



# **Village of Fredericktown, Ohio Zoning Code – PUBLIC HEARING DRAFT**

December 1, 2022

## Table of Contents

<b>Chapter 701: General Provisions .....</b>	<b>1</b>
701.01 Title .....	1
701.02 Purpose .....	1
701.03 Scope and Authority .....	1
701.04 Effective Date .....	2
701.05 Applicability .....	2
701.06 Interpretation and Conflicts .....	2
701.07 Relationship with Third-Party Private Agreements .....	2
701.08 Severability .....	3
701.09 Transitional Rules .....	3
701.10 Restoration Of Unsafe Buildings .....	4
701.11 Use Of Graphics, Tables, Illustrations, Figures, and Cross-References .....	4
701.12 Burden of Proof .....	4
<b>Chapter 702: Zoning Districts and Principal Uses .....</b>	<b>6</b>
702.01 Purpose .....	6
702.02 Zoning Districts Established .....	6
702.03 Zoning Map and Zoning District Boundaries .....	6
702.04 District Purpose Statements .....	7
702.05 Allowed Principal Uses .....	9
702.06 Use-Specific Standards .....	14
702.07 Lot and Principal Building Regulations .....	22
<b>Chapter 703: Planned Neighborhood Districts.....</b>	<b>33</b>
703.01 Purpose .....	33
703.02 Scope and Applicability.....	33
703.03 PND Review Procedure .....	33
703.04 Review Criteria .....	34
703.05 Time Limit.....	35
703.06 Modification to an Approved PND .....	35
703.07 Revocation .....	36
703.08 Permitted Uses .....	36
703.09 Development Standards .....	37
<b>Chapter 704: Accessory and Temporary Uses.....</b>	<b>40</b>
704.01 Accessory Use and Structure Regulations .....	40
704.02 Temporary Use Regulations .....	53
<b>Chapter 705: Fences and Walls .....</b>	<b>58</b>
705.01 Zoning Certificate Required .....	58
705.02 General Requirements.....	58
705.03 Prohibited Fences.....	59
705.04 Measurement.....	59
705.05 Front Yard Fences and Walls .....	60
705.06 Side and Rear Yard Fences and Walls .....	60
705.07 Nonconforming Fences and Walls .....	60

<b>Chapter 706: Performance Standards</b>	<b>61</b>
706.01 Fire Hazards	61
706.02 Radioactivity or Electrical Disturbance	61
706.03 Noise	61
706.04 Vibration	61
706.05 Smoke	61
706.06 Odors	61
706.07 Air Pollution	61
706.08 Glare	61
706.09 Erosion	61
706.10 Water Pollution	62
706.11 Vision Clearance at Intersections	62
706.12 Dumpster Locations	63
706.13 Excavation	63
706.14 Enforcement Provisions	63
<b>Chapter 707: Downtown Design Standards</b>	<b>64</b>
707.01 Applicability	64
707.02 Standards for Exterior Renovations of Existing Buildings	64
707.03 New Construction or Additions	65
<b>Chapter 708: Landscaping and Screening</b>	<b>68</b>
708.01 Purpose	68
708.02 Applicability	68
708.03 Minimum Materials and Standards	68
708.04 Perimeter Parking Lot Screening	69
708.05 Screening	70
708.06 Maintenance	72
<b>Chapter 709: Parking, Access, and Connectivity</b>	<b>73</b>
709.01 Purpose	73
709.02 Applicability	73
709.03 General Requirements	73
709.04 Off-Street Parking Standards	75
709.05 Off-Street Loading	79
709.06 Stacking Space Requirements	80
709.07 Parking and Storage of Recreational Vehicles in Residential Districts	81
709.08 Driveways	82
709.09 Sidewalks	84
709.10 Sidewalk Connections to a Right-of-Way	86
<b>Chapter 710: Signs</b>	<b>88</b>
710.01 Purpose	88
710.02 Applicability	88
710.03 Zoning Review Requirements	88
710.04 Prohibited Sign Types	90
710.05 Sign Measurements and Computations	90
710.06 General Regulations	94
710.07 Signs Permitted in PND Districts	96
710.08 Permanent Signs in Agricultural, Conservation, and Residential Districts	96
710.09 Permanent Signs in Nonresidential Zoning Districts	97

710.10 Temporary Signs .....	100
710.11 Nonconforming Signs .....	102
710.12 Signs in Violation .....	102
<b>Chapter 711: Administration and Enforcement.....</b>	<b>103</b>
711.01 Purpose .....	103
711.02 Review Authority Names, References, and Delegation.....	103
711.03 Village Council.....	103
711.04 Review Boards .....	103
711.05 Zoning Inspector .....	106
711.06 Common Review Requirements .....	107
711.07 Code Text and Map Amendments .....	113
711.08 Variances and Conditional Uses .....	115
711.09 Site Plan Review .....	118
711.10 Zoning Certificate .....	121
711.11 Appeals .....	124
711.12 Interpretation of the Code .....	125
711.13 Enforcement and Penalties.....	125
<b>Chapter 712: Nonconformities .....</b>	<b>128</b>
712.01 Purpose .....	128
712.02 General Provisions .....	128
712.03 Nonconforming Uses .....	129
712.04 Nonconforming Structures and Sites .....	130
712.05 Nonconforming Lots of Record .....	131
712.06 Nonconforming Signs .....	131
712.07 Nonconforming Fences and Walls .....	131
712.08 Repair and Maintenance.....	132
<b>Chapter 713: Definitions .....</b>	<b>133</b>
713.01 General Rules of Interpretation .....	133
713.02 Definitions.....	134

## Chapter 701: General Provisions

### 701.01 Title

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These regulations shall be known, and may be cited and referred to as, the “Zoning Code of the Village of Fredericktown, Knox County, Ohio”, or may be referred to as the “zoning code,” or the “code.”

### 701.02 Purpose

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It is the purpose of this zoning code to promote and protect the public health, safety, comfort, convenience, and general welfare of the people of Fredericktown through the establishment of minimum regulations governing the development and use of land, structures, and buildings. Furthermore, the intent of these regulations is:

- (a) To implement the Fredericktown Strategic Plan and other policies or plans adopted by the Village as it relates to the development of land;
- (b) To encourage and facilitate orderly, efficient, and appropriate growth and development;
- (c) To preserve the character and quality of residential neighborhoods and business activity areas;
- (d) To protect private investment into properties and the resulting property values;
- (e) To establish appropriate development density and intensity in order to prevent or reduce congestion and to secure the economy in the cost of providing water supply systems, electricity, sewerage systems, streets, and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services;
- (f) To provide for adequate access to all areas of the Village by people of all abilities and by varied modes of transportation;
- (g) To improve the quality of life through protection of the Village’s total environment, including, but not limited to, the prevention of air, water and noise pollution;
- (h) To protect residential, business, commercial and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses without limiting the potential for the mixture of compatible uses;
- (i) To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage; and
- (j) To foster a more rational pattern of relationship between agricultural, conservation, residential, business, commercial industrial and institutional uses for the mutual benefit of all.

### 701.03 Scope and Authority

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#### (a) General Authority and Scope

- (1) The authority for the preparation, adoption, and implementation of this code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permits the adoption of uniform rules and regulations governing the zoning and subdivision of land.
- (2) Nothing in this code shall be construed to limit Village Council in the exercise of all of its powers to zone or redistrict now or hereafter authorized by the Ohio Constitution or Ohio statutes.

**(b) References to the Ohio Revised Code (ORC) or the Ohio Administrative Code (OAC)**

Whenever any provision of this code refers to or cites a section of the ORC (as amended) or the OAC (as amended), and that section is later amended or superseded, this code shall be deemed amended to refer to the amended section, or the section that most nearly corresponds to the superseded section.

**701.04 Effective Date**

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This code was originally adopted by Village Council through Ordinance 2007-03, as amended.

**701.05 Applicability**

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- (a)** The provisions of this code shall apply to all land, buildings, structures, and uses of land, buildings, and structures, or portions thereof, located within the municipal boundaries of the Village of Fredericktown in Knox County, Ohio. The provisions of this code are the minimum requirements adopted to meet the purposes of this code as established in Section [701.02](#).
- (b)** The regulations established for each district in this code shall apply uniformly to each class or type of use, land, building, or structure, unless modified, varied or waived as provided herein.
- (c)** No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

**701.06 Interpretation and Conflicts**

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**(a) Interpretation of Provisions**

The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

**(b) Conflict with Other Public Laws, Ordinances, or Regulations**

This code is intended to complement other Village, State, and Federal regulations that affect land use and the division of land. Unless otherwise specifically stated, this code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

**(c) Repeal of Conflicting Ordinance**

All ordinances, or parts of ordinances in conflict with this code, or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

**701.07 Relationship with Third-Party Private Agreements**

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- (a)** This code is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.
- (b)** Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.

- (c) In no case shall the Village be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the Village is a named party in and has been granted the right to enforce the provisions of such agreement.

### **701.08 Severability**

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- (a) If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.
- (b) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.
- (c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

### **701.09 Transitional Rules**

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(a) **Purpose**

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this code amendment.

(b) **Violations Continue**

- (1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under Section [711.13](#) unless the use, development, construction, or other activity complies with the provisions of this code.
- (2) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this code.

(c) **Nonconformities Continue**

- (1) Any nonconformity that was legally established and that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous zoning code continues to exist. All such nonconformities shall be controlled by [Chapter 712: Nonconformities](#).
- (2) If a legally established nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.
- (3) Any nonconformity that was not legally established in accordance with the provisions of this code shall not be protected and is considered a violation of this code.

(d) **Processing of Applications Commenced or Approved Under Previous Regulations**

(1) **Pending Projects**

- A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the Village.

- B.** If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire and subsequent applications shall be subject to the requirements of this code.
- C.** Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- D.** An applicant with a pending application may waive review available under prior regulations and request review under the provisions of this code by requesting such waiver, in writing, to the Planning Commission.

**(2) Approved Projects**

- A.** Approved zoning certificates, variances, certificates of appropriateness, conditional uses, or other approved plans or permits that are valid on the effective date of this code shall remain valid until their expiration date, where applicable.
- B.** Any building or development for which a permit or certificate was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit or certificate remains valid.
- C.** If the development for which the permit or certificate is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

**(e) Vested Rights**

The transitional rule provisions of this section are subject to Ohio's vested rights laws.

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**701.10 Restoration Of Unsafe Buildings**

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Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

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**701.11 Use Of Graphics, Tables, Illustrations, Figures, and Cross-References**

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- (a)** Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- (b)** In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (c)** A table shall be considered text for the purposes of this code unless specifically identified as a figure.

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**701.12 Burden of Proof**

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- (a)** The burden of demonstrating that an application, development, structure, or use of land or structures subject to this code complies with applicable review and approval standards is on the applicant.
- (b)** Such burden of proof shall also apply to demonstrating that the nonconformity was established legally under a previous amendment of this code.
- (c)** The burden is not on the Village or other parties to demonstrate that the standards have been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this code.





## Chapter 702: Zoning Districts and Principal Uses

### 702.01 Purpose

The purpose of this section is to set out the individual purpose statements for each of the Village's zoning districts as well as the list of uses that are allowed within each zoning district. The uses are either prohibited or allowed, and where they are allowed, they may be permitted, permitted with additional standards, or conditionally permitted with additional review. Finally, this chapter includes use-specific standards for a variety of uses that apply to those uses alone in addition to all other applicable standards of this code.

### 702.02 Zoning Districts Established

- (a) The Village hereby establishes the zoning districts in [Table 702-1](#) to carry out the purposes of this code and to assist in the implementation of the adopted plans and policies. All such regulations are uniform for each class or kind of building, structure, or use throughout each individual district.

TABLE 702-1: ZONING DISTRICTS	
Abbreviation	District Name
R-1	Single-Family Residence District
R-1A	Single-Family Residence District
R-2	Two-Family Residence District
R-3	Multi-Family Residence District
MHP	Mobile Home Park District
B-1	Central Business District
B-2	General Business District
B-3	Bypass Business District
M-1	Manufacturing District
C-1	Conservation District
AG	Agricultural District
P-1	Public/Semi-Public District
PND	Planned Neighborhood District

- (b) Whenever the abbreviated terms such as R-1, R-1A, B-1, AG, P-1, or PND are used in this code, they shall be construed as referring to their corresponding district name.

### 702.03 Zoning Map and Zoning District Boundaries

#### (a) Zoning Map

All land within the Village of Fredericktown shall be placed into at least one of the zoning districts established in [Table 702-1](#). Such zoning shall be shown on the Zoning Map of Village of Fredericktown, Ohio, hereafter referred to as the "zoning map." The zoning map, including any notations, references, data, and other information shall be incorporated and made a part of this code and shall remain on file in the office of the Village Clerk.

#### (b) Interpretation of Zoning District Boundaries

The zoning districts boundary lines on the zoning map are generally intended to follow either the center of a street right-of-way, alley, or lot line. Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules apply:

- (1) Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
  - (2) Where zoning district boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.
  - (3) Where zoning district boundary lines are indicated as approximately following the Village limits, such Village limits shall be the zoning district boundary.
- (c) **Zoning of Vacated Properties**
- Whenever any street, alley, or other public way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.
- (d) **Zoning of Annexed Territories**
- All territory which may hereinafter be annexed to the Village, if already zoned, shall be continued in its existing zoning classification until amended in conformance with the procedures outlined in Section [711.07](#).

#### **702.04 District Purpose Statements**

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In addition to the overall purpose of this code, as established in Section [701.02](#), the following are the purpose statements for the individual zoning districts in the Village of Fredericktown. The purpose statement for Planned Neighborhood Districts is established in [Chapter 703: Planned Neighborhood Districts](#).

- (a) **Single-Family Residence District (R-1)**
- The purpose of the R-1 Single-Family Residence District is to provide an area for single-family residential uses and those public and institutional uses normally considered an integral part of the residential neighborhoods they serve.
- (b) **Single-Family Residence District (R-1A)**
- The purpose of the R-1A Single-Family Residence District is to provide an area for single-family residential uses and those public and institutional uses normally considered an integral part of residential neighborhoods they serve. The R-1A more specifically establishes a form of residential density that is higher than the R-1 District and is located in neighborhoods surrounding Downtown Fredericktown.
- (c) **Two-Family Residence District (R-2)**
- The purpose of the R-2 Two-Family Residence District is to provide an area for residential uses and those public and institutional uses normally considered an integral part of the residential the neighborhoods they serve.
- (d) **Multi-Family Residence District (R-3)**
- The purpose of the R-3 Multi-Family Residence District is to provide an area for residential uses and those public and institutional uses normally considered anintegral part of the neighborhoods they serve.

**(e) Mobile Home Parks District (MHP)**

- (1)** The purpose of MHP Mobile Home Parks District is to protect existing mobile home parks within the Village of Fredericktown and allow for their continuation as a conforming use while prohibiting the creation of new mobile home parks. Manufactured housing will continue to be allowed in Fredericktown when they meet the requirements of permanently sited manufactured homes within this section.
- (2)** After the effective date of this code, no new MHP Districts may be established in the Village of Fredericktown.
- (3)** Any modifications to an approved plan for an existing mobile home park shall be subject to review and approval by the Planning Commission as part of a site plan review process.
- (4)** All mobile home parks shall comply with all applicable requirements of the Ohio Administrative Code, the Ohio Public Health Council, and the Ohio Revised Code.
- (5)** Whenever any manufactured home, mobile home, trailer, or other dwelling unit in a manufactured home park is removed and replaced, the replacement manufactured homes, mobile home, trailer, or dwelling unit shall only be permitted if it is no older than 10 years old, from date of manufacture, when placed on the lot. Such units shall comply with all other applicable requirements of the district.

