna upon completion.

The applicant shall also present documentation of the possession of any license required by any federal, state or local agency pertaining to the ownership and/or operation of dish antennas.

**E. LOCATION OF DISH ANTENNA:**

1. No dish antenna shall be constructed or erected in any front or side yard and may only be constructed or erected to the rear of the residence of main structure on the premises
2. Within the residential districts, as defined in this ordinance, the following provisions shall apply to the satellite ground stations and/or dish antennas.
  - a. Such ground stations or antennas shall be for the personal use of residents and their guests only.
  - b. Such ground stations or antennas shall contain no graphic message or advertising.
  - c. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:
    - I. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure and shall not exceed an above ground height of twelve (12) feet and be no greater than three (3) feet in diameter.
    - II. Such stations or antennas shall not be located closer than ten (10) feet to a rear lot line, eight (8) feet from a side lot line, or one (1) foot from an easement
    - III. Such stations or antennas shall be mounted on a concrete base in line with grade and metal supports of galvanized construction shall be utilized.
    - IV. Wiring between such station and any other structure shall be placed underground.
    - V. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.
  - d. Roof mounted stations shall be considered accessory structures and shall comply with the following conditions.
    - I. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.
    - II. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height greater than four (4) feet above the roof on which it is mounted. The height shall be measured vertically from the point at which the station or antenna is mounted on the roof.
    - III. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed three (3) feet.

- IV. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of guy wires.
3. Within non-residential districts, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.
  - a. Such ground stations or antennas shall contain no graphic message or advertising.
  - b. Ground mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements.
    - I. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure on the property where the station is located and shall not exceed an above grade height of twelve (12) feet and no more than three (3) feet in diameter.
    - II. Such stations or antennas shall not be located within fifty (50) feet of a public right-of-way, thirty (30) of a rear or side lot line and not closer than fifty (50) feet from a lot line of a residential district as defined in this ordinance.
    - III. Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports of a galvanized construction shall be utilized.
    - IV. Wiring between such station and any other structure shall be placed underground.
    - V. Such stations or antennas shall be designed to withstand a wind force of seventy (70) miles per hour without the use of supporting guy wires.
  - c. Roof mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements.
    - I. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.
    - II. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height greater than three (3) feet above the roof on which it is mounted. The height shall be measured vertically from the point at which the station or antenna is mounted on the roof.
    - III. Such stations or antennas shall be designed to withstand a wind force of seventy (70) miles per hour without the use of supporting guy wires.

## **CELLULAR OR WIRELESS COMMUNICATION SYSTEMS**

- A. PURPOSE:** To permit reasonable use of cellular and/or wireless communications while preserving the tranquil setting and aesthetic appearance of the Village, protecting the health and general welfare and existing communication facilities of the residents of the Village and establishing criteria for overall development of the Village to promote general safety for its residents.

In recognition of the quasi-public nature of cellular and/or wireless personal communication systems, it is the purpose this Ordinance, to:

1. Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the Village.
2. Minimize adverse visual effects of communications towers and support structures through proper siting, design and screening.
3. Avoid potential damage to adjacent properties from communications towers and support structure failure; and,
4. Encourage the joint use of any new and existing communications towers and support structures to reduce the number of such structures needed in the future.

- B. PERMIT REQUIRED:** No person, firm or corporation shall erect a cellular or wireless communications system without a permit, nor shall installation or erection commence before the permit is issued.

- C. APPLICATION FOR PERMIT:** The owner(s) or occupant, with written permission of the owner(s), of any parcel of land within the Village of Fredericktown who desires to construct or erect cellular or wireless communications systems on said parcel must first obtain a permit therefore from the Village of Fredericktown.

- D. USE REGULATIONS:** The following use regulations shall apply to cellular or wireless communication antennas and towers:
1. a. A cellular or wireless communications antenna that is mounted to an existing communications tower (whether said tower is for cellular or wireless purposes or not), smoke stack, water tower or other tall structure, shall be permitted as of right in all zoning districts. Cellular or wireless communications antenna may also be located on the top of buildings which are no less than fifty (50) feet in height.
  - b. Any cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which matches, or is compatible with, the structure on which it is located.
  2. A cellular or wireless communications antenna that is not mounted on an existing structure or is more than fifteen (15) feet higher than the structure

on which it is mounted, is permitted in any zoning district, with the exception of any single family or multi-family zoning district, as a conditional use.

3. All other uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and! or tower is located.
4. Cellular or wireless communications sites shall not be located in any single family or multi-family residential zoning districts nor shall they be located any closer to any residential zoning district than as follows:
  - a. Cellular or wireless communications towers less than one hundred (100) feet in height shall be located no closer than five hundred (500) feet to any residential zoning district.
  - b. Cellular or wireless communications towers greater than one hundred (100) feet but less than one hundred fifty (150) feet in height shall be located no closer than seven hundred fifty (750) feet to any residential zoning district.
  - c. Cellular or wireless communications towers one hundred fifty (150) feet in height and greater shall be located no closer than one thousand (1000) feet to any residential zoning districts.