**(f) Central Business District (B-1)**

The purpose of the B-1 Central Business District is to sustain the historic downtown core and to increase its viability by allowing the development and redevelopment of a variety of uses made compatible through the enforcement of design standards. It is intended to allow for a wide mixture of shopping, office, professional services, government and institutional, entertainment, residential, and hospitality uses within a compact, pedestrian oriented environment.

**(g) General Business District (B-2)**

The purpose of the B-2 General Business District is to provide areas for small-scale commercial development designed to provide a range of convenience goods and services to serve the day-to-day needs of those living in the Village.

**(h) Bypass Business District (B-3)**

The purpose of the B-3 Bypass Business District is to provide for a wide range of uses including professional offices, general commercial uses, and larger scale businesses that sell goods and provide services to the general public in a setting that is focused around nonresidential activity areas.

**(i) Agricultural District (AG)**

The purpose of the AG 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.

**(j) Conservation District (C-1)**

The purpose of the C-1 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.

**(k) Public/Semi-Public District (P-1)**

The purpose of the P-1 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.

**702.05 Allowed Principal Uses**

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[Table 702-2](#) establishes the principal uses allowed within the zoning districts in the Village of Fredericktown.

**(a) Explanation of Permitted Uses Table**

**(1) Permitted Uses**

- A.** A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.
- B.** Permitted uses are approved administratively by the Planning Commission through the site plan review process or by the Zoning Inspector through the zoning certificate procedure, unless subject to additional reviews (e.g., variance, etc.).

**(2) Permitted Uses with Standards**

- A.** A “PS” in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 702-2](#). Permitted uses with standards are subject to all other applicable standards of this code.
- B.** Uses permitted with standards are approved administratively by the Planning Commission through the site plan review process or by the Zoning Inspector through the zoning certificate procedure, unless subject to additional reviews (e.g., variance, etc.).

**(3) Conditional Uses**

- A.** A “C” in a cell indicates that a use may be permitted if approved by the Planning Commission through the conditional use review procedure (See Section [711.08](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 702-2](#). Conditional uses are subject to all other applicable standards of this code.
- B.** The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in Section [711.08\(d\)](#).

**(4) Prohibited Uses**

- A.** A blank cell indicates that a use is specifically prohibited in the applicable zoning district.
- B.** Any use not specifically listed in the table shall be considered prohibited unless approved as a similar use (See Section [702.05\(c\)](#).) or through a zoning code amendment.
- C.** Medical marijuana dispensaries are specifically prohibited in the Village of Fredericktown.
- ~~C.~~D.** The raising of livestock is specifically prohibited except as part of a permitted, principal agricultural use in the AG or C-1 District, or chickens or rabbits raised as a permitted accessory use (See Section [704.01](#).)

**(5) Use-Specific Standards**

- A. The column titled “Use-Specific Standards” includes cross-references to a section containing standards that apply specifically to the listed use.
- B. Use-specific standards shall only apply if the use is permitted with standards (PS) and/or a conditional use (C) in the zoning district.
- C. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
- D. The land uses and activities covered by this section shall comply with the applicable use-specific standards in all districts unless otherwise specified, in addition to all other applicable provisions of this code.

**(b) Multiple Uses**

If multiple uses are proposed on a single lot or in a single building, then each of the individual uses has to be allowed in the applicable zoning district and reviewed in accordance with how the individual use is allowed in the district (i.e., permitted, permitted with standards, or conditional use).

**(c) Similar Use Determination and Unlisted Uses**

- (1) The Zoning Inspector may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, or conditional as established in [Table 702-2](#) based on:
  - A. The proposed use activities (number of employees, intensity of use, etc.);
  - B. The character of the proposed use as compared to other uses;
  - C. Amount of traffic generated;
  - D. Similarity to existing uses within the Village; and/or
  - E. Information on the use that may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations.
- (2) If the Zoning Inspector determines that the proposed use is substantially similar to a use established in [Table 702-2](#), the application shall be processed in the same manner as the similar use.
- (3) If the Zoning Inspector makes the determination that a use is not allowed, the application shall not be processed and the application fee shall be returned. Such decision may be appealed to the BZA pursuant to Section [711.11](#).

**(d) Permitted Use Table**

- (1) [Table 702-2](#) lists the principal uses allowed within the zoning districts in the Village of Fredericktown.
- (2) The following uses are permitted in the MHP District:
  - A. Industrialized units;
  - B. Manufactured homes;
  - C. Mobile homes [\(not including recreational vehicles or fifth-wheel trailers\)](#);
  - D. Administrative office uses for leasing, maintenance, or operations of the manufactured homes park; and  
Residential community centers for the benefit of residents of the park.
- (3) [Chapter 703: Planned Neighborhood Districts](#) identifies the uses allowed in a PND District.

TABLE 702-2: ALLOWED PRINCIPAL USES											
P=Permitted Use		PS=Permitted Use with Standards			C=Conditional Use			Blank Cell=Prohibited Use			
Land Uses	Zoning Districts										Use-Specific Standards See Section:
	R-1 & R-1A	R-2	R-3	B-1	B-2	B-3	M-1	AG	C-1	P-1	
Agricultural and Conservation Uses											
Agricultural Use								P	P		
Commercial Grain Storage								P			
Fish and Game Hatcheries or Preserves									P		
Forestry								P	P		
Nurseries and Greenhouses								P			
Residential Uses											
Bed and Breakfast Establishments	C										<a href="#">702.06(a)</a>
Multi-Family Dwelling			P			P					
Permanently Sited Manufactured Home	PS	PS	PS								<a href="#">702.06(b)</a>
Residential Facilities	PS	PS or C	PS or C								<a href="#">702.06(c)</a>
Single-Family Dwelling	P				C			P			<a href="#">702.06(d)</a>
Skilled Nursing or Personal Care Facilities			P		P	P				P	
Three-Family Dwelling			P		C						<a href="#">702.06(d)</a>
Two-Family Dwelling		P			C						<a href="#">702.06(d)</a>
Public and Institutional Uses											
Active Recreational Uses	C	C	C		C	C		C	C	PS	<a href="#">702.06(e)</a>
Cemeteries								C		P	
Cultural Facilities										P	
Educational Facilities (Pre-K to 12)	C	C	C					C		P	
Educational Facilities (Secondary)										P	
Essential Services	P	P	P	P	P	P	P	P	P	P	
Fraternal, Charitable, and Service Oriented Clubs					PS	PS				PS	<a href="#">702.06(f)</a>
Government Buildings	C	C	C					C		P	
Hospitals										P	

TABLE 702-2: ALLOWED PRINCIPAL USES											
P=Permitted Use PS=Permitted Use with Standards C=Conditional Use Blank Cell=Prohibited Use											
Land Uses	Zoning Districts										Use-Specific Standards See Section:
	R-1 & R-1A	R-2	R-3	B-1	B-2	B-3	M-1	AG	C-1	P-1	
Passive Recreation, Conservation, and Open Space	P	P	P	P	P	P	P	P	P	P	
Places of Worship	P							P		P	
Public Utilities	C	C	C			P	P	P	C	P	
Residential Community Centers	C	C	C								<a href="#">702.06(g)</a>
Wireless Telecommunication Facilities (Co-Location)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	<a href="#">702.06(h)</a>
Wireless Telecommunication Facilities (New)					C	C	C	C	C	C	<a href="#">702.06(h)</a>
Commercial and Office Uses											
Administrative, Business, or Professional Offices				P	P	P	P				
Adult Entertainment Business							PS				<a href="#">702.06(i)</a>
Animal Boarding, Training, or Daycare Facilities						P	P				
Animal Hospital/Clinics and Animal Grooming				P	P	P					
Assembly Halls or Conference Centers					P	P					
Automotive Repair and Service (Major)						C	P				<a href="#">702.06(j)</a>
Automotive Repair and Service (Minor)					PS	PS	P				<a href="#">702.06(k)</a>
Commercial and Business Support Services				P	P	P	P				
Commercial Recreational Facilities (Indoors)				C	C	P	P		C		
Commercial Recreational Facilities (Outdoors)					C	C	P		C		<a href="#">702.06(e)</a>
Financial Institutions				P	P	P					
Fuel Stations					PS	PS	C				<a href="#">702.06(k)</a>
Funeral Homes					P	P	C				
Hotels				P	P	P					



TABLE 702-2: ALLOWED PRINCIPAL USES											
P=Permitted Use		PS=Permitted Use with Standards			C=Conditional Use		Blank Cell=Prohibited Use				
Land Uses	Zoning Districts										Use-Specific Standards See Section:
	R-1 & R-1A	R-2	R-3	B-1	B-2	B-3	M-1	AG	C-1	P-1	
Medical/Dental Clinics				P	P	P					
Medical Marijuana Cultivation, Testing, Processing, or Manufacturing							P				
Microbrewery, Microdistillery, or Microwinery				PS	PS	PS	PS				<a href="#">702.06(l)</a>
Mixed Use Buildings				P	P	P					
Multi-Tenant Use				P	P	P					
Nursery Schools and Day Care Centers					P	P					
Personal Service Establishments				P	P	P					
Restaurants				P	P	P					
Retail Businesses				P	P	P					
Taverns or Bars				P	P	P					
Theaters						P					
Vehicle Sales and Leasing					P	P					
Vehicle Washing Establishments					P	P					
Industrial Uses											
Contractor Equipment and Storage Yards							P				
Industrial Service Uses							P				
Industrial Uses, Heavy							C				
Industrial Uses, Light							P				
Mining and Extraction								C	C		
Research and Development Facilities							P				
Self-Storage Facilities (Indoor)							P				<a href="#">702.06(m)</a>
Truck and Heavy Equipment Sales							P				
Truck Terminals							P				
Warehouses							P				
Wholesale Establishments							P				

## **702.06 Use-Specific Standards**

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### **(a) Bed and Breakfast Establishments**

The following standards shall apply to any bed and breakfast establishment:

- (1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling.
- (2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.
- (3) No more than five bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- (4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- (5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- (6) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- (7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

### **(b) Permanently Sited Manufactured Home**

The following standards shall apply to any permanently sited manufactured homes:

- (1) The housing shall meet the definition of a permanently sited manufactured home as established in the ORC Section 3781.06.
- (2) The housing shall comply with all zoning requirements of a single-family dwelling in the applicable zoning district.
- (3) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, do not qualify as a permanently sited manufactured home and shall be prohibited.

### **(c) Residential Facilities**

- (1) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the R-1, R-1A, R-2, or R-3 Districts. Such facilities must comply with any standards in this code that apply to all single-family dwellings within the applicable district.
- (2) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be deemed a conditional use in the R-2 or R-3 Districts. Such facilities must comply with any standards in this code that apply to all two-family or multi-family dwellings within the applicable district.

### **(d) Single-Family Dwellings, Two-Family Dwellings, and Three-Family Dwellings**

Single-family, two-family, and three-family dwellings may be permitted in the B-2 District when replacing a previously existing residential use or when such proposed use will be adjacent to similar low-intensity residential uses.

**(e) Active Recreational Facilities and Commercial Recreational Facility (Outdoors)**

- (1) All structures, viewing areas or seating areas shall be set back at least 200 feet from any adjacent residential zoning district. Such setback may be reduced by Planning Commission and Village Council within the PND Districts if approved through the applicable procedure.
- (2) All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets.
- (3) The hours of operation may be regulated by the Planning Commission, if necessary, to mitigate adverse impacts on adjacent residential uses.
- (4) No motorized equipment is permitted.
- (5) No uses that involve the discharge of firearms is permitted except in the C-1 District.

**(f) Fraternal, Charitable, and Service Oriented Clubs**

Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted if they comply with the applicable standards in [704.01](#). However, such uses where the conduct of business is the principal activity shall be prohibited.

**(g) Residential Community Centers**

- (1) One residential community center shall be allowed within an individual subdivision or for a multi-family dwelling development with more than 12 dwelling units.
- (2) Additional residential community centers may be approved as part of a development that is approved as a planned neighborhood development.
- (3) The residential community center shall only be for the use of residents and their guests.

**(h) Wireless Telecommunication Facilities (Co-Location) and Wireless Telecommunication Facilities**

**(1) 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 code, to:

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

**(2) Zoning Certificate Required**

- A. No person, firm or corporation shall erect a cellular or wireless communications system without a zoning certificate, nor shall installation or erection commence before the certificate is issued.
- B. 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 zoning certificate therefore from the Village of Fredericktown.

**(3) Use Regulations**

The following use regulations shall apply to cellular or wireless communication antennas and towers:

- A.** Co-location of wireless communications antenna on an existing communications tower (whether said tower is for cellular or wireless purposes or not), smoke stack, water tower or other tall structure, is permitted in all zoning districts. Cellular or wireless communications antenna may also be located on the top of buildings which are no less than 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.
- C.** A cellular or wireless communications antenna that is not mounted on an existing structure or is more than 15 feet higher than the structure on which it is mounted, is permitted in any zoning district, with the exception of any residential zoning district, as a conditional use.
- D.** 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.
- E.** New cellular or wireless communications sites shall be set back from residential uses as follows:
  - 1.** Cellular or wireless communications towers less than 100 feet in height shall be set back a minimum of 500 feet from any adjacent residential zoning district.
  - 2.** Cellular or wireless communications towers greater than 100 feet but less than 150 feet in height shall be set back a minimum of 750 feet from any adjacent residential zoning district.
  - 3.** Cellular or wireless communications towers 150 feet in height and greater shall be set back a minimum of 1,000 feet from any adjacent residential zoning district.

**(4) Standards for Approval of All Cellular or Wireless Communications Antennas and Towers**

- A.** 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.
- B.** 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:
  - 1.** 40 percent of the tower height;
  - 2.** The minimum setback in the applicable zoning district; or
  - 3.** 50 feet.
- C.** 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.

- D. A fence shall be required around the cellular or wireless communications tower and its support structure, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet in height and shall be erected to prevent access by nonauthorized personnel.
- E. **Landscaping**
  - 1. 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.
  - 2. 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.
  - 3. 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.
  - 4. 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 Planning Commission. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- F. 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.
- G. The communications company must demonstrate to the Village that it is licensed by the Federal Communications Commission (FCC).
- H. 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 code.
- I. 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 any signage other than that required by the FCC.
- J. Upon submission of a complete application for site plan review to the 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 this 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.

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

**(5) 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:

- A.** 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.
- B.** 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-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 50 feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway light poles.
- C.** 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.

**(i) Adult Entertainment Businesses**

**(1) Purpose and Findings**

- A.** It is the purpose of this section to regulate adult entertainment businesses in order to promote the health, safety, morals and general welfare of the citizens of the Village, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment businesses within the Village. The provisions of this chapter do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment of their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.
- B.** Village Council has received substantial evidence concerning the adverse secondary effects of adult uses on a community findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young V. American Mini Theaters*, 426 U.S. 50 (1976) and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities, including, but not limited to Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington.

**(2) Classification**

Adult entertainment businesses shall be classified as follows:

- A. Adult arcades;
- B. Adult bookstores, adult novelty stores or adult video stores;
- C. Adult cabarets;
- D. Adult motion picture theaters; and
- E. Adult theaters.

**(3) Locational Requirements**

All adult entertainment businesses shall meet the following location requirements.

- A. No adult entertainment business shall be established within 1,000 feet of any area zoned for residential use or any lot on which is located a residential use.
- B. No adult entertainment business shall be established within a radius of 1,000 feet from any educational institution or cultural institution, whether public or private, governmental or commercial, which educational institution or cultural facility is attended by persons under 18 years of age.
- C. No adult entertainment business shall be established within a radius of 1,000 feet from any commercial recreational facility (indoor or outdoor) which is primarily advertised for families and/or children where such facility is attended by persons under 18 years of age.
- D. No adult entertainment business shall be established within a radius of 1,000 feet from any active recreational facility or a passive park, open space, or natural area.
- E. No adult entertainment business shall be established within a radius of 1,000 feet from any business licensed pursuant to the alcoholic beverage control regulations of the State of Ohio.
- F. No adult entertainment business may be established, operated or enlarged within 1,000 feet of another adult entertainment business.
- G. Not more than one adult entertainment business shall be established or operated in the same building, structure or portion thereof.
- H. No adult entertainment business shall be established within a radius of 1,000 feet from any place of worship.
- I. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the premises in which the proposed adult entertainment business is to be established to the nearest property line of a use or zoning classification listed above or another adult entertainment business. The presence of a Village, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

**(4) Nonconforming Adult Entertainment Business**

Any adult entertainment business lawfully operating the effective date of this code, that is in violation of any of the provisions of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use.

**(5) Development Standards**

Sexually oriented businesses are subject to the following standards:

- A.** No adult entertainment business shall be located in any temporary or portable structure.
- B.** No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
- C.** Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.
- D.** All entrances to an adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.
- E.** The adult entertainment business shall not conduct or sponsor any activities, which created a demand for parking spaces beyond the number of spaces required by the business.
- F.** No adult entertainment business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any merchandise, display, decoration, sign, show window or other opening.

**(j) Automotive Repair and Service (Major)**

- (1)** A major automotive repair and service establishment shall be subject to the same requirements as an automotive repair and service establishment as established in Section [702.06\(k\)](#).
- (2)** The principal structure shall be set back a minimum of 150 feet from any residential zoning district. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent lot in a residential district.
- (3)** The storage of non-operational vehicles for longer 14 days shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet.
- (4)** The use may be subject to additional screening requirement in accordance with [Chapter 708: Landscaping and Screening](#).
- (5)** Vehicle service and repair shall be done in an enclosed building. A temporary zoning certificate shall be obtained for outside repair of oversized vehicles that would take longer than five consecutive days. Temporary zoning certificates can only be granted under the following conditions:
  - A.** The vehicle exceeds the height and width of the service repair garage.
  - B.** The temporary outside repair shall not involve the construction of permanent lift or repair apparatus.
  - C.** Temporary outside repair shall only be allowed for a period not exceeding 30 days in a calendar year.
  - D.** The outdoor repairs shall not be conducted in the required setback yards, loading spaces, parking spaces, aisles and/or drives.
- (6)** Vehicles awaiting repair shall be parked in designated parking spaces and shall not encroach on driving aisles, landscaped areas and drive approaches. No part of the street right-of-way shall be used for parking of vehicles awaiting service.
- (7)** Damaged or inoperable vehicles shall not be used for storage purposes.



**(k) Automotive Repair and Service (Minor) and Fuel Stations**

- (1) Fuel pumps shall be set back a minimum of 40 feet from all lot lines and 100 feet from all adjacent lot lines of lots in residential zoning districts.
- (2) Canopies shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent lot lines of lots in residential zoning districts.
- (3) All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.
- (4) Activities shall be limited to:
  - A. The sale of automotive fuel;
  - B. The servicing of motor vehicles with minor repair work;
  - C. Hand washing of vehicles within an enclosed building;
  - D. The retail sale of vehicle parts and products relating to minor repair work, such as, but not limited to, oil, grease, tires, antifreeze, batteries, windshield wipers.
- (5) Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.
- (6) Any major repair work, including but not limited to, automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as “automotive repair and service (major)” and shall be subject to Section [702.06\(i\)](#).
- (7) Vehicles being serviced or awaiting same shall be stored for no longer than 14 days on the site if in unenclosed areas.
- (8) All repair work must be performed in a fully enclosed building.
- (9) There shall be no more than two driveway openings along any frontage.
- (10) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements.
- (11) Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section [708.05](#).

**(l) Microbrewery, Microdistillery, or Microwinery**

- (1) A microbrewery, microdistillery, and microwinery shall be allowed in the B-1, B-2 and B-3 Districts when the majority of the floor area is dedicated to being used for restaurant service or for the serving of drinks made on site so that the use fits into the retail character of the districts. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.
- (2) A microbrewery, microdistillery, and microwinery in the M-1 District may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 65 percent of the total footprint of the use. Food service may be included within the 65 percent total footprint. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

**(m) Self-Storage Facilities (Indoor)**

- (1) The leases for all self-storage units shall include clauses related to the following:
  - A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials is prohibited; and
  - B. The property may not be used for any uses other than dead storage.
- (2) There shall be no retail sales on the property with the exception that the owner or their designee may hold an auction on the site up to four times a year for the purpose of selling goods stored in units.

- (3) The Fire Department shall be provided with 24-hour access to the grounds and buildings. A lockbox shall be provided for its use.
- (4) The outdoor storage of inventory, materials, vehicles or merchandise is prohibited, unless specifically approved by the Planning Commission through a conditional use approval.
- (5) Sale, repair, fabrication or servicing of goods, motor vehicles, appliances, equipment, or materials or similar activities shall be prohibited in or from self-service storage facilities.
- (6) Self-storage facilities may not be used for residential purposes.
- (7) Except for sinks and restroom facilities provided solely for the use of the managers or security personnel of self-storage facilities containing more than ten individual storage units, neither sinks nor restroom facilities shall be permitted within self-storage facilities.

## **702.07 Lot and Principal Building Regulations**

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### **(a) Minimum Lot Area and Width**

#### **(1) Measurements**

- A. The area of a lot includes the total horizontal surface area within the lot's boundaries (lot lines).
- B. Unless otherwise stated, the lot width is the distance between the side lot lines measured along the minimum front yard setback line.

#### **(2) Lot Area and Lot Width Requirements**

- A. [Table 702-3](#) establishes the minimum lot area and lot width requirements for individual zoning districts unless otherwise specifically stated in this code.
- B. Where no minimum lot area or lot width is established, such lots shall be of a size large enough to allow for all proposed buildings and required setbacks, off-street parking, and all landscaping and screening requirements established in this code.
- C. Minimum lot areas and lot widths in a PND District shall be as established in the PND approval process.

**TABLE 702-3: MINIMUM LOT AREA AND LOT WIDTH REQUIREMENTS**

District	Use	Minimum Lot Area Square Feet)	Minimum Lot Width (Feet)
R-1	All Uses	9,000	75
R-1A	All Uses	4,000	40
R-2	Single-Family Dwellings	8,000	70
	All Other Uses	9,000	75
R-3	Single-Family Dwellings	6,000	60
	Two-Family Dwelling	7,000	70
	Three-Family Dwelling	8,000	80
	Multi-Family Dwelling over 3 Units	2,000 per dwelling unit	100
	All Other Uses	10,000	100
B-1	All Uses	None	60
B-2	Residential Uses	Same as R-3 District	Same as R-3 District
	All Other Uses	None	None
B-3	Residential Uses	Same as R-3 District	Same as R-3 District
	All Other Uses	12,000	100
M-1	All Uses	43,560	150
AG	All Uses	43,560	120
C-1	All Uses	None	None
P-1	All Uses	None	None

**(b) Minimum Setbacks and Yards**

**(1) Setbacks and Yards Required for Buildings**

- A.** A yard is the open area created by the required setbacks. Where required, a yard for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.
- B.** While a yard is defined as an open area, certain structures and uses may be permitted in required yards as specified in this code.
- C.** Where the term “required” is used before any yard type, that required yard shall be the area of the yard between the applicable lot line and the required yard setback distance from the applicable lot line, regardless of the presence of a building. See [Figure 702-A](#).

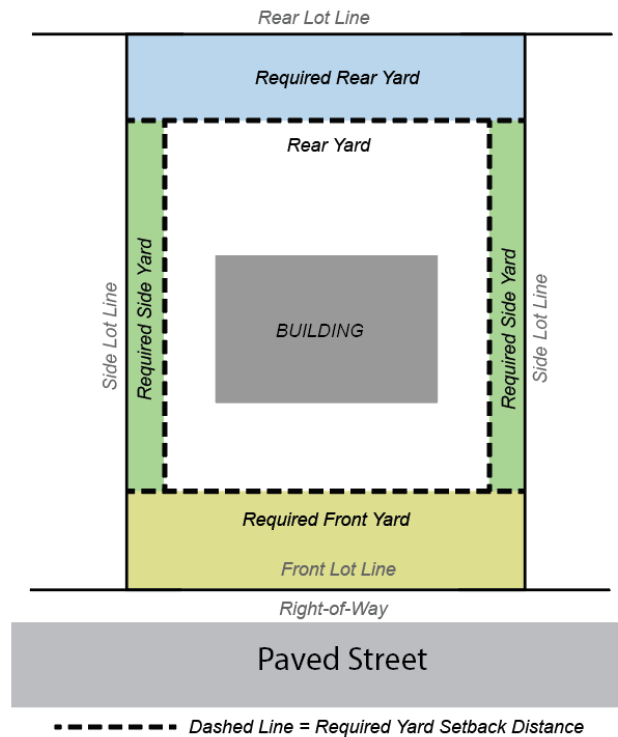


Figure 702-A: The above image illustrates the use of the term “required yards” on a typical interior lot versus the location of the full front, side, and rear yards as defined in the next sections of this code.

## (2) Measurements and Exceptions

- A. Setbacks refer to the unobstructed, unoccupied open area between the foundation or base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code.
- B. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this code (e.g., nonconforming structures or by variances).
- C. In any residential district, a front yard setback shall not be required to exceed the average front yard setbacks of the existing front yards for buildings on the lots adjacent to both sides of the subject lot. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this code.
- D. **Projections into Required Yards**  
Every part of a required yard shall be open to the sky and unobstructed except:
  - 1. As otherwise provided in this section;
  - 2. For accessory and temporary uses as allowed in [Chapter 704: Accessory and Temporary Uses](#);
  - 3. For landscaping, parking and circulation, and signs as allowed in this code;
  - 4. Walls and fences as permitted in accordance with [Chapter 705: Fences and Walls](#);

5. For the ordinary projections that are a part or feature of a building which extends or projects outside of the exterior, enclosing facades. It is intended that certain features may project into required yards but they shall be regulated so as not to substantially interfere with the reception of sun, light, air and the use of adjacent lots as follows:
  - a. Architectural features such as a belt course, balcony, cornice, gutter or chimney may project into a front and side yard for a distance of two feet;
  - b. Entrance features such as an open platform, landing, steps, terrace, or other feature not extending above the first-floor level of a building may extend four feet into any yard. Such features shall maintain a minimum setback of four feet from all lot lines.
  - c. Unenclosed shelters such as an entrance hood or open, but roofed porch, may project four feet into any yard. Such features shall maintain a minimum setback of four feet from all lot lines.
  - d. An enclosed entry or porch shall not project into any required yard area. See also Section [702.07](#).

### (3) Lot Configurations and Rules for Setbacks and Yards

#### A. Interior Lots

1. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See [Figure 702-B](#).
2. The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied. See [Figure 702-B](#).
3. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 702-B](#).

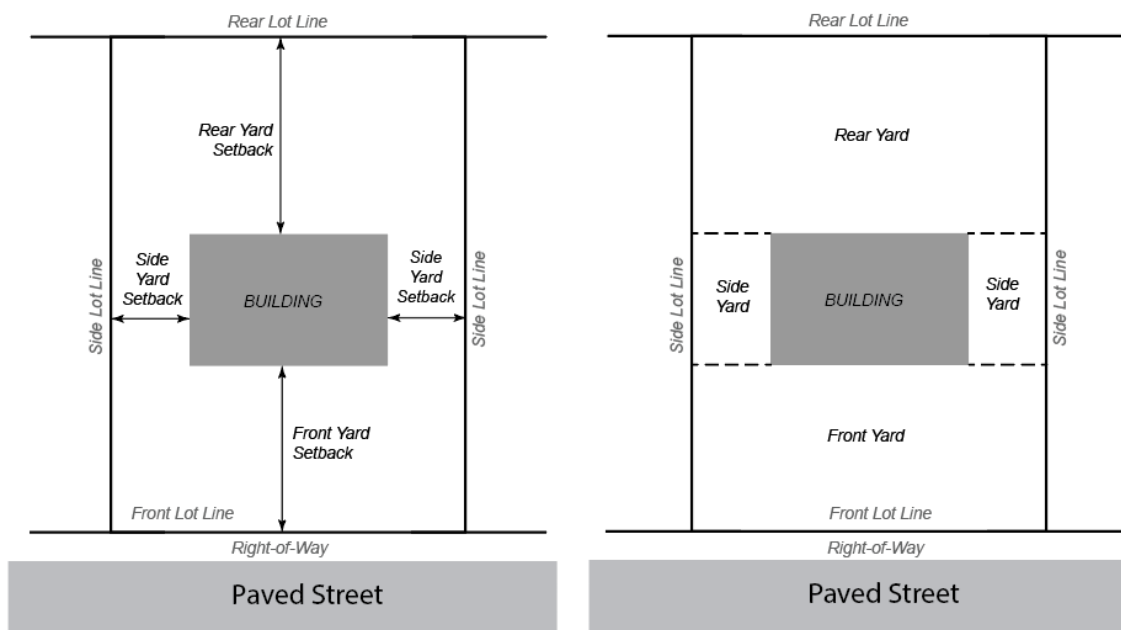


Figure 702-B: Typical setback and yard locations for an interior lot.

## B. Corner Lots

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

1. Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 702-C](#).
2. The lot line that runs parallel with the front facade of the building, on the rear of the lot, shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 702-C](#).
3. All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 702-C](#).
4. An alley shall not be considered a street for the purposes of determining a corner lot.
5. Such setbacks and yard locations shall apply, regardless of the orientation of the building.