**E. STANDARDS OF APPROVAL FOR CONDITIONALLY PERMITTED CELLULAR OR WIRELESS COMMUNICATIONS ANTENNAS AND TOWERS:**

The following standards shall apply to all conditionally permitted cellular or wireless communications antennas and towers:

1. The cellular or wireless communications company shall be required to demonstrate using the latest technological evidence, that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system
2.
  - a. If the communications company proposed to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed, asking for permission to install the cellular communications antenna on those structures and was denied for reasons other than economic ones. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, buildings over fifty (50) feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway light poles.
  - b. The Village may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.



**F. STANDARDS FOR APPROVAL OF ALL CELLULAR OR WIRELESS COMMUNICATIONS ANTENNAS AND TOWERS:**

1. Antenna/Tower Height. The applicant shall demonstrate the antenna/tower is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height shall be approved.
2. Setbacks from the Base of the Tower. If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wires, anchors and the property line shall be the greater of the following:
  - a. Forty (40) percent of the tower height;
  - b. The minimum setback in the underlying zoning district; or
  - c. Fifty (50) feet.
3. Cellular or Wireless Communications Tower Safety. The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure or radio frequency interference. Furthermore, all cellular or wireless communications towers shall be fitted with any climbing devices as approved by the manufacturers.
4. Fencing. A fence shall be required around the cellular or wireless communications tower and its support structure( s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access by nonauthorized personnel.
5. Landscaping.
  - a. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the cellular or wireless communications tower, support structure(s) and any other ground level features and, in general, soften the appearance of the cellular or wireless communications site. The Village may permit any decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside of an existing structure, landscaping shall not be required. A landscape plan shall be submitted to the Zoning Inspector. Before installation can commence the Zoning Inspector will review the landscape plan and either approve or reject it with recommended changes. These changes must be incorporated in a new landscape plan that will be submitted to the Zoning Inspector for approval.
  - b. Any freestanding cellular or wireless communications tower shall incorporate landscaping which includes trees, shrubs, and other landscaping vegetation that is subject to review and is acceptable to the Zoning Board. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

6. Limiting the Number of Cellular or Wireless Communications Towers. In order to reduce the number of antenna support structures needed in the Village in the future, the proposed cellular or wireless communications tower shall be required to accommodate other uses, including other cellular or wireless communications companies, and the local police and fire departments.
7. Licensing. The communications company must demonstrate to the Village that it is licensed by the Federal Communications Commission (FCC).
8. Required Parking. If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in this ordinance.
9. Appearance. Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular or wireless communication tower or antenna shall contain a sign containing a commercial message.
10. Site Plan Required. A full site plan shall be required for all proposed cellular or wireless communications sites, at a scale of 1 inch to 100 feet (1" - 100'), indicating, as a minimum, the following:
  - a. The total area of the site.
  - b. The existing zoning of the property in question and of all adjacent properties.
  - c. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
  - d. Existing topography with a maximum of five (5) foot contour intervals.
  - e. The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals.
  - f. The location of all existing buildings and structures and the proposed location of the cellular or wireless communications towers and all cellular or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings.
  - g. The locations and dimensions of all curb cuts, driving lanes, off street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
  - h. All existing and proposed sidewalks and open areas on the site.
  - i. The location of all proposed fences, screening and walls.

- j. The location of all existing and-proposed streets.
- k. All existing and proposed utilities including types and grades.
- l. The schedule of any phasing of the project.
- m. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular communications tower on all adjacent residential zoning districts.
- n. Any other information as may be required by the Zoning Board to determine the conformance with the Zoning Code.

Upon submission of a complete application for site plan review to the Village Zoning Inspector who shall review the site plan to determine if it meets the purposes and requirements as established in this Section, of the zoning district where the proposed cellular or wireless communication site is located and of any other applicable Section of the Zoning Code. No public notice or public hearing shall be required in conjunction with the review, approval, approval with modifications or disapproval of the site plan. A public hearing may be requested by either party for dissemination of information to the public or to receive discussion of the proposed site and construction.

The Zoning Board shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Village Zoning Inspector. The Zoning Board may approve, disapprove, or approve with modifications the site plan as submitted. Within the said thirty-five (35) day period, a majority of the members of the Zoning Board present at the meeting thereof may vote to extend the said period of time, not to exceed an additional sixty (60) days.