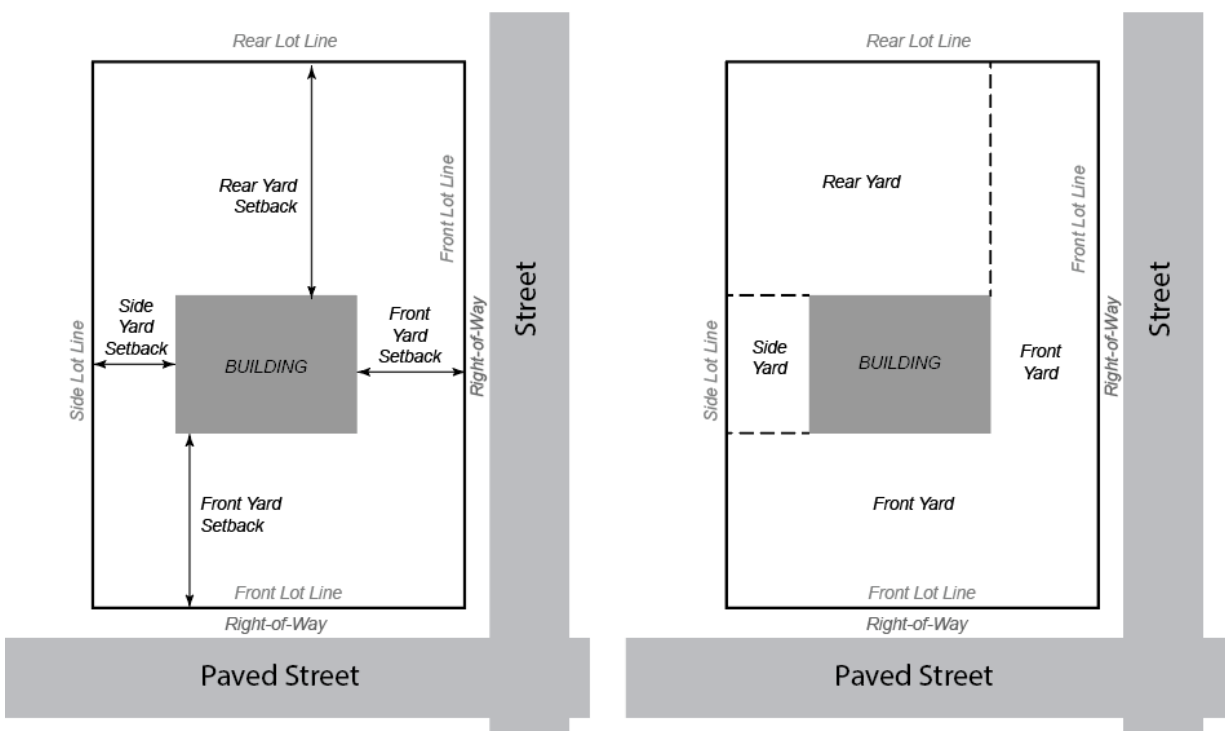


Figure 702-C: Typical setback and yard locations for a corner lot.

### C. Double Frontage (Through) Lots

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Double frontage lots shall be subject to the following regulations:

1. Where a lot is considered a double frontage (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 702-D](#).

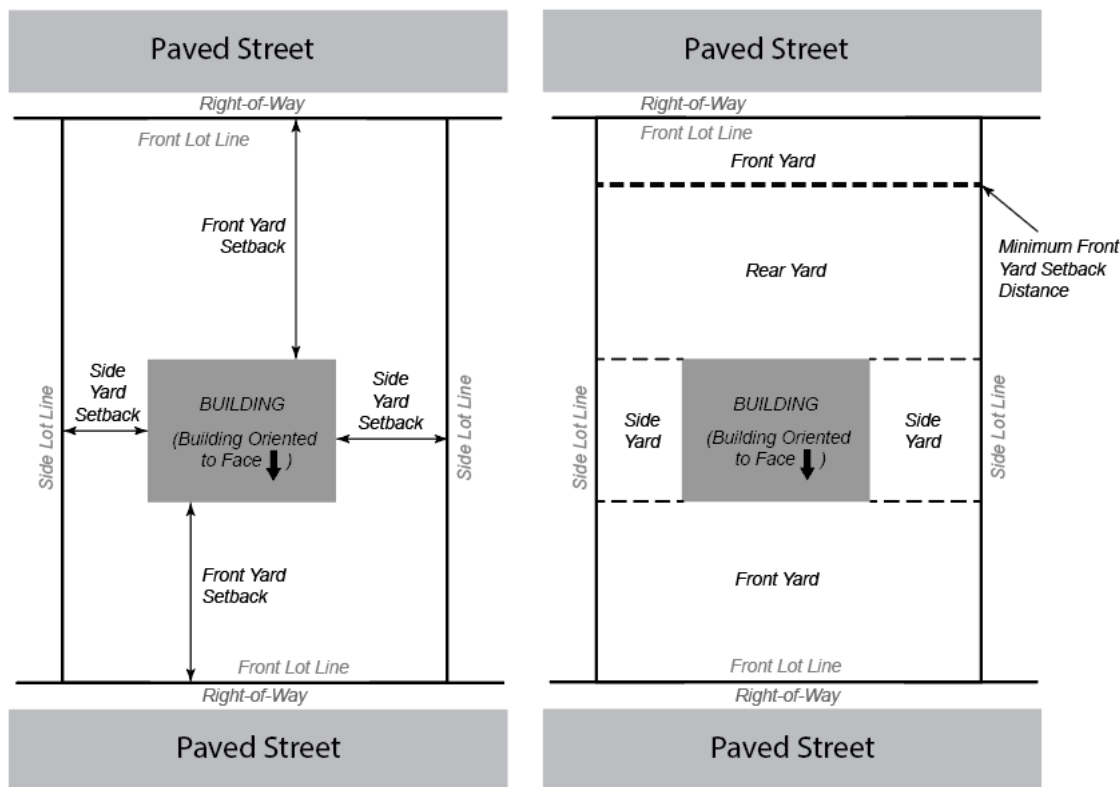


Figure 702-D: Typical setback and yard locations for a double frontage (through) lot.

2. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 702-D](#).
3. For the purposes of allowing accessory uses and fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of Section [702.07\(b\)](#), shall apply to all accessory uses or structures. Such accessory uses or structures shall not be permitted in the required front yard areas adjacent to each street.
4. Where alleys exist in the Village, any lots that have frontage along the alley shall not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

#### D. Panhandle (Flag) Lots

Panhandle lots (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Panhandle (flag) lots shall be subject to the following regulations:

1. Panhandle (flag) lots shall not be used to avoid the construction of a street.
2. The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
3. The stacking of panhandle (flag) lots shall be prohibited. See [Figure 702-E](#).

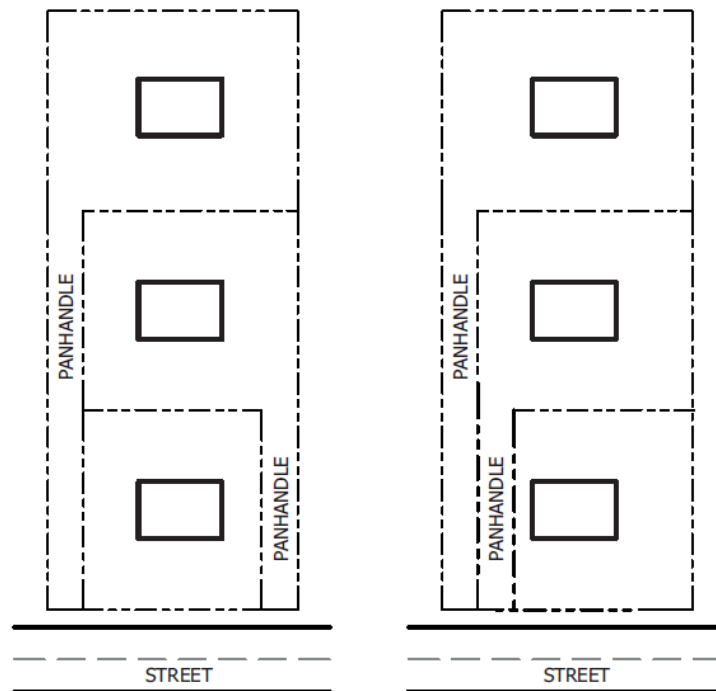


Figure 702-E: The above illustration shows the stacking of panhandle lots, which is prohibited.

4. The panhandle shall have a minimum width of 10 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be consider an interior, corner, or double frontage lot as may be applicable.
5. No structures, except for fences and walls allowed by this code, shall be permitted in the panhandle portion of the lot.
6. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 702-F](#).





Figure 702-F: Typical setback and yard locations for a panhandle lot.

#### E. Cul-de-Sac or Curved-Street Lot

1. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See [Figure 702-G](#).
2. On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

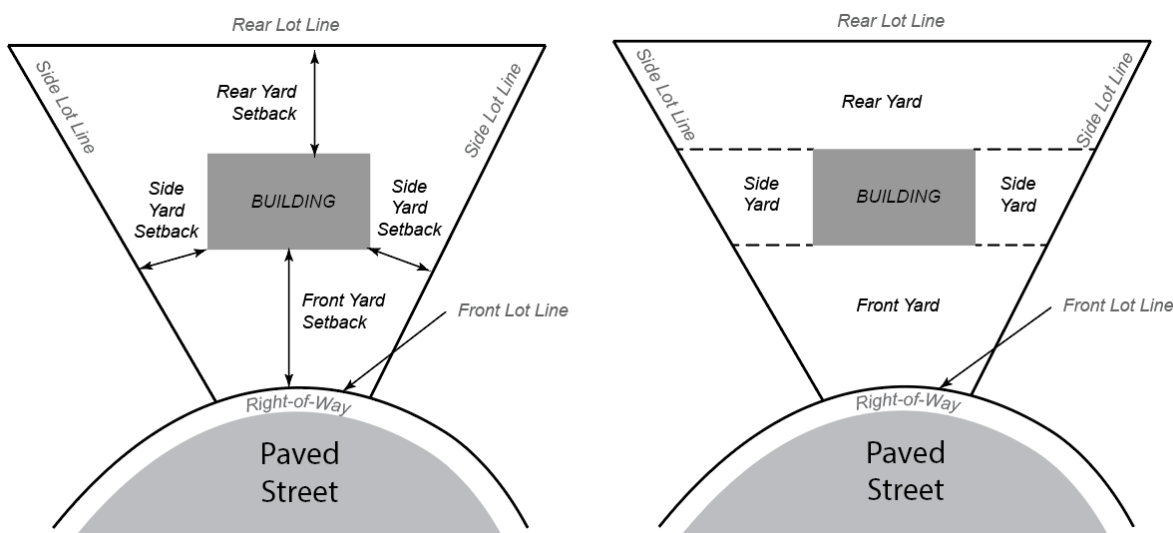


Figure 702-G: Typical setback and yard locations for a curved street or cul-de-sac.

**F. Other Lot Configurations**

Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the Zoning Inspector shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.

**(4) Minimum Setback Requirements**

- A. Setbacks required for accessory uses are established in [Chapter 704: Accessory and Temporary Uses](#).
- B. [Table 702-4](#) establishes the minimum setback requirements for principal buildings in all zoning districts.

**TABLE 702-4: SETBACK REQUIREMENTS**

District	Uses	Setback Requirements (Feet)				
		Minimum Front Yard from Minor Street	Minimum Front Yard from Major Street	Minimum Side Yard (One Side)	Minimum Side Yard (Combined Both Sides)	Minimum Rear Yard
R-1	All Uses	25	35	8	18	30
R-1A	All Uses	10	10	5	10	30
R-2	All Uses	20	30	8	16	25
R-3	All Uses	20	30	5	15	25
B-1	All Uses	0 [1]	0 [1]	0	0	10
B-2	Residential Uses	Same as R-3 District				
	All Other Uses	30	30	0 [2]	0 [2]	20
B-3	Residential Uses	Same as R-3 District				
	All Other Uses	30	30	5	25	20
M-1	All Uses	50	50	30 [3]	60 [3]	50
AG	All Uses	50	50	25	50	50
C-1	All Uses	35	35	15	30	15
P-1	All Uses	35	35	5	15	35

**NOTES:**

[1] There shall be a maximum front yard setback of 10 feet in the B-1 District.

[2] There shall be no minimum side yard unless the side yard is adjacent to a lot in a residential zoning district, in which case, the principal building shall be set back a minimum of 20 feet from the side lot line.

[3] The minimum setback for any side lot line adjacent to a lot in a residential zoning district shall be increased to 50 feet.

(c) **Maximum Building Height**

(1) **Measurement**

- A. Building height shall be measured from average elevation of the finished grade to the highest point on the roof, regardless of roof type, excluding minor architectural features, roof embellishments, or chimney extensions.

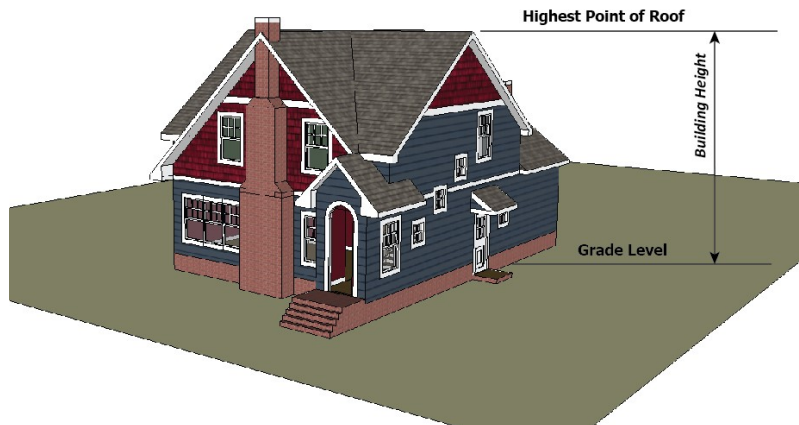


Figure 702-H: Measurement of building or structure height

(2) **Exceptions to Height Limits**

The maximum height limits established in this code shall not apply to:

- A. Spires, belfries, cupolas and domes, monuments, chimneys, towers, transmission towers, and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building for all nonresidential uses as may be authorized by the Planning Commission; and
- B. Governmentally-owned freestanding water tanks, transmission towers, and flag poles.

(3) **Maximum Height Standards**

- A. [Table 702-5](#) establishes the maximum building height for principal buildings.
- B. The maximum height of accessory structures is established in [Chapter 704: Accessory and Temporary Uses](#).

TABLE 702-5: MAXIMUM HEIGHT OF PRINCIPAL BUILDING	
Zoning Districts	Maximum Height
R-1, R-1A, R-2, and R-3	35 Feet
B-1	40 Feet [1]
B-2 and B-3	35 Feet
M-1	40 Feet
AG	50 feet
C-1	35 Feet
P-1	50 Feet
NOTE:	
[1] After the effective date of this code, any building constructed in the B-1 District shall have a minimum height that is similar to the building that existed prior to the application for construction of a new building.	

**(d) Maximum Lot Coverage in Residential Zoning Districts**

The maximum impervious surface coverage in the front yard on residential parcels with a width of 70 feet or greater, and on panhandle lots, is 35 percent. On lots with a width of 50 to 70 feet, the maximum impervious surface coverage in the front yard is 40 percent. On irregular shaped lots with reduced frontage at the end of a cul-de-sac, the maximum impervious surface coverage in the front yard is 50 percent. Special circumstances may require adjustments approved by the Zoning Inspector or Street Department Foreman.

**(e) Minimum Floor Area for Dwelling Units**

**(1) Calculation**

- A.** The minimum floor area of a dwelling unit shall include all finished and habitable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building.
- B.** Garages, outdoor patios, porches, or decks, and accessory buildings shall not be included in the minimum floor area of a dwelling.
- C.** Such requirements shall only apply to single-family, two-family, three-family and multi-family dwellings. The requirements shall not apply to hospitals, nursing homes, or similar types of residential uses that are institutional in nature.

**(2) Minimum Floor Area Requirements**

- A.** In the R-1A, R-1B, and R-1C Districts, the minimum floor area for dwellings shall be 1,000 square feet.
- B.** In the R-1D District, the minimum floor area for dwellings shall be 750 square feet.
- C.** For multi-family dwellings in the R-2 and R-3 District, there shall be a minimum floor area of 700 square feet for all units that have internal entries (e.g., apartment buildings) and a minimum of 1,000 square feet for all units that have exterior entries (e.g., townhomes or rowhouses).

**TABLE 702-6: MINIMUM FLOOR AREA REQUIREMENTS FOR RESIDENTIAL USES**

Residential Use Type	Minimum Floor Area of First Floor	Minimum Floor Area for All Floors Combined
AG, R-1, and R-1A Districts		
Single-Family Dwelling: Under 2.0 Story Dwelling	900 square feet	1,200 square feet
Single-Family Dwelling: 2.0 Story or Taller Dwelling	750 square feet	1,400 square feet
R-2 District		
Single-Family Dwelling: Under 2.0 Story Dwelling	900 square feet	1,200 square feet
Single-Family Dwelling: 2.0 Story or Taller Dwelling	750 square feet	1,400 square feet
Two-Family Dwelling: Under 2.0 Story Dwelling	850 square feet per dwelling unit	
Two-Family Dwelling: 2.0 Story or Taller Dwelling	450 square feet per story, per dwelling unit	
R-3 District		
Single-Family Dwelling: Under 2.0 Story Dwelling	750 square feet	1,050 square feet
Single-Family Dwelling: 2.0 Story or Taller Dwelling	675 square feet	1,200 square feet
Two-Family Dwelling: 1.0 Story Dwellings	No minimum	750 square feet per dwelling unit
Two-Family Dwelling: 2.0+ Story Dwellings	450 square feet per story, per dwelling unit	
Three-Family and Multi-Family Dwellings: One Bedroom Dwelling Unit	500 square feet per dwelling unit	
Three-Family and Multi-Family Dwellings: Two+ Bedroom Dwelling Unit	500 square feet plus 120 square feet for each bedroom over the first bedroom for each dwelling unit	

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## Chapter 703: Planned Neighborhood Districts

### 703.01 Purpose

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The purpose of the Planned Neighborhood District (PND) is to provide a means for encouraging ingenuity, imagination and flexibility in the planning and designing of land areas and permitting uses and intensities of development which could cause adverse impact in other zoning categories. The PND regulations provide a controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements, the intent being to encourage developments which possess greater amenities than that resulting under standard zoning district requirements. It is not the intent of the PND to allow applications to circumvent the intent of this code to permit residential density, housing types, commercial or industrial uses, or street and utility layouts which are in conflict with Village plans or the character of the area. It is furthermore the purpose of the PND regulations to:

- (a) Encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation; and contribute to the overall quality of Fredericktown;
- (b) Protect natural features such as topography, trees, and drainage ways in the existing state as much as possible;
- (c) Provide for adequate and usable open space where there is a residential component to the proposed PND;
- (d) Ensure that there are adequate services and infrastructure to serve the proposed development; and
- (e) Promote a harmonious design amongst the various elements and uses within the development while mitigating any potential negative impact on surrounding properties.

### 703.02 Scope and Applicability

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- (a) Any new PND application shall be required to have a minimum project size of ten acres. Planning Commission or Village Council may approve an application for a smaller PND application if the applicant demonstrates that the unique location of the site or density of the proposed development justifies consideration.
- (b) Any PND approved and constructed prior to the effective date of this amendment shall be permitted to continue with any approved plans. All future construction or changes shall comply with the applicable approved plan unless a modification is required, in which case, the modification shall be reviewed in accordance with this section.
- (c) In order to submit an application for PND review, the tract or tracts of land included within the proposed PND shall be in one ownership or control or shall be subject to a joint application by the owners of all property included within the proposal.

### 703.03 PND Review Procedure

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- (a) **Step 1 – Application (Development Plan and Zoning Map Amendment)**  
The applicant shall submit an application in accordance with Section [711.06](#) and the provisions of this section.
- (b) **Step 2 – Development Plan and Zoning Map Amendment Review**
  - (1) The PND Development Plan approval procedure involves a zoning map amendment to rezone the subject property to a PND with an approved PND Development Plan.
  - (2) The procedure for this stage shall comply with the requirements of Section [711.07](#).

- (3) In accordance with the zoning map amendment review procedure, the Planning Commission shall hold a public hearing to review the PND Development Plan and make a recommendation to Village Council to approve, approve with modifications, or deny the application. The recommendation shall be made based on review of the application using the criteria contained in Section [703.04](#). The Planning Commission may, in its recommendation to Village Council, establish a development schedule that varies existing development time lines to accommodate phased development of the entire PND.
  - (4) In accordance with the zoning map amendment review process, Village Council shall hold a public hearing on the PND Development Plan and PND zoning map amendment and decide to approve, approve with modifications, or deny the recommendation of the Planning Commission using the criteria contained in Section [703.04](#), of this section.
  - (5) In making its recommendations or decisions, the Planning Commission and/or Village Council may impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards of this code and with adopted plans. In so doing, the Planning Commission and/or Village Council may permit the applicant to revise the plan and resubmit it as a PND Development Plan within 60 days of such action to ensure the development plan reflects approved conditions.
  - (6) The approved development plan shall be binding on the applicant and any development shall be in conformance with the approved development plan.
- (c) **Step 3 – Zoning Certificate Issuance**
- Zoning certificates shall not be issued until the lot or applicable subdivision has been fully recorded in the office of the Knox County Recorder's Office and public improvements have been installed in accordance with the applicable subdivision regulations.

#### **703.04 Review Criteria**

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All PND applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria in the creation of their specific findings when making recommendations and decisions regarding PND applications:

- (a) The proposed development is in conformity with all applicable, adopted Village plans;
- (b) The proposed development meets the intent and spirit of this code and all other applicable Village ordinances;
- (c) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate buffers where necessary;
- (d) The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;
- (e) The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses;
- (f) The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, schools, water supply and wastewater disposal due to excessive population densities;
- (g) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which shall be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement of land uses;
- (h) The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;



- (i) The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing requirements in this code;
- (j) The PND plans have been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been reasonably addressed by the applicant;
- (k) Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as indicated on the PND development plan.

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### **703.05 Time Limit**

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- (a) Any PND development plan shall be valid for a period of two years after the date of approval by the Village Council. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved PND final development plan for one or more phases of the project) in the PND within two years from the date of approval, such approval shall lapse and be of no force and effect.
- (b) One, one-year extensions of the time limit set forth in subsection (1) hereof may be granted by the Planning Commission, provided that applicant can show just cause and that such extension is in the best interests of the entire community. The applicant shall apply for an extension and shall state the reason for the extension.
- (c) Voiding of the PND development plan shall not rezone the property. After such plans are void, the Planning Commission, Village Council, or property owners may initiate a rezoning to a base zoning district in accordance with Section [711.07](#) or the property owner, or their agent, may resubmit a PND development plan in accordance with the procedures of this section.

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### **703.06 Modification to an Approved PND**

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- (a) Where a property owner on a lot in a PND seeks a variance from the applicable standards for an individual property that will not apply to any other property in the PND, the property owner shall request such variance in accordance with Section [711.08](#).
- (b) Any request to change or otherwise modify the approved PND development plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.
- (c) **Major Change**  
Major changes to a PND require the prior approval of the Planning Commission and the Village Council. The Zoning Inspector shall have the authority to determine if a proposed change is a major change. Such changes include, but are not limited to:
  - (1) Expansion of the PND project beyond the original tract coverage;
  - (2) Removal or subtraction of land from the original tract coverage;
  - (3) Proposed changes that will result in an increase in residential density;
  - (4) Changes to the list of uses allowed in the PND;
  - (5) Changes in the development plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PND; and
  - (6) Amendments to the conditions that were attached to the PND development plan approval.

**(d) Minor Changes**

- (1)** Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PND development plan and which are essentially technical in nature, as determined by the Zoning Inspector
- (2)** Examples of minor changes include, but are not limited to, change in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements and changes in the location and number of fire hydrants.

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**703.07 Revocation**

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- (a)** In the event of a failure to comply with the approved plan or any prescribed condition or approval, including failure to comply with the stage development schedule, the Planning Commission may, after notice and hearing, revoke the approval of the PND development plan. The Planning Commission shall at the same time recommend whether to maintain the PND zoning district or the rezoning of the properties to another zoning district.
- (b)** The revocation shall become final 30 days after the Village Council passes an ordinance to rezone the property to a non-PND zoning category or a decision by the Planning Commission to revoke the approved plans but retain the PND zoning.
- (c)** Where the PND zoning remains without an approved PND development plan, the property owner or agent shall be required to submit a new PND development plan in accordance with the review procedures of this section.

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**703.08 Permitted Uses**

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**(a) Principal Uses**

- (1)** Only those uses listed in this code (See Section [702.05](#).), as a permitted use, whether permitted as-of-right, permitted with standards, or permitted as a conditional use, may be considered in the application of a PND.
- (2)** The primary use of any PND shall be residential in nature but the Village may approve public and institutional uses as well as commercial and office uses where they will serve the needs of residents of the PND and Village.
- (3)** In general, any standards that apply to a specific use in this code shall also apply to those same uses in a PND. However, the Planning Commission and Village Council may adjust or waive any of those use-specific standards (See Section [702.06](#).) based on unique circumstances specific to the applicable development.
- (4)** As part of any approval, the Planning Commission and/or Village Council may restrict the uses permitted within an individual PND by adopting a list of uses permitted within the PND.
- (5)** Any changes in uses within an approved PND shall be required to be reviewed as part of a major PND amendment.

**(b) Accessory Uses**

- (1)** Unless otherwise allowed for in the approved plans, accessory uses associated with development in a PND shall be allowed in accordance with the following:
  - A.** Accessory uses permitted in the R-1, R-2, and R-3 Districts district shall be allowed for any residential use.
  - B.** Accessory uses allowed in the B-2 District shall be allowed for nonresidential uses.
- (2)** Any allowed accessory uses shall still comply with the applicable accessory use standards established in Section [704.01](#).



- (3) As part of any approval, the Planning Commission and Village Council may restrict the accessory uses permitted within an individual PND.

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## **703.09 Development Standards**

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### **(a) Minimum Site or Lot Requirements**

- (1) Lot area, yards, setbacks, building heights, frontages, and related limitations contained in other sections of this code may be waived for a PND, provided that the spirit and intent of this code and this section are met as determined by the Planning Commission and Village Council.
- (2) Every principal building in a PND shall have access either to a public street, walkway or other area dedicated to common use.
- (3) In PNDs with residential dwelling units, the privacy of future residents shall be assured by yards, creative building arrangements, screening and other design elements.

### **(b) Maximum Density**

The maximum density of residential development shall be five units per acre unless the applicant can demonstrate the following, in which case, the Planning Commission and Village Council can allow for a maximum of eight units per acre:

- (1) The development is directly adjacent to major thoroughfares and community services;
- (2) 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; and
- (3) 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.

### **(c) Public Parks and Common Open Spaces**

- (1) A minimum of 20 percent of the total gross area of the PND project site shall be set-aside for public parks and/or common open spaces.
- (2) All common open space shall be in accordance with the following:
  - A. The location, shape, size and character of common open space shall be suitable for the proposed residential uses in relation to the location, number and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the PND;
  - B. The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the PND in relation to its size, density, expected population, topography and the type of dwellings;
  - C. The common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition; and
  - D. Adequate provision shall be made for the long-term maintenance and/or operation of the open space and its improvements:

1. The proposed common open space may be conveyed to a public authority which agrees to maintain the common open space and any buildings, structures or improvements which have been placed on it. All land dedicated to the public shall meet the requirements of the appropriate authority as to size, shape and location. Public utility or other similar easements and rights of way for water course, other similar channels or for storm drainage facilities are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the authority to which the land is dedicated;
2. The proposed open space may be conveyed to the trustees of a Homeowners Association or similar organization formed for the maintenance of the planned development. The common open space may be conveyed by covenants under such an arrangement subject to approval by the Planning Commission. Such covenants shall restrict the common open space to the uses specified on the final development plan and provide for the maintenance of common open space in a manner which assures its continuing use for its intended purpose.

**(d) Minimum Floor Area for Dwellings**

All dwelling units shall be constructed with the following square feet of floor area for living purposes. See Section [702.07\(e\)](#) for the calculation of minimum floor area.

- (1) Single-family dwellings shall have a minimum floor area of 1,000 square feet.
- (2) Two-family dwellings shall have a minimum floor area of 900 square feet per dwelling unit.
- (3) Multi-family dwellings shall have a minimum floor area of 500 square feet per dwelling unit.

**(e) Landscaping and Screening**

- (1) Every effort shall be made to preserve mature stands of trees and other natural features having intrinsic, aesthetic value.
- (2) Outdoor areas or containers holding or storing trash, garbage, recycled or reused materials shall be screened on three sides from adjoining properties, streets and other public areas.
- (3) All nonresidential uses shall be landscaped and screened in accordance [Chapter 708: Landscaping and Screening](#).

**(f) Off-Street Parking and Loading**

- (1) Adequate off-street parking shall be provided, including provisions for guest parking, in accordance with [Chapter 709: Parking, Access, and Connectivity](#).
- (2) All residential dwellings shall be required to have a fully enclosed garage for vehicular storage, with a minimum of 240 square feet.

**(g) Vehicular Access Points**

- (1) The number of ingress and egress points shall be limited in order to reduce the number of potential accident locations with streets.
- (2) Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.
- (3) The street and thoroughfare network shall be designed to minimize truck and through traffic passing through residential areas of the development, especially where dwelling units with two or more bedrooms are common.

**(h) Signs**

Signs shall be allowed in accordance with [Chapter 710: Signs](#), and shall be integrated into the building and landscaping plans so as to enhance the overall appearance while providing adequate identification of the development.

**(i) Improvement Standards**

- (1)** Unless alternative standards are approved as part of the PND approval process, all PNDs shall comply with the applicable subdivision improvement and design standards including, but not limited to, sidewalks, street design, drainage, and utilities.
- (2)** All streets proposed within a PND shall be public streets, dedicated to the Village, County, or State in accordance with the applicable subdivision regulations, unless otherwise approved by Planning Commission and Village Council as part of the PND development plan approval. In considering the approval of any application that proposes the use of private streets, the Planning Commission and Village Council shall consider the following:
  - A.** All private streets shall be designed in accordance with the standards of the subdivision regulations except that curbs and gutters may be waived and street width reduced if adequate provision has been made for storm drainage, guest parking and for access by emergency vehicles and trash collection trucks.
  - B.** Private streets shall be oriented and designed to discourage through traffic movement.
  - C.** Private streets should not be designed for extension into any adjacent development or provide access to future development which may occur on adjacent undeveloped land;
  - D.** Private streets shall have no more than thirty residential properties per entrance to a public street.
  - E.** Any development proposed containing private streets shall also contain a description of the method by which such streets are to be maintained, such as the by-laws of a homeowners' association.
- (3)** In addition to any sidewalk requirements required by the applicable subdivision standards, any PND that contains residential uses shall provide for adequate pedestrian walkways connecting residences to existing and proposed recreational facilities, schools, neighborhood shopping, other residential areas, and adjoining sidewalks.

## **Chapter 704: Accessory and Temporary Uses**

### **704.01 Accessory Use and Structure Regulations**

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**(a) Purpose**

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

**(b) General Provisions**

- (1) An accessory use or structure shall be secondary and incidental to the primary use of the lot and shall not alter the character of the principal use.
- (2) Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- (3) No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced.
- (4) In cases where the principal building is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the principal building to which it is supposed to be an accessory on the following conditions:
  - A. Up to 12 months consistent with that allowed by [Chapter 712: Nonconformities](#).
  - B. A zoning certificate is obtained for the reconstruction of the principal structure, the construction of which shall take place within 12 months. Failure to complete reconstruction of the principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense unless cause is given, in which case the Zoning Inspector may approve an extension of up to 12 months.
- (5) Small accessory structures such as doghouses, mailboxes, lending libraries, benches, garden decorations, barbeque equipment, etc. that are not otherwise addressed in this chapter, shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 24 square feet and shall not exceed six feet in height.
- (6) An accessory building that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
- (7) Porches, patios, and decks shall be subject to the same minimum setbacks as the principal building.
- (8) The accessory use regulations of this chapter shall not apply to any public lands owned by the Village, Knox County, or the State of Ohio.