## HOME OCCUPATION

- A. PURPOSE.** To ensure the compatibility of home occupations with uses permitted in the residential districts. To maintain and preserve the character of residential neighborhoods and to promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.
- B. PERMIT REQUIRED:**
1. No home occupation may be carried out in a residential unit unless a conditional use permit has first been issued by the Board of Zoning Appeals.
  2. Written application for a home occupation permit shall be made to the Secretary of the Board of Zoning Appeals. The application shall include:
    - a. The address of the property, and the name, address and telephone number of the owner and occupant of the property.
    - b. A description of the home occupation sought to be carried on.
    - c. The number and names of persons to be involved in the home occupation.
    - d. The length of time the home occupation is expected to be carried on.
    - e. Any additional information required by the Board of Zoning Appeals to establish the advisability of granting the permit.
    - f. Permits to be renewed yearly as per this section.
- C. REGULATIONS:** No home occupation permit shall be issued, and no home occupation shall be carried on, unless the home occupation complies with all of the following regulations.
1. There shall be no on-site employment or use of labor from persons who are not bona fide residents of the dwelling. Home occupations shall be carried on only by the occupant of the affected dwelling.
  2. No more than one home occupation shall be permitted within any single dwelling unit.
  3. A home occupation shall be carried on wholly within the existing structures located on the premises.
  4. The home occupation shall be incidental and subordinate to the residential use of the premises. Not more than twenty-five (25) percent or five hundred (500) square feet of the heated square footage of the premises shall be used in conducting the home occupation. Unheated square footage shall not be used in conducting the home occupation or in determining square footage allowed. Floor area of a dwelling unit, in this case, shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit including basements and habitable attic space.

5. There shall not be conducted on the premises the business of selling stocks or merchandise, supplies, or products, provided that orders previously made by telephone, internet or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks are not allowed, but a person may pick up an order placed earlier as described above. Only goods and service produced or provided on the premises may be sold on the premises.
6. The home occupation may not generate traffic in greater volume than normal for a residential neighborhood. The number of deliveries, pick-ups, origin or destination trips, or customer/client visits relating to the occupational or professional use of the premises shall not exceed five (5) per day. Any need for parking generated by the home occupation shall conform to the off-street parking requirements in Section 304.18, and shall not be located in a required front yard. The home occupation shall not cause the elimination of required off-street parking.
7. Conditional use permits shall not be granted when it appears the proposed home occupations will constitute a fire hazard to neighboring residences, will adversely affect neighboring property values, or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors or other circumstances.
8. Signage indicating the occupational or professional use of the premises is prohibited. The residential character of the dwelling shall be preserved and no structural alterations, construction features or site features of a non-residential nature shall be incorporated. Any vehicle which is used in conjunction with the home occupation or profession, except for noncommercial personal vehicles bearing no advertising of the home occupation or profession must be garaged. No accessory buildings shall be used for home occupation or profession.
9. If the occupation is conducted in a single-family residence, no equipment or process may be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of the lot. If the occupation is conducted in other than a single-family residence, such noise, vibration, glare, fumes, odors or electrical interference shall not be detectable to the normal senses outside of the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. There shall be no increased burden placed upon existing Village services provided to the residence as a result of a home occupation.

**D. ENFORCEMENT AND REVOCATION OF HOME OCCUPATION PERMIT:**

The following shall be considered as grounds for the revocation of a home occupation permit or for the assessment of fines as specified.

1. Any change in use or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that is different from that used, or mechanical or electrical being used that is different from that specified in the granted home occupation permit form that is not first cleared and approved by the Zoning Inspector shall be grounds for the revocation of a home occupation permit.
2. Any change in use, extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that results in conditions not in accordance with the provisions of C above, shall result in immediate revocation of the home occupation permit.
3. Failure to allow periodic inspections by the Zoning Inspector or his/her designee at any reasonable time when an adult member of the family is present shall result in the immediate revocation of the home occupation permit.
4. A home occupation permit shall cease to be valid at such time as the premises for which it is issued is no longer occupied by the holder of said permit.

**E. VIOLATION OF REGULATIONS; PERMIT REVOCATION, APPEAL.**

1. If one or more of the regulations of Section 304.25 inclusive are violated, the Board of Zoning Appeals upon recommendation of the Zoning Inspector may revoke the home occupation permit.
2. Revocation of a home occupation permit may be appealed as provided in Section 304.28.
3. Home occupation permits which have been revoked may not be applied for again until a period of one (1) year has elapsed from the date of revocation.

## **EXCEPTIONS AND MODIFICATIONS**

- A. LOT OF RECORD:** When a lot which is an official lot of record at the time of adoption of this ordinance does not comply with the area, yard, or other requirements of this ordinance, such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.
- B. EXCEPTION TO YARD REQUIREMENTS**
1. Allowable Projections of Residential Structure Into Yards: Any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than the most conforming of the adjacent structures. Architectural features of residential buildings such as window sills, cornices, roof overhangs may project into the requirements provided such projection is not more than 4 feet and does not reach closer than 4 feet to any lot line.
  2. Allowable Projections of Business Structures Over Sidewalk in the B-1 Central Business District Main Street: Awnings are permitted to overhang a minimum of 8 feet above the sidewalk at any point and that all other structures are permitted to overhang a minimum of 9 feet above the sidewalk at any point.
  3. Allowable Projection of Accessory Building Into Rear Yard: One-story accessory buildings may project into only rear yards abutting on an alley providing such projection extends not closer than 5 feet to the rear lot line.
- C. EXCEPTIONS TO HEIGHT LIMITS:** The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.