**(c) Prohibited Structures for Accessory Uses**

- (1) Unless approved as a temporary use pursuant to this code, accessory structures that are constructed with fabric, canvas, tarpaulin, or other similar materials shall be prohibited. Inflatable or portable garages, carports, or storage structures shall also be prohibited.
- (2) Portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district except for the M-1 District where such containers or structures are screened from any adjacent residential uses in accordance with [Chapter 708: Landscaping and Screening](#).

**(d) Permitted Accessory Uses**

The following is an explanation of [Table 704-1](#).

- (1) The symbols for permitted uses with standards (PS), conditional uses (C), and prohibited are defined in the same manner as [702.05\(a\)](#).
- (2) A blank cell indicates that a use is prohibited in the respective zoning district.
- (3) **Zoning Certificate Required**  
A “Yes” in the “Zoning Certificate Required” column shall mean that the applicable accessory structure or use requires a zoning certificate in order to be constructed.
- (4) **Yards Permitted**  
This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards.
- (5) **Use-Specific Standards**  
The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the listed accessory use or structure. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
- (6) **Similar Use Determination and Unlisted Uses**  
The determination of whether a proposed accessory use or structure is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section shall be made in the same manner as principal uses. See [702.05\(c\)](#).

TABLE 704-1: ACCESSORY USES AND STRUCTURES						
PS=Permitted Use with Standards				C=Conditional Use		
Accessory Use or Structure	AG & C-1	R-1, R-1A, R-2, & R-3	B-1, B-2, B-3, M-1, & P-1	Zoning Certificate Required	Yards Permitted F=Front S=Side R=Rear	Use-Specific Standards in Section:
Accessibility Ramps	PS	PS	PS	No	F, S, or R	<a href="#">704.01(e)(1)</a>
Accessory Dwelling Units		C		Yes	R	<a href="#">704.01(e)(2)</a>
Amateur Radio Antennas		PS	PS	Yes	S or R	<a href="#">704.01(e)(3)</a>
Detached Accessory Buildings	PS	PS	PS	Yes	R	<a href="#">704.01(e)(4)</a>
Drive-Through Facilities			PS	Yes	See Section	<a href="#">704.01(e)(5)</a> .
Home Occupations	PS or C	PS or C	PS or C	Yes	Interior Use	<a href="#">704.01(e)(6)</a>
Nursery Schools or Day Care Centers		PS	PS	Yes	Interior Use	<a href="#">704.01(e)(7)</a>
Outdoor Dining			PS	Yes	F, S, or R	<a href="#">704.01(e)(8)</a>
Outdoor Display or Sales			PS	Yes	F, S, or R	<a href="#">704.01(e)(9)</a>
Outdoor Storage and Bulk Sales			PS	Yes	S or R	<a href="#">704.01(e)(10)</a>
Outdoor Vending Machines and Drop-Off Boxes			PS	See Section <a href="#">704.01(e)(11)</a>	S or R	<a href="#">704.01(e)(11)</a>
Raising of Chickens and Rabbits	PS	PS		No	R	<a href="#">704.01(e)(12)</a>
Retail Commercial Uses			PS	Yes	Interior Use	<a href="#">704.01(e)(13)</a>
Satellite Dishes	PS or C	PS or C	PS or C	See <a href="#">704.01(e)(14)</a> .		
Solar Panels	PS	PS	PS	Yes	See <a href="#">704.01(e)(15)</a>	
Swimming Pools		PS	PS	Yes	S or R	<a href="#">704.01(e)(16)</a>
Type A Day Care Homes		C		Yes	Interior Use	<a href="#">704.01(e)(17)</a>
Type-B Day Care Homes		PS		No	Interior Use	<a href="#">704.01(e)(18)</a>

**(e) Use-Specific Standards**

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section [704.01\(b\)](#).

**(1) Accessibility Ramps**

- A.** Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.
- B.** Such ramps shall be an open structure, without a roof.

**(2) Accessory Dwelling Units**

- A.** There shall be a maximum of one accessory dwelling unit on a lot.
- B.** Accessory dwelling units are only permitted as a conditional use in the R-1 and R-1A Districts.
- C.** The accessory dwelling unit may be a detached accessory building or may be attached to the principal building.
- D.** The maximum floor area of accessory dwelling unit shall be 600 square feet unless, upon recommendation from the Planning Commission, a larger floor area is determined to be appropriate due to an existing building being converted to an accessory dwelling unit.
- E.** Accessory dwelling units shall not exceed the maximum height of principal buildings in the applicable zoning district and in no case shall the accessory dwelling unit exceed the height of the principal building.
- F.** The accessory dwelling unit shall be designed in a similar style, and with similar building materials as the principal dwelling so as to harmonize with other buildings in the neighborhood.
- G.** Accessory dwelling units shall comply with the minimum setbacks required for detached accessory buildings in this chapter
- H.** The owner of the lot shall be required to live in the principal building or the accessory dwelling unit.
- I.** One off-street parking space shall be provided for the dwelling unit and the parking shall comply with Section [709.03](#). The parking space shall be accessible by an unoccupied and unobstructed driveway.

**(3) Amateur Radio Towers and Antenna**

- A.** No more than one amateur radio tower and/or antenna shall be permitted on each lot.
- B.** Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- C.** Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.
- D.** Such tower shall not exceed 65 feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.
- E.** Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- F.** When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.



- G.** Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval. The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to him or her by the FCC or the State of Ohio by license or law. If the Planning Commission determines that expertise beyond that of Village staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the Village for any expenses necessary for hiring a third-party consultant to make this determination.
- (4) Detached Accessory Buildings**
- A.** The provisions of this section shall apply to any accessory building, including detached accessory dwelling units as regulated in Section [704.01\(e\)\(2\)](#) above. This includes detached garages and carports, detached yard or storage barns, gazebos, and other similar buildings, as determined by the Zoning Inspector.
- B.** There shall be a maximum of two accessory buildings permitted on any single lot, including any detached accessory dwelling unit.
- C.** In residential zoning districts, [Table 704-2](#) shall establish the maximum square feet of all accessory buildings on any single lot based on the total lot area.

TABLE 704-2: MAXIMUM FOOTPRINT OF ACCESSORY BUILDINGS IN RESIDENTIAL ZONING DISTRICTS	
Lot Area	Maximum Square Feet of Accessory Building Footprints per Lot
Up to 9,000 Square Feet	600
9,001 to 22,000 Square Feet	800
11,001 to 43,560 Square Feet	1,000
43,561 Square Feet or larger	1,200

- D.** In no case shall any single accessory building exceed 600 square feet of footprint.
- E.** Detached garages and carports shall be served by a driveway.
- F.** Accessory buildings shall be set back a minimum of eight feet from all lot lines, except in the R-1A District, where the minimum setback shall be five feet from all lot lines.
- G.** Accessory buildings shall not exceed the maximum height of principal buildings in the applicable zoning district and in no case shall the accessory building exceed the height of the principal building.
- H.** No detached accessory structure shall be located less than 10 feet from the principal building, if approved. If the separation of the accessory and main structure is less than 10 feet, the accessory structure shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building.
- I.** Detached garages that have access from an alley shall not be required to have any setback from the alley except that, at a minimum, a driveway apron shall be provided between the alley and garage.

**(5) Drive-Through Facilities**

The following standards shall apply to businesses that contain a drive-through facility regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

- A.** Drive-through facilities are prohibited in the B-1 District.



- B. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 200 feet of any residential dwelling unit.
- C. All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- D. If the drive-through window, drive-through signage, or any audio equipment are located in the front yard, they shall be screened with an opaque, landscaped screen of with a height that will fully screen the window, signage, or audio equipment. Such screening shall not be required for stacking spaces that are located in a front yard.
- E. Drive-through facilities shall be required to include vehicle stacking spaces as established in Section [709.06](#).

## **(6) Home Occupations**

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.

### **A. General Standards**

- 1. The home occupation shall be clearly secondary to the full-time use of the property as a residence.
- 2. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.
- 3. All home occupation activities shall take place in the dwelling or may take place in a detached accessory building. There shall be no use of an outdoor area for the home occupation, including for storage of materials, goods, supplies, or equipment.
- 4. The sale of goods or services shall be limited to products that are produced or processed on the premises; or the sale of goods as part of a mail order, online business, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) where there is no stock-in-trade on the site.
- 5. No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.
- 6. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- 7. Only residents of the dwelling shall operate the home occupation.
- 8. No more than 25 percent of the floor area of the dwelling unit shall be devoted to such home occupations.
- 9. There shall be no signs other than the wall signs allowed on a dwelling in Section [710.08\(a\)](#).
- 10. No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.

11. Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.
12. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
13. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Zoning Inspector.

**B. Prohibited Home Occupations**

The following are business activities that are prohibited as home occupations:

1. Animal hospitals and boarding facilities;
2. Automotive and other vehicle repair and service, except when such repair or service is within an attached garage and the vehicle is owned or leased by the occupant of the dwelling units.
3. Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;
4. Fitness/health facilities that provide group activities or services;
5. Medical clinics, laboratories, or doctor's offices;
6. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the home owner or tenant;
7. Uses that require explosives or highly combustible or toxic materials;
8. Welding and machine shop operations;
9. Wood cutting businesses; or
10. Other similar uses as determined by the Zoning Inspector.

**C. Home Occupations Permitted with a Zoning Certificate**

The following home occupations are examples of those that may be allowed with a zoning certificate provided they comply with this code:

1. Handcrafts as well as arts and craft work including, but not limited to baking, ceramics, soap making, candy or snack making, jewelry making, pottery, painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;
2. Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, realtor, consultant, counselor, insurance agent, planner, tutor, or writer provided no clients meet at the dwelling; and
3. Other similar uses as determined by the Zoning Inspector.

**D. Home Occupations Permitted with a Conditional Permit**

The following home occupations are examples of those that may be allowed with a conditional use approval provided they comply with this code:

1. Any home occupation that provides services where members of the public visit or enter the premises if designed to accommodate one customer at a time and which meets all other applicable requirements for home occupations including, but not limited to, fitness/health training, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy;

2. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.); and
3. Other similar uses as determined by the Zoning Inspector.

**E. Enforcement and Revocation**

1. A zoning certificate for a home occupation 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 certificate.
2. If any condition of approval for the home occupation, including the provisions of this section, are violated, the Zoning Inspector may revoke the home occupation zoning certificate. Such revocation may be appealed to the BZA.
3. Zoning certificates for home occupation that have been revoked may not be applied for again until a period of one year has elapsed from the date of revocation.

**(7) Nursery Schools or Day Care Centers**

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses. Such use shall be located within the principal building.

**(8) Outdoor Dining**

- A. Outdoor dining areas shall be located along a sidewalk adjacent to the principal building the dining is connected with or between the principal building the dining is connected with and an adjacent parking area.
- B. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service area and the principal building.
- C. Outdoor dining areas shall not be located within 10 feet of a fire hydrant, fire department standpipe connection, fire escape, bus stop, loading zone, mail boxes, or traffic signal stanchions.
- D. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
- E. Any railing or fencing shall have a minimum openness of 50 percent and shall be constructed of aluminum, plastic, or other weather resistant materials. Railing or fencing with a decorative design similar to those in [Figure 704-A](#), below are permitted. Alternative fencing or railing design may be approved by Planning Commission.



Figure 704-A: Examples of decorative railing or fencing allowed for outdoor dining areas.

- F.** Any railing or fencing that will be attached permanently to a public sidewalk shall require the approval of the Planning Commission.
- G.** Any furniture used for outdoor dining shall be weather proof and constructed of sturdy materials, excluding plastic. Any furniture that is to be located in the public right-of-way shall be reviewed and approved by the Planning Commission who shall consider whether the furniture is compatible with the public street furniture and streetscape of the surrounding area.
- H.** Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall not be permitted in any outside dining area if the noise from such entertainment is of such a volume so as to cause a disturbance to abutting property owners. The addition of this activity to an existing use shall require approval through site plan review.
- I.** If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of five feet of clearance adjacent to the dining area to allow for safe pedestrian circulation. Furniture or elements of the outdoor dining shall also not block any areas of ingress or egress from the principal building.
- J.** Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- K.** Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning certificate.

- L. Where an outdoor dining area is located in a right-of-way, the permittee shall hold harmless, indemnify, and defend the Village of Fredericktown from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of a zoning certificate which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.

**(9) Outdoor Displays and Sales**

Seasonal and permanent facilities for outdoor display and sales (e.g., garden supply sales, news and flower stands, sidewalk sales, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- A. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with the vision clearance requirements.
- B. Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
- C. Outdoor displays and sales areas shall not cover an area more than 20 percent of the ground floor area of the principal building.
- D. Outdoor display and sales areas may be permitted in the front yard provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building. Outdoor display and sales areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.
- E. The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- F. The outdoor display and sales areas shall be maintained in good order and appearance.
- G. The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can typically pick up and carry into the building for purchase. The storage or sale of larger items in an outdoor area shall be regulated as outdoor storage and bulk sales in compliance with Section [704.01\(e\)\(10\)](#), below.

**(10) Outdoor Storage and Bulk Sales**

- A. Outdoor storage and bulk sales shall comply with the standards of outdoor displays and sales unless otherwise modified by this section.
- B. Outdoor storage and bulk sales shall be prohibited in the B-1 District.
- C. Outdoor storage and bulk sales in a parking lot shall be prohibited unless allowed as part of a temporary event.
- D. The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 50 percent of the ground floor area of the principal building.
- E. Outdoor storage and bulk sales areas shall be shown on any site plan submitted for review and approval.
- F. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust. Outdoor storage may be located on areas paved with gravel in the industrial districts if the storage is set back a minimum of 100 feet from any adjacent lot lines of lots in residential zoning districts.



- G. Areas devoted to outdoor storage or bulk sales shall be located in a side or rear yard so that it is behind the principal building and not visible from any public street, unless the storage is located on a corner lot. The enclosed area shall be setback 25 feet from any property boundary that abuts a single-family residential district and in no case shall the side and rear setback of the enclosed area be less than 10 feet. On corner and through lots, the enclosed area shall be setback 20 feet from any street right-of-way.
- H. All aspects of outdoor storage and bulks sales of goods and materials shall be screened in accordance with Section [708.05\(a\)](#).
- I. If the wall or fence needs to exceed eight feet in height to conceal the storage of materials, such wall or fence shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure.
- J. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- K. All areas shall be maintained in a neat and orderly fashion.

**(11) Outdoor Vending Machines and Drop-Off-Boxes**

Outdoor vending machines and drop-off boxes for recycled goods, books, donations, etc., may be permitted when they comply with the following regulations.

- A. No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required site vision clearance requirements.
- B. The facility or equipment shall be maintained in good operating order and appearance.
- C. Vending machines and drop-off boxes shall only be permitted in the nonresidential zoning districts except for the B-1 District where such uses are prohibited. They may be permitted in residential districts only when accessory to a permitted nonresidential use.
- D. Vending machines shall only be placed along the facade of the principal building on a private sidewalk.



*Figure 704-B: The above is an image of one vending machine that is appropriately located along the facade of the building.*

- E. Drop-off boxes shall only be permitted in the side or rear yard.
- F. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the Zoning Inspector at the expense of the property owner or business owner.

- G. Drop-off boxes shall include the name and contact information of the person who owns or maintains the box.
- H. The Village shall have the authority to place more than one drop-off box on a single lot when providing recycling services to the general public.

**(12) Raising of Chickens and Rabbits**

The keeping of up to six chickens or rabbits is permitted on lots in the AG, C-1, R-1, R-1A, R-2, or R-3 Districts provided that:

- A. The principal use is a single-family dwelling on a lot;
- B. The raising or keeping of roosters in Fredericktown is prohibited;
- C. No person shall slaughter any of the livestock for commercial sales;
- D. Housing shall be provided for the enclosure of all animals; however, the lot shall also include sufficient adjacent land for an outdoor run or pasture. Such outdoor area shall be enclosed with fencing. Permitted size and location of chicken coops and chicken runs are as follows:
  - 1. The housing enclosure shall be of a size sufficient for the number and types of animals to be maintained on the lot.
  - 2. The housing enclosure and outdoor run or pasture area shall be set back a minimum of 10 feet from the nearest lot line and 20 feet from any adjacent dwelling unit and street right-of-way;
  - 3. The maximum floor area of any enclosure shall be 200 square feet where no individual façade dimension exceeds 20 feet in length. Such enclosures shall be subject to the permit, size, number, and accessory building standards of Section [704.01](#).
  - 4. The enclosed run or pasture area shall be appropriately fenced to prevent the animals from leaving the lot;
  - 5. Housing enclosures and outdoor areas shall not be visible from the street and may be buffered from view using fencing or landscape materials.
  - 6. Free-range animals are prohibited meaning that all animals must be limited to their housing enclosure or outdoor area approved as part of these regulations.
- E. All animal feed shall be kept in a predator-proof/rodent-proof container.
- F. Waste material must be disposed of in a manner that will not cause odor, or attract flies or vermin.
- G. All areas where livestock animals are kept shall be maintained to be neat and clean and free of undue accumulation of waste such as to prevent odors detectable on adjacent property.

**(13) Retail Commercial Uses**

Retail commercial uses are permitted in the P-1 and M-1 Districts provided:

- A. Such uses are an accessory use to an approved principal use;
- B. The uses are located completely within a principal building of a nonresidential use;
- C. The total floor area of accessory uses shall not exceed 10 percent of the total gross floor area of the principal building.
- D. In the M-1 District, retail commercial uses shall be limited to the retail sale of goods manufactured on-site.

**(14) Satellite Dishes**

- A. Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning certificate.

- B. To the maximum extent feasible, the dish should be located in the side or rear yard.
- C. Mounting brackets shall be removed whenever a satellite dish is removed.
- D. Satellite dishes larger than one meter in diameter may be permitted if approved by the Planning Commission as a conditional use that is accessory to a permitted nonresidential uses. Such larger satellite dishes shall be set back a minimum of 10 feet from all lot lines.

**(15) Solar Panels**

- A. Freestanding solar panels shall be limited to a maximum height of 10 feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of 25 feet and shall not cover more than 200 square feet in lot area.
- B. Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.
- C. Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed 36 inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.
- D. Roof-mounted solar panels shall require a zoning certificate or may be reviewed as part of the zoning certificate for the principal building if constructed at the same time.
- E. Solar panels installed on property owned by the Village shall be classified as a public utility and allowed in accordance with the provisions for such uses in [Chapter 702: Zoning Districts and Principal Uses](#), regardless if the panels are accessory to another use.

**(16) Swimming Pools**

The following standards shall apply to all types of swimming pools permitted in the Village of Fredericktown:

- A. A private swimming pool, as regulated herein, shall be any pool, spa, hot tub, pond, lake or open tank, not located within a completely enclosed building, that is intended for swimming, wading or recreational bathing capable of containing in excess of two feet of water at its deepest point
- B. A swimming pool shall not exceed 54 inches in height, above ground. Slides associated with pools shall be exempt from this height requirement.
- C. Private swimming pools are those pools used solely by the residents and guests of the principal use.
- D. The swimming pool shall be set back a minimum of 10 feet from all lot lines, as measured from the edge of the water. All pump and filtering equipment shall be set back a minimum of 20 feet from all lot lines.
- E. Any outdoor swimming pool, as defined in this subsection, shall be surrounded by a barrier which shall comply with the following:
  - 1. Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy construction at least 48 inches in height, measured from the ground level at each point along the boundary of such enclosure. The enclosure may surround the pool area or the entire yard. The enclosure shall be of such design as to prevent young children from crawling or otherwise passing through, under or over such enclosure without the use of a ladder or other implement. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
  - 2. Access gates into such enclosure shall be self-closing and have a self-latching device.



3. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access.
  4. The required barrier must be installed prior to filling the pool with water.
    - ii. A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the barrier requirements of this section.
  5. Automatic pool covers are permitted but the barrier requirements of this section shall still apply.
- F. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- G. Lighting shall be shaded so as not to be a disturbance to adjacent properties.
- H. Any sound of motor or pumps in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants shall be shielded to prevent such disturbances.
- (17) Type A Family Day Care Home**  
Type A family day care homes may be considered for a conditional use approval provided the residential lot has a minimum lot area of one acre.
- (18) Type B Family Day Care Home (1-6 Children)**  
Type B family day care homes are permitted when accessory to any residential dwelling unit.

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## **704.02 Temporary Use Regulations**

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**(a) Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**(b) General Standards for Temporary Uses and Structures**

Temporary uses or structures shall:

- (1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (2) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (3) Not include permanent alterations to the site;
- (4) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (5) Not interfere with the normal operations of any permanent use located on the property; and
- (6) Contain sufficient land area to allow the temporary use or structure to occur, as well as adequate land to accommodate the parking and traffic movement.

**(c) Permitted Temporary Uses and Structures**

**(1) Construction Structures**

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- A. The use of such structures shall be limited to offices, buildings for the storage of lumber, equipment, and other building material, as well as construction dumpsters.

- B. Such construction structures shall be located on pavement or in a landscaped setting approved by the Planning Commission except that all construction dumpsters shall be located only a paved surface.
- C. All temporary construction structures shall be set back a minimum of 100 feet from the nearest occupied residential dwelling except for those dwellings located on the same lot. Such setback may be reduced to 10 feet for construction dumpsters.
- D. A temporary structure for the construction office may be placed on the site no sooner than two weeks before the start of grading or construction and shall be permitted for a period of one year after issuance of the zoning certificate unless an alternative time limit is approved by the Planning Commission based on the scale of the project.
- E. In residential zoning districts, the hours of operation or use of the structure shall be restricted to the hours between 7:00 a.m. to 6:00 p.m., and the concentration of vehicles attracted to the premises in connection with such use shall not be more hazardous than normal traffic in a residential district that is being developed.
- F. The structure shall not be located within a floodplain or in a location that will obstruct drainage flow.
- G. The structure shall not block or prevent access to any fire hydrant.
- H. All temporary structures for construction operations shall be removed within 14 days after the completion of work on the premises for which an occupancy permit has been issued or if construction is not pursued diligently. For residential subdivisions, the temporary construction structures shall be removed after the zoning certificate has been issued for the final dwelling.
- I. Such construction structures shall be permitted in all districts, however, only construction dumpsters are permitted on individual lots with residential dwellings, in residential zoning districts. For such uses, the placement of a temporary construction dumpster shall be limited to 30 consecutive days in any single calendar year.

**(2) Mobile Food Vendors**

- A. The purpose of these regulations is to define how and where mobile food vendors are permitted within the Village of Fredericktown.
- B. A mobile food vendor permit is required indicating the name and address of the owner, mobile telephone number of operator, evidence of general liability insurance, dates and locations the mobile food vendor will operate in the Village and containing a site plan showing the location of the mobile food vendor on the lot. Should the applicant desire to operate in a location other than the location stated in the permit application, the applicant shall request in writing permission to change location from the Zoning Inspector who shall have discretion to grant or deny said request for change of location.
- C. For the purposes of this section, "ice cream trucks" are defined as a mobile food vendors that sell only ice cream, any pre-packaged, soft-serve or hand-dipped ice cream, frozen milk, frozen dairy or water-based food or confection products. Ice cream trucks are excluded from the prohibitions of this section.
- D. The mobile food vendor permit application shall include a statement from the applicable property owner indicating agreement to the location of the mobile food vendor on such lot.
- E. The permit granted under this code must be clearly and conspicuously displayed and must be provided to any Village of Fredericktown Police Officer, Fire Department Personnel, or Zoning Inspector.
- F. Mobile food vendors cannot be located within any required building setback (See applicable zoning districts.).

- G.** Mobile food vendors are prohibited on publicly-owned properties and on public streets with the except that food vendors may be permitted to operate on lots zoned for the P-1 District outside of the downtown Fredericktown area designated in the blue outlined in [Figure 704-C](#).
- H.** Mobile food vendors shall be permitted on private property and shall operate only upon a paved, off-street driveway or parking space that does not block vehicular traffic or walkways.
- I.** Mobile food vendors cannot disturb the area via noise or other disturbance.
- J.** Trash cannot accumulate in the area and at least one trash can must be provided.
- K.** All mobile food vendors must internally store and contain all sewage and waste water produced by the vehicle and there shall be no discharge of any sewage or wastewater into the ground or into any storm water or sanitary sewers within the Village.
- L.** Mobile food vendors may only sell food, non-alcoholic beverages, and clothing or containers displaying the Mobile Food Vendor name and/or logo. Mobile food vendors may not sell any other products including, but not limited to alcoholic beverages and/or tobacco products.
- M.** Only one mobile food vendor is permitted on a single lot at any given time.
- N.** The Zoning Inspector may revoke the mobile food vendor permit if they determine in their sole discretion that the mobile food vendor has violated any provision of this code or is otherwise in violation of other ordinances or regulations of the Village.
- O.** Mobile food vendors shall be classified as one of three types with operational limits as established in Table 1. An application fee shall be required for each separate zoning certificate application or renewal.

TABLE 704-3: MOBILE FOOD VENDOR TYPES AND OPERATIONAL LIMITS			
Mobile Food Vendor Type	Duration of Daily Operations	Permitted Occurrences on a Single Lot	Zoning Certificate Requirement
Type 1	Two or more hours per day	Daily for up to 30 days per calendar year	Zoning certificate required annually
Type 2	Four hours per day	Two times per calendar year	Zoning certificate required for each occurrence

- P.** Type 1 and 2 mobile food vendors are permitted in the B-2, B-3, and M-1 Districts outside of the downtown Fredericktown area designated in the blue outline in [Figure 704-C](#).



*Figure 704-C: Downtown Fredericktown Boundary*

- Q.** Mobile food vendors cannot be in operation from 10 pm to 7 am and must be removed from the approved location overnight (i.e., no permanent placement of mobile food vendors).
- R.** All other required applicable permits must be obtained including, but not limited to, permits from the Knox County Health Department.
- S.** These regulations are not applicable to mobile food vendor operations that occur during Village sponsored events. These regulations shall also not apply to private parties or events whereby food is not sold to the public; food delivery vehicles delivering pre-ordered, sealed package, unprepared foods directly to businesses and/or residences to be prepared for consumption at a later time; food delivery vehicles delivering food ordered from a restaurant, including pizza delivery and similar services.

**(3) Portable Storage Units**

- A.** Portable storage units may be permitted in any zoning district as follows:
  - 1.** Such units may be used on construction sites, as construction structures, in accordance with Section [704.02\(c\)\(1\)](#).
  - 2.** When the occupant of a property is relocating or renovating, a portable storage unit shall be located on a paved surface, on a private property for a period not to exceed 30 consecutive days in any 180-day period.
  - 3.** The placement of any portable storage unit shall be in such a manner as not to create a public nuisance.
- B.** A zoning certificate shall be required for the placement of any portable storage unit.
- C.** Portable storage units shall not be used to store hazardous or explosive materials.
- D.** Portable storage units shall not be occupied or use for any housing use.
- E.** Electric cords or power lines shall not be extended to any portable storage unit.

**(4) Temporary Sales Office and Model Homes**

If a temporary sales office/model home is to be located in a subdivision or multi-family residential development, its location shall be indicated on the subdivision plats or site plans, as applicable, and approved by the Planning Commission. The following provisions shall be met:

- A.** Up to four temporary real estate sales office or model dwelling unit shall be permitted in a section or phase of a new residential subdivision or in any one multi-family residential development.
- B.** The dwelling shall comply with all of the applicable standards of this code for the final residential use regardless of the temporary use as a sales or leasing office;
- C.** The sales office/model homes shall be operated by a developer, builder, or sales agent active in the same phase or section where the use is located.
- D.** The sales office/model home shall be converted into a permanent residential use upon completion of construction and issuance of the permit for the last dwelling or for a period of time approved by the Planning Commission for multi-family residential developments.

## **Chapter 705: Fences and Walls**

### **705.01 Zoning Certificate Required**

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- (a) The installation of any fence or wall shall require the approval of a zoning certificate unless specifically exempted from the certificate requirement in this code.
- (b) Zoning certificates are not required for repairs of existing fences or walls. However, such work or structures are still subject to the applicable standards of this section. The replacement of an existing fence or wall shall require a zoning certificate.
- (c) Replacement of nonconforming fences or walls shall be subject to Section [705.07](#).
- (d) A zoning certificate shall not be required for short sections of fencing or walls that are designed as an architectural feature or utilized for decorative purposes and are not intended to enclose an area of land. Such sections shall not exceed 25 feet in length and shall comply with the vision clearance requirements of this code.
- (e) Hedges, shrubbery, trees, bushes and plantings shall be excluded from classification as fences but shall be subject to any applicable vision clearance requirements.

### **705.02 General Requirements**

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- (a) Unless a specific distinction is made in this section, any regulation that applies to fences shall apply to walls and vice versa.
- (b) All fences and walls, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences or walls on adjoining properties.
- (c) A zoning certificate shall be required for each property on which a fence or wall is installed when a connection of existing fences or walls is proposed on two different properties. Such applications shall also include signatures of both property owners to document the agreement of such connection.
- (d) Fences or walls are permitted along property lines provided only one fence is located on the lot line. Where separate fences or walls are proposed for adjacent properties, such fences and walls shall be separated by two and one-half feet for maintenance.
- (e) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.
- (f) Posts, poles, or other mechanisms used to secure the fence to the ground or support the fence shall be located on the inside of the fence (i.e., located on the property of the applicant).
- (g) All diagonal or supporting members shall face the property on which the fence or wall is constructed.
- (h) All fences and walls shall be maintained in a neat and orderly manner.
- (i) Walls shall be prohibited within all utility easements. Fences that are placed in utility easements shall require the written permission from the applicable utility company. Without such permission, are subject to removal without notice by utility companies or the Village when work is being done in the utility easements. Fences shall not be placed in any Village easement unless the plat specifically permits the placement of such fence. The Village of Fredericktown is not responsible for the determination of easements on private properties.
- (j) Replacement of fences removed by the Village or utility company shall be at the property owner's expense.



- (k) Fences and walls shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district. Solid fences and walls shall be designed to direct water to drainage channels or other outlets to eliminate the possibility of the accumulation of water behind the wall.
- (l) It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Zoning Inspector issuing the zoning certificate, and that the fence does not encroach on another lot or existing easement. The issuance of the zoning certificate and any inspection by the Village shall not be construed to mean that the Village has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.