## **ENFORCEMENT**

**A. ENFORCEMENT BY ZONING INSPECTOR:** There is hereby established the office of Zoning Inspector, who shall be appointed by the Mayor of the Village of Fredericktown. It shall be the duty of the Zoning Inspector to enforce This Ordinance in accordance with the administrative provisions of this Ordinance. All departments, officials and public employees of the Village, vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of the Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

**B. FILING PLANS:** Every Application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blue print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front side and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have been completed; the existing and intended use of each building or structure or part thereof; the number of family or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the recent use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

One (1) copy of such plans shall be returned to the applicant when such plans shall have been approved by the Zoning Inspector, together with such Zoning Certificate as may be granted. All dimensions shown on these plans related to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground and the location of all excavations approved by the Zoning Inspector before construction is started.

**C. CERTIFICATE OF HEALTH OFFICER:** In every case where the lot is not provided and is not proposed to be provided with public water supply and-or the disposal of sanitary wastes by means of public sewers the application shall be accompanied by a Certificate of Approval by the responsible Health Officer of the Proposed method of water supply and-or disposal of sanitary wastes.



**D. ZONING CERTIFICATE:**

1. Use Prohibited Without Zoning Certificate: It shall be unlawful for any owner, lessee or tenant to use or to 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 Certificate, which may be a part of the building permit, shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises or part thereof, and the proposed use thereof are in conformity with the provisions of this Ordinance.

It shall be the duty of the Zoning Inspector to issue a Zoning Certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this Ordinance. Such certificate shall be valid for not more than twelve (12) months unless specific permission for a longer period is granted by the Village Planning Commission or acceptable progress has been made on the construction of the structure in question.

2. Certificate of Occupancy: It shall be unlawful for any owner, lessee or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged unless a certificate of occupancy shall have been issued by the Zoning Inspector after inspection. Such certificate of occupancy shall show and certify that such building, structure or premises has been constructed, altered or improved in compliance with the provisions of this Ordinance, the Building Code and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Appeals or other proper authority.
3. Excavating - Permit: No permit for excavation or construction shall be issued by the Zoning Inspector, unless the plans, specifications and the intended use conform to the provisions of this Ordinance.

**E. INSPECTOR TO ACT WITHIN 30 DAYS:** The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Ordinance within thirty (30) days after they are filed in full compliance with all the applicable requirements. he shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefore. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a Zoning Certificate, unless the applicant consents to an extension of time.

**F. FEES:** Fees shall be charged in accordance with orders and directions of the Village Council.

- G. VIOLATIONS AND PENALTIES:** It shall be unlawful to locate, erect construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of this Ordinance, or any amendment or supplement thereto adopted by the Board of County Commissioners of Knox County. Any person, firm, or corporation, violating any of the provisions of this Ordinance, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00); each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, shall be deemed to be a separate offense.
- H. VIOLATIONS - REMEDIES:** In case any building is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto the Board of County Commissioners the County Prosecutor or Zoning Inspector, or any adjacent or neighboring property owner who would be especially 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, conversion, maintenance, or use to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

## **BOARD OF ZONING APPEALS**

- A. APPOINTMENT:** A Board of Zoning Appeals as constituted at the time of enactment of this Ordinance shall continue in power. The Board shall consist of five citizens of Fredericktown, appointed By the Mayor, with the consent of the Village Council for terms of six years, except that of those first appointed one shall serve for two years, two for four years and two for six years. Vacancies shall be filled in the same manner for the unexpired terms. Members of the Board shall serve until their successors are appointed and qualified. Members of the Board shall be removable for cause upon written charges and after public hearings.
- B. PROCEDURE:** The Board shall organize and elect a Chairman, Vice-Chairman and Secretary from its membership. The Board shall then adopt rules for its own government in accordance with this Ordinance. Meetings shall be held at the call of the Chairman and at such times as the Board deems advisable. The Chairman, or in his absence the Vice-Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Secretary shall keep minutes of the proceedings, indicating the vote of each member on each question, or if absent or failing to vote, so note. Also, the Secretary shall keep records of the Board's examinations and other official actions, all of which are to be immediately filed in the office of the Board and become public record. Finally, the Secretary shall conduct all official correspondence and supervise the clerical work of the Board.
- C. QUORUM, ETC.:** Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision or determination of the Board from which there has been an appeal, except in the event that only three members of the Board are present at the meeting, their unanimous vote shall be sufficient for action.
- D. ASSISTANCE:** The Secretary of the Board may call upon the Fredericktown Planning Commission or other Village Departments for assistance in the performance of the duties of the Board.
- E. APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS:**
1. Applications - When and By Whom Taken: An application, in cases on which the Board has original jurisdiction under the provisions of this Ordinance may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such applications shall be filed with the Zoning Inspector who shall transmit same to the Secretary of the Board.

2. Secretary - Report: The Secretary shall investigate the application and submit a report thereon, together with his recommendations, to the Board.
3. Appeals - When and By Whom Taken: An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision, by filing with the Zoning Inspector and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.
4. Secretary - Report: The Secretary shall investigate the appeal and submit a report thereon, together with his recommendations to the Board.
5. Hearings: The Board shall fix a reasonable time for the hearing of the application or appeal and shall give written notice of said hearing to the parties in interest, including all property owners within 200 feet of the property in question. Each application or appeal shall be accompanied by a check, payable to the Clerk of the Village of Fredericktown, or a cash payment, sufficient in amount to cover the cost of publishing and or posting, and mailing the notices of the hearing or hearings, but in no event shall it be less than twenty (\$20.00) dollars. At the hearing, any party may appear in person or be represented by agent or attorney.

**F. APPEAL FROM DECISIONS OF THE BOARD:** Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department or bureau of the Village may present to the Court of Common Pleas of Knox County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court with in thirty (30) days after the filing of the decision in the office of the Board of Appeals. Any such case shall be heard and determined by the Court without a jury.

1. Decisions of the Board: The Board shall decide all applications and appeals within thirty (30) days after the date of notice of the required hearing thereon. A decision of the Board shall not become final until the expiration of five (5) days from the date of such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
2. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board after notice of appeal shall have been filed with him, that by reasons of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court of Common Pleas of Knox County on application, on notice to the Zoning Inspector, or by judicial proceedings, and on due cause shown.

**G. POWERS OF THE BOARD OF ZONING APPEALS:**

1. Conditional Uses, Special Exceptions and Interpretation of Zoning Map: The Board shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications, filed as herein before provided, for conditional uses, special exceptions or for interpretation of the Zoning Map, or for decision upon other special questions upon which the Board is authorized to pass by this Ordinance. In considering an application for a conditional use, a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Ordinance for the particular conditional use or special exception - as the Board may deem necessary for the protection of adjacent properties and the public interest.
2. Other Conditional Uses: In addition to permitting the conditional uses and special exceptions here in before specified, the Board shall have the power to permit the following conditional uses and special exceptions:
  - a. Nonconforming Uses - Substitutions: The substitution of a nonconforming use existing at the time of enactment of this Ordinance, by another nonconforming use, if no structural alterations, except those required by law or resolution, are made; provided, however, that in any R-District no change shall be made by the Board to any use which is not a principal permitted or conditional use in any R-District and in a B-District no change shall be authorized to any use which is not a permitted principal or conditional use in any B-District.
  - b. Temporary Structures and Uses: The Board may authorize the temporary use of a structure or premise in any District for a purpose or use that does not conform to the regulations prescribed elsewhere in this Ordinance for the District in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

- H. INTERPRETATION OF ZONING ORDINANCE AND MAP:** Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any question as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the Ordinance, a request for interpretation of the Zoning Map or the textual

provision in question may be made to the Board and a determination shall be made by said Board.

**I. ADMINISTRATIVE REVIEW AND VARIANCES:** The Board shall have the power to hear and decide appeals, filed as hereinbefore provided, where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, grant or refusal made by the Zoning Inspector or other administrative official in the enforcement and interpretation of the provisions of this Ordinance.

1. Variations - Literal Enforcement Would Create Undue Hardship: The Board shall have the power to authorize upon appeal in specific cases, filed as herein before provided, such variations from the terms, provisions or requirements of this Ordinance as will not be contrary to the public interest; provided, however, cases where, owing to special and unusual conditions pertaining to a specific piece of property the literal enforcement of the provisions or requirements of this Ordinance would result in practical difficulty or undue hardship, so that the spirit of the Ordinance shall be upheld, public safety and welfare secured and substantial justice done.
2. Variance - Conditions Prevailing: Whereby reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulty or would cause unnecessary hardship -unnecessary to carry out the spirit and purpose of this Ordinance the Board shall have the power to authorize a variance from the terms of this Ordinance, so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary to enforce compliance with the conditions attached.
3. Variance - Findings of the Board: No such variance, or the provisions or requirements of this ordinance shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all the following facts and conditions exist.
4. Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district.

5. Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
6. Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Ordinance or the public interest.
7. Not of General Nature: no grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought is not of so general or recurrent a nature as to make reasonable practicable the formulation of a general regulation for such condition or situation.
8. Variances - Board May Reverse Orders, etc.: In exercising its power, the Board may, in conformity with the provisions of statutes and of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Office from whom the appeal is taken.

## **DISTRICT CHANGES AND REGULATION AMENDMENTS**

- A. COUNCIL MAY AMEND ORDINANCE:** Whenever the public necessity, convenience, general welfare or good zoning practices require, the Village Council may, by ordinance, after recommendation thereon by the Village Planning Commission and subject to the procedure provided in this Section, amend, supplement, or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification of change may be initiated by the Commission on its own motion, or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this Ordinance.
- B. PROCEDURE FOR CHANGE:** Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, and for regulation amendments, shall be submitted to the Planning Commission, at its public office, upon such forms, and all shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include in any event a plat or map drawn to a scale of not more than one hundred (100) feet to the inch showing the and in question, its location, the length and location of each boundary thereof, the location of existing use of all buildings and the principal use of all properties within three hundred (300) feet of such land. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the Commission itself shall be accompanied by its own motion pertaining to such proposed amendment.
1. List of Property Owners: Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within three hundred (300) feet of any part of the exterior boundaries of the premises of the zoning classification of which is proposed to be changed.
- C. COMMISSION HEARING, NOTICE:** Before submitting its recommendations to the Village Council, the Planning Commission shall hold at least 1 public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in the city at least ten (10) days before the date of such hearing.



- D. COUNCIL HEARING:** After receiving from the Commission the certification of said recommendations on the proposed amendment or supplement, and before adoption of such amendment, the Council shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by publication in a newspaper of general circulation in the city.

If the proposed ordinance amendment intends to rezone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk, by first-class mail, at least twenty (20) days before the date of the public hearing to the owners of the property across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list.

1. Council-Final Action: Following such hearing and after reviewing the recommendations of the Commission thereon, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. The Council may overrule the recommendations of the Commission by three-fourths (3/4) vote of the full membership of the Council.

- E. MAP CHANGE PENDING-ZONING CERTIFICATE, BUILDING PERMIT:** Whenever the Council has taken under advisement a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, as evidence by resolution of record, no zoning certificate or building permit shall be issued within sixty (60)' days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated redistricting plan.

- F. FEES:** Each application for a zoning amendment, except those initiated by the Commission, shall be accompanied by a check payable to the Clerk of the Village of Fredericktown, or a cash payment in an amount to be determined by the Commission sufficient to cover the costs of publishing, posting and or mailing notice of hearings, but in no event shall it be less than thirty (30) dollars.

### **SEVERABILITY AND REPEAL**

- A. SEVERABILITY:** In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance.
- B. AUTHENTICATION:** The Village Fiscal Officer of the Village of Fredericktown, Ohio, is hereby ordered and directed to certify to the passage of this Ordinance. This Ordinance shall be in effect and be in force from and after its passage, approval and publication.
- C. CONFLICTING ORDINANCES:** In the interpretation and application of this Ordinance, the provisions contained herein shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety, and general welfare. In case of any conflict between this Ordinance, or any part thereof, and the whole or part of any existing or future private covenants or deeds, the most restrictive shall, in all cases, apply.

Council declares this to be an emergency ordinance necessary for the preservation of the public, peace, health and safety, such emergency arising out of the present probability of major construction of buildings requiring additional water, sewer, police, fire and street services and thereby causing an emergency and in order to provide proper and adequate services eliminate said emergency the foregoing legislation is needed without undue delay; wherefore this ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

\_\_\_\_\_  
Roger D. Reed  
Mayor, Village of Fredericktown, Ohio

\_\_\_\_\_  
David Glass  
President, Village Council

\_\_\_\_\_  
Attest: Pat Stelzer, Fiscal Officer

Date: \_\_\_\_\_, 2007

# TABLES

1 - 3

TABLE 1: PERMITTED AND CONDITIONAL USES

District	Permitted Uses	Conditional Uses Requiring Zoning Board of Appeals Approval
C-1 Conservation District	Agricultural and forestry, Noncommercial recreational facility, Water conservation works, Accessory uses and buildings	Commercial recreation facilities Commercial Mining Sewage disposal facilities
AG - Agricultural District	Agricultural uses, commercial grain storage, nurseries & greenhouses; One-family residential dwellings (home occupations - Section 304.25); Community buildings, utility and service systems buildings and lands, public buildings, picnic grounds religious educational, or charitable institutions. Unlighted signs notifying of sale, rental or lease or sale of farm goods or announcing meeting time and place of civic organizations.	Real estate professional and small announcement signs - Section 304.19 Quarrying and mining of natural resources, clean fill dumps, subject to Section 304.20 and all other codes and ordinances. Cemeteries.
R-1 Single- Family Residential District	Single family dwellings Churchs, playgrounds and public services. Home occupation - Section 304.02 and Section 304.25 Home occupation parking - Section 304.16 Signs - Section 304.19 Unlighted real estate signs, home occupation signs and public buildings or church signs or bulletin boards. Accessory uses	Utility substations and pump houses Community centers, schools, libraries, parks, cemeteries, and utility office buildings.
R-2 Single- Family Residential District	Single family dwellings, Two family dwellings, Common wall homes Churchs, playgrounds and public services. Home occupation - Section 304.02 and Section 304.25 Home occupation parking - Section 304.16 Signs - Section 304.19 Unlighted real estate signs, home occupation signs and public buildings or church signs or bulletin boards. Accessory uses	With Planning Commission permission Utility substations and pump houses Community centers, schools, libraries, parks, cemeteries, and utility office buildings.

TABLE 1: PERMITTED AND CONDITIONAL USES

District	Permitted Uses	Conditional Uses Requiring Zoning Board of Appeals Approval
R-3 Multi-Family Residential District	<p>Single family dwellings            Churches, playgrounds and public services.            Home occupation - Section 304.25            Home occupation parking - Section 304.18            Signs - Section 304.19            Unlighted real estate signs, home occupation signs and public buildings or church signs or bulletin boards.            Two family dwellings            Multi-family dwellings, Bed and Breakfasts Homes, and lodging houses.            Accesory uses</p>	<p>With Planning Commission permission            Utility substations and pump houses            Community centers, schools, libraries, parks, cemeteries, and utility office buildings.            Two-family dwellings.            Hotels and Motels            Funeral homes            Clubs, lodges, rest homes, clinics            Accesory uses</p>
P-1 District- Public Semi-Public	<p>Colleges, universities, hospitals and major public and private instutions.            Churches, schools, libraries, parks and playgrounds,            All facilities associated with above facilities.            Signs Section 304.18</p>	<p>Utility substations and pump houses            Community centers, schools, libraries, parks, cemeteries, and utility office buildings.            All residential dwellings not associated with the District            Signs - Section 304.19</p>
B-1 Central Business District on Main St.	<p>Retail outlets: furniture, department, clothing, shoe, and variety stores, hardware, appliance, paint, and wallpaper stores.            Food, drug, and beverage: grocery stores, supermarkets, meat markets, drug stores, and bakeries in conjunction with retail sales, restaurants, tea rooms, and taverns.            Specialty shops: gift shops, magazine, book and stationary outlets, florist shops, camera, and photography shops, and sporting goods.            Service and recreation: laundromat, dry cleaning, and laundry pick-up stations, barber and beauty shops, shoe repair and mortuaries.</p>	<p>No first floor residential uses and/or overnight accommodations on the first floor.</p>

TABLE 1: PERMITTED AND CONDITIONAL USES

District	Permitted Uses	Conditional Uses Requiring Zoning Board of Appeals Approval
B-1 Central Business District on Main St. - Continued	<p>Business and professional offices: medical and dental offices and clinics, law offices, insurance and real estate offices; banks, finance, and utility companies.</p> <p>Automotive and related uses: gasoline and service stations, motorcycle and bicycle shops, and cab stands.</p> <p>Accessory Uses or Buildings.</p> <p>Business and advertising signs in accordance to section 304.18</p> <p>No first floor residential uses and/or overnight accommodations on the first floor shall be permitted in any buildings within the B-1 Central Business District.</p>	
B-2 General Business District	<p>Any use permitted in a residential district.</p> <p>Any use permitted in B-1</p> <p>Business and advertising signs in accordance to section 304.18</p>	
B-3 ByPass Business District	<p>Any use permitted in B-2</p>	
M-1 Manufacturing District	<p>See B-3 except residential dwellings</p> <p>Warehousing and storage</p> <p>Manufacturing and processing of small items</p>	<p>Manufacturing not listed in permitted uses Section - 304.14 free from objectionable odors, fumes, dirt, vibration or noise detectable at property line.</p> <p>Special exceptions Section 304.14</p>
PND	<p>Single Family Residence, Two Family Residence, Residential Condominiums, Accessory Uses and Buildings and signs as permitted in Section 304.19.</p>	<p>With exception of single family dwellings, permitted uses in the R-1 Single Family District, Conditional uses in the R-1 Single Family District, Private swimming pools for the exclusive use of residents of the PND and their guests, and Violation of conditional use as approved shall be grounds for revocation of the conditional use permit.</p>

**TABLE 2: BASIC YARD, AREA AND HEIGHT REQUIREMENTS FOR DWELLINGS**

District	Minimum Lot Width (in ft.):	Minimum Lot Area	Minimum Front Yard Depth (in ft.)	Minimum Rear Yard Width (in ft.)	Minimum Side Yard Width Both Sides (in feet)	Maximum Height of Buildings: Stories	Maximum Height of Buildings in Feet	Corner Lots (Street Sides)/Side Yards
C-1 Conservation	None		35	15	15		30	
AG - Agricultural	120/250	1/5 acres	50	50	25	2 1/2	30	50/25
R-1 Residential	75	9,000 sq. ft.	25 minor st /35 major st	30	8'min/18'total	2 1/2	30	(25/35)/ 8'min/18'tot
R-2 Residential 1 family/2 family	70/75	8,000/9,000 sq. ft.	20 minor st /30 major st	25	8	2 1/2	30	(20'/30')/ 8'min/25'tot
R-3 Residential								
Single-Family Dwelling	60	6000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2 1/2	30	(20'/30')/ 8'min/25'tot
Two-Family Dwelling	70	7000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2 1/2	30	(20'/30')/ 8'min/25'tot
Three-Family Dwelling	80	8000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2 1/2	30	(20'/30')/ 8'min/25'tot
Multi-Family Dwelling ( add per unit beyond 3)	10	2000 sq. ft.	As required by Planning Commission			2 1/2	30	
Accessory structure	Also see Section 304.21					2	30	
Lot Coverage in R-3	Maximum lot coverage shall not be more than 50% of lot for structure, parking, garage, carports and accessory buildings.							
P- 1 Public	As required by Planning Commission but no less than R-3 Districts		35	35	35		50	(35')/ 8'min/25'tot



**TABLE 2: BASIC YARD, AREA AND HEIGHT REQUIREMENTS FOR DWELLINGS**

District	Minimum Lot Width (in ft.):	Minimum Lot Area	Minimum Front Yard Depth (in ft.)	Minimum Rear Yard Width (in ft.)	Minimum Side Yard Width Both Sides (in feet)	Maximum Height of Buildings: Stories	Maximum Height of Buildings in Feet	Corner Lots (Street Sides)/Side Yards
B-1 Commercial	None	None	None	20	0/8	3	40	None
B-2 Commercial	None	None	30	20	5'min/25'total	2	30	
Residential								
Single-Family Dwelling	60	6000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2	30	(20'/30')/8'min/25'tot
Two-Family Dwelling	70	7000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2	30	(20'/30')/8'min/25'tot
Three-Family Dwelling	80	8000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2	30	(20'/30')/8'min/25'tot
Multi-Family Dwelling ( add per unit beyond 3)	10	2000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2	30	(20'/30')/8'min/25'tot
B-3 Commercial	None	None	30	20	5'min/25'total	2	30	
Residential	60	6000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2	30	(20'/30')/8'min/25'tot
Single-Family Dwelling	60	6000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2	30	(20'/30')/8'min/25'tot
Two-Family Dwelling	70	7000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2	30	(20'/30')/8'min/25'tot
Three-Family Dwelling	80	8000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2	30	(20'/30')/8'min/25'tot

**TABLE 2: BASIC YARD, AREA AND HEIGHT REQUIREMENTS FOR DWELLINGS**

District	Minimum Lot Width (in ft.):	Minimum Lot Area	Minimum Front Yard Depth (in ft.)	Minimum Rear Yard Width (in ft.)	Minimum Side Yard Width Both Sides (in feet)	Maximum Height of Buildings: Stories	Maximum Height of Buildings in Feet	Corner Lots (Street Sides)/Side Yards
District	Minimum Lot Width (in ft.):	Minimum Lot Area	Minimum Front Yard Depth (in ft.)	Minimum Rear Yard Width (in ft.)	Minimum Side Yard Width Both Sides (in feet)	Maximum Height of Buildings: Stories	Maximum Height of Buildings in Feet	Corner Lots (Street Sides)/Side Yards
Planned Neighbor District	None - unless Single Family Development - Then conform to R-1 Single Family requirements.	None	None	None	None	2	30/35	
Multi-Family Dwelling ( add per unit beyond 3)	10	2000 sq. ft.	20 minor st /30 major st	25	5'min/15'total	2	30	(20'/30')/ 8'min/25'tot
M-1 Manufacturing	150	1 acre	50	50	30/50	2	40	

TABLE 3: FLOOR AREA REQUIREMENTS		
District	Min. 1st floor	Total Min.
<b>C-1 Conservation</b>		
<b>AG - Agricultural</b>		
One Story Single Dwelling	1,100	1,100
1 1/2 Story Single Dwelling	900	1,200
Two Story Single Dwelling	750	1,400
Split Level Single Dwelling	500	1,600
<b>R-1 Residential</b>		
One Story Single Dwelling	1,100	1,100
1 1/2 Story Single Dwelling	900	1,200
Two Story Single Dwelling	750	1,400
Split Level Single Dwelling	500	1,600
<b>R-2 Residential</b>		
One Story Single Family Dwelling	1,000	1,000
1 1/2 Story Single Family Dwelling	900	1,200
Two Story Single Family Dwelling		1,500
Split Level Single Family Dwelling	500	1,600
Two Family Dwelling		
One Floor Plan (per residence)	850	850
Two Floor Plan (per story)	450	450
<b>R-3 Residential</b>		
One Story Single Family Dwelling		960
1 1/2 Story Single Family Dwelling	750	1,050
Two Story Single Family Dwelling	675	1,200
Split Level Single Family Dwelling		1,400
Two Family Dwelling		
One Floor Plan (per unit)	750	750
Two Floor Plan (per unit)	450	900
<b>Multiple Family Dwelling</b>		
Per unit - for one bedroom unit		500
Add for each additional bedroom		120
<b>P- 1 Public</b>		
<b>B-1 Commercial</b>		
Residential	See R-3	See R-3
Commercial		
<b>B-2 Commercial</b>		
Residential	See R-3	See R-3
<b>B-3 Commercial</b>		
Residential 3 Family Units or more	See R-3	See R-3
PND/Single/Two Family/Multiple Family or Single Family Development	None/ See R-1	1000/900/800 See R-1
<b>M-1 Manufacturing</b>		

# Fredericktown Zoning Map