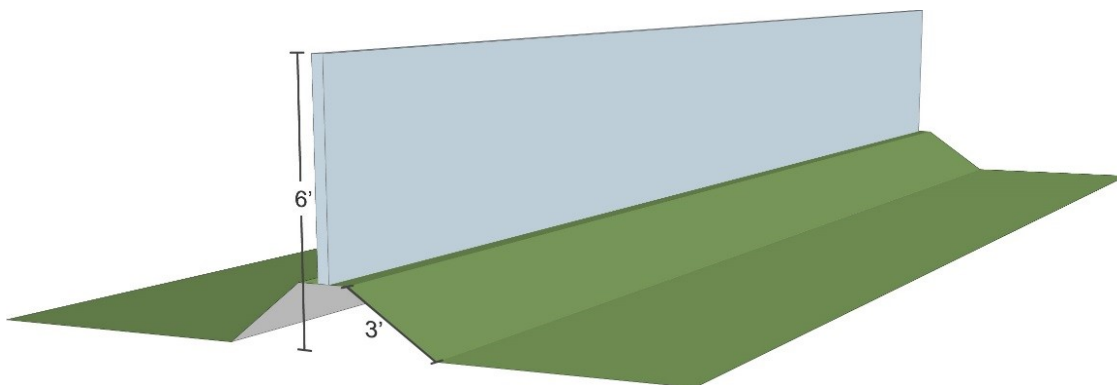
### **705.03 Prohibited Fences**

Except as provided below, no person shall erect or maintain anywhere in the Village a fence or wall equipped with or having barbed wire, razor 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.

- (a) Barbed wire fencing shall be permitted on the top of fencing in the side and rear yards in the M-1 District provided that the fencing is mounted in a straight line along the top of a fence, either parallel with the fence line or up to a 45-degree angle from the fence line. Rolled barbed wire fencing shall be prohibited.
- (b) Barbed wire fencing shall be permitted at the top of fencing in the side and rear yards in the P-1 District where the Planning Commission determines that there is a need for security fencing. Such barbed wire fencing shall be mounted in a straight line along the top of a fence, either parallel with the fence line or up to a 45-degree angle from the fence line. Rolled barbed wire fencing shall be prohibited.

### **705.04 Measurement**

- (a) The maximum fence or wall height shall be measured from the lowest point within three feet on either side of the fence to the top most portion of the fence between posts. See [Figure 705-A](#). The structure posts, finials, or other decorative architectural details may exceed the maximum height allowed in this section by up to six inches.



*Figure 705-A: Illustration of the measurement of the height of a fence based on the grade.*

- (b) Fencing or walls should follow the natural contour of the land on which it is located. See [Figure 705-B](#).

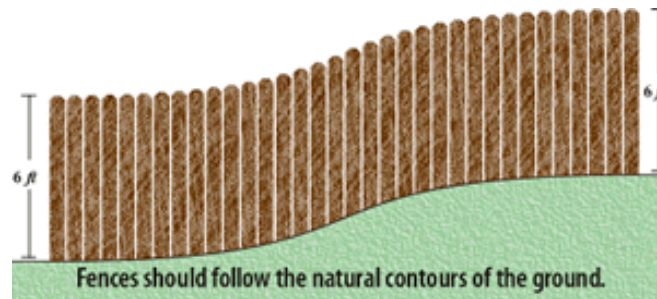


Figure 705-B: This illustrates how fencing is measured along a natural contour.

- (c) A fence may be erected on top of a wall but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall. Fences or walls located on top of a retaining wall shall be measured from the top of the finished grade at the top of the retaining wall.

### **705.05 Front Yard Fences and Walls**

- (a) No person shall erect any fence or wall in the Village in the front yard with the exception that decorative landscaping walls and fences that do not exceed 42 inches in height may be allowed. This type of fence must meet the following requirements:
- (1) That the proposed decorative landscape wall or fence is compatible with other similar structures in the neighborhood.
  - (2) 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.
  - (3) That the wall or fence is not located in any easement.
- (b) See Section [702.07\(b\)\(3\)](#) for the location of front yards based on lot types.

### **705.06 Side and Rear Yard Fences and Walls**

- (a) No fence, wall, or combination thereof shall exceed six feet in height any rear or side yard except in the M-1 or P-1 District where no fence, wall, or combination thereof shall exceed eight feet in height in any rear or side yard.
- (b) No side yard fence shall extend beyond the front setback line of the house.
- (c) See Section [702.07\(b\)\(3\)](#) for the location of side and rear yards based on lot types.

### **705.07 Nonconforming Fences and Walls**

- (a) Where a nonconforming fence or wall is to be maintained or repaired, such nonconforming fence or wall may continue to exist. Repair or maintenance shall include any general maintenance of a fence or wall while still in place or a portion of a fence or wall may be removed temporarily for repair or maintenance work provided the same fence or wall is replaced in the same position.
- (b) If 50 percent or more of the length of a nonconforming fence or wall is to be removed and replaced, even as part of maintenance, such replacement shall conform with the requirements of this code and shall require the issuance of a new zoning certificate. Such 50 percent shall be the aggregate over the course of time, following the effective date of this code, so that full, conforming replacement, shall be required once 50 percent of the length has been removed, no matter if done as a whole or partially over time.



## **Chapter 706: 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:

### **706.01 Fire Hazards**

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Any activity involving the use of flammable or explosive materials shall devices as are normally used in the handling of any such material.

### **706.02 Radioactivity or Electrical Disturbance**

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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.

### **706.03 Noise**

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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.

### **706.04 Vibration**

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

### **706.05 Smoke**

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Smoke shall be controlled as much as economically possible as determined by the Village Council or Ohio Environmental Protection Agency.

### **706.06 Odors**

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No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

### **706.07 Air Pollution**

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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.

### **706.08 Glare**

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No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.

### **706.09 Erosion**

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

## 706.10 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.

## 706.11 Vision Clearance at Intersections

- (a) In order to provide a clear view to the motorist there shall be a triangular area of clear visibility that is free of any obstructions where there is an intersection of two or more streets and/or where a driveway intersects with a street.
- (b) Where a street intersects with another street, the triangular areas shall be defined by measuring 25 feet from the intersection of the extension of the front and side street curb lines (or the edge of pavement where there is no curb) and connecting the lines across the property. See [Figure 706-A](#).
- (c) Where a driveway intersects a street, the triangular areas shall be defined by measuring 20 feet from the edge of the driveway along the street and 10 feet along the driveway, perpendicular from the street. See [Figure 706-A](#).
- (d) These standards shall not apply to driveways for single-family dwellings or multi-family dwellings with six or fewer dwelling units.
- (e) The Zoning Inspector may reduce the distance requirement where it is determined that a narrow lot frontage would excessively reduce buildable area.
- (f) No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the area established above, unless approved by the Director of Public Works. Trees may be located within these areas provided they are pruned and/or the canopy is trimmed to provide clear visibility (with the exception of the tree trunk) up to eight feet above the top of the curb.
- (g) Where no curb exists, the height shall be measured from the top of the pavement.
- (h) The Ohio Department of Transportation may impose additional restrictions along state or federal routes.

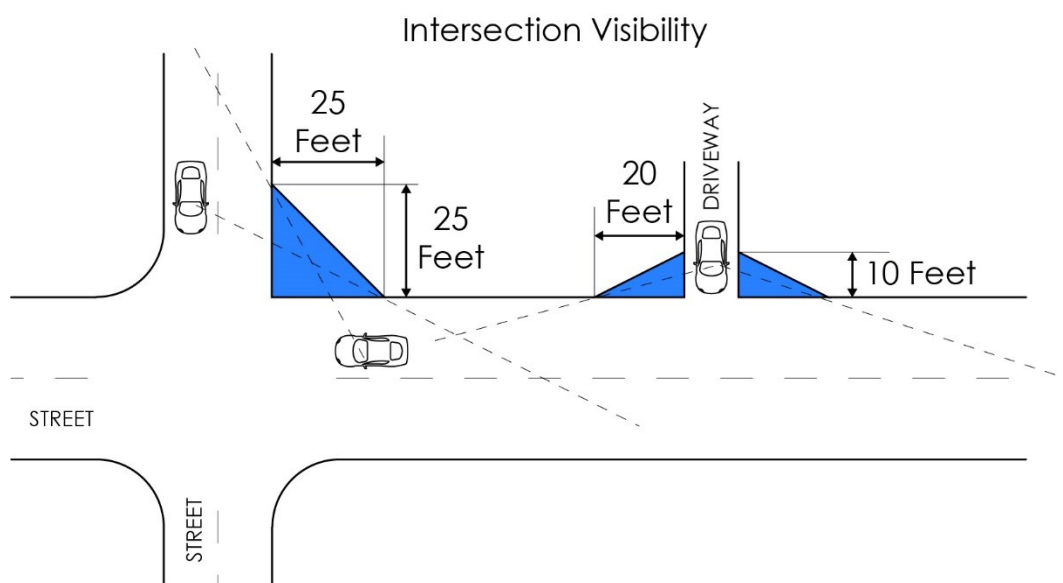


Figure 706-A: Intersection visibility area for two intersecting streets.

### **706.12 Dumpster Locations**

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- (a) In B-1, B-2, and B-3 Districts and for all multi-family dwellings with three or more dwelling units, trash dumpsters and trash containers, whether permanent or portable, shall be placed within an enclosure that is screened in accordance with Section [708.05](#).
- (b) Trash dumpsters and containers of sufficient size must be provided for each use it serves.
- (c) All garbage and trash must be contained inside the dumpster or container and not inside the enclosure.
- (d) The above standards shall also apply to any recycling bins or containers.
- (e) The above standards shall also apply to any nonresidential use or multi-family dwellings in a PND District.

### **706.13 Excavation**

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Wherever there is any clearing, earth-moving, earth-disturbing, or other excavation of any size that requires a zoning certificate in accordance with Section [711.10\(c\)](#), the following requirements shall apply:

- (a) Positive drainage shall be maintained to existing stormwater systems or natural drainage.
- (b) If no development or construction will occur within 30 days following the applicable activity, the site shall be cleared of tree stumps and graded, seeded, and/or mulched within 30 days of the completion of the applicable activity.
- (c) The Zoning Inspector may extend the 30-day time period in this section for one additional 30-day time period if good cause is shown.

### **706.14 Enforcement Provisions**

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The Zoning Inspector shall refer any proposed use which is likely to violate performance requirements to the Planning Commission for review.

## Chapter 707: Downtown Design Standards

### 707.01 Applicability

- (a) The provisions of this section will apply to all renovations, expansions, and construction of new principal buildings in the B-1 District.
- (b) Review of these standards shall made during site plan review.

### 707.02 Standards for Exterior Renovations of Existing Buildings

- (a) Commercial or mixed-use buildings are the principal building type in downtown Fredericktown. The traditional storefront facade has the same basic components as illustrated in [Figure 707-A](#), although the size, shape, style, materials, and details may vary depending on when the building was constructed.

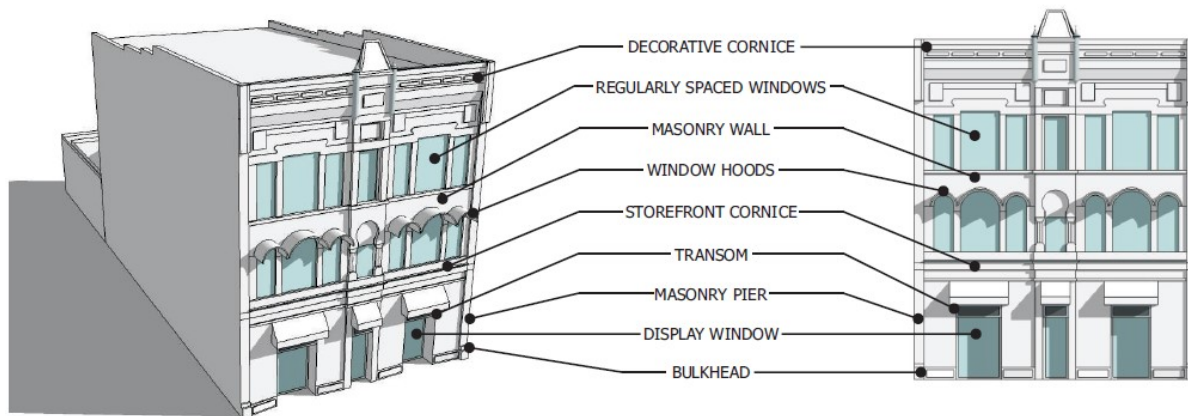


Figure 707-A: Typical storefront components of commercial buildings.

- (b) Traditionally, commercial buildings have a well-defined opening that contains the original storefront and is usually confined to the first floor of the building. These storefronts shall not be enlarged to encompass additional floors unless it is determined that this was the original design of the building.
- (c) Piers and columns that divide the storefront into bays, and lintels or cornices that separate the storefront from upper floors shall not be covered or removed.
- (d) Storefronts shall be located on the front facade facing a public right-of-way.
- (e) Storefronts with major projections beyond the front facade are not appropriate and shall be prohibited.



Figure 707-B: These photographs illustrate appropriate facade orientation, recessed entryways, and high levels of glass and visibility on the first floor.

- (f) In the event that the original storefront has been removed, renovated in an inappropriate manner, or irreparably damaged, a new storefront should be constructed that is consistent with the architectural style of the original building.
- (g) Inappropriate historical themes and modern architectural styles shall be avoided.
- (h) Materials and design elements such as mansard roofs with wooden shingles, rough textured wood siding, fake bricks or stone, are not appropriate materials and are prohibited from use on a storefront.
- (i) The first floor shall contain approximately 75% glass to allow for high visibility into the first floor.
- (j) Mirrored glass, shaded glass, plexi-glass, and other inappropriate or artificial glass materials shall be prohibited.
- (k) The placement of storefronts on buildings that were not original designed for storefronts should be avoided but the Planning Commission may authorize such a storefront if appropriate for the permitted use.
- (l) Signage should be integral to the building and its materials. Wall signs, window signs, and projecting/right-angle signs are the desired sign types. See also [Chapter 710: Signs](#).

### 707.03 New Construction or Additions

- (a) New construction and additions shall be clearly differentiated so that the addition does not appear to be an original part of the historic building.
- (b) To the maximum extent feasible, any additions to an existing building should be located in the rear or in the most inconspicuous portion of the site so as to not overwhelm the original structure.
- (c) Additions such as balconies, decks, exterior stairs, and greenhouses may be permitted but shall be placed on non-character defining elevations such as the rear or side facade.
- (d) New additions should look new but should be compatible with the surrounding structures as outlined in this manual. Do not try to making the building look older;
- (e) The overall height of new construction should relate to that of adjacent buildings. As a general rule, new buildings should generally be the same height as the average height of existing buildings within the vicinity. The Planning Commission may authorize slightly taller buildings on corner sites to create a focal point for the intersection.



Figure 707-C: The height, width, and overall proportions of infill development should be in scale with surrounding buildings. Buildings should also maintain the rhythm of window and door openings.

- (f) The width of a new building shall be designed to continue the established rhythm of the block. If the lot is wider than 50 feet, the building facade shall be broken into smaller bays with architectural details to maintain the building rhythm.





Figure 707-D: This image illustrates how existing and new structures divide the entire facade plane into smaller components through the use of pilasters, storefronts, height variation, and material variations.

- (g) The scale of a building's proportions and the building's massing shall be similar in character to surrounding buildings.
- (h) New buildings or additions shall maintain the same directional expression (horizontal or vertical) as surrounding buildings. Horizontal buildings can be detailed to relate to more vertical adjacent structures by breaking the facade into smaller masses and bays. Strongly horizontal or vertical facade expressions shall be avoided.

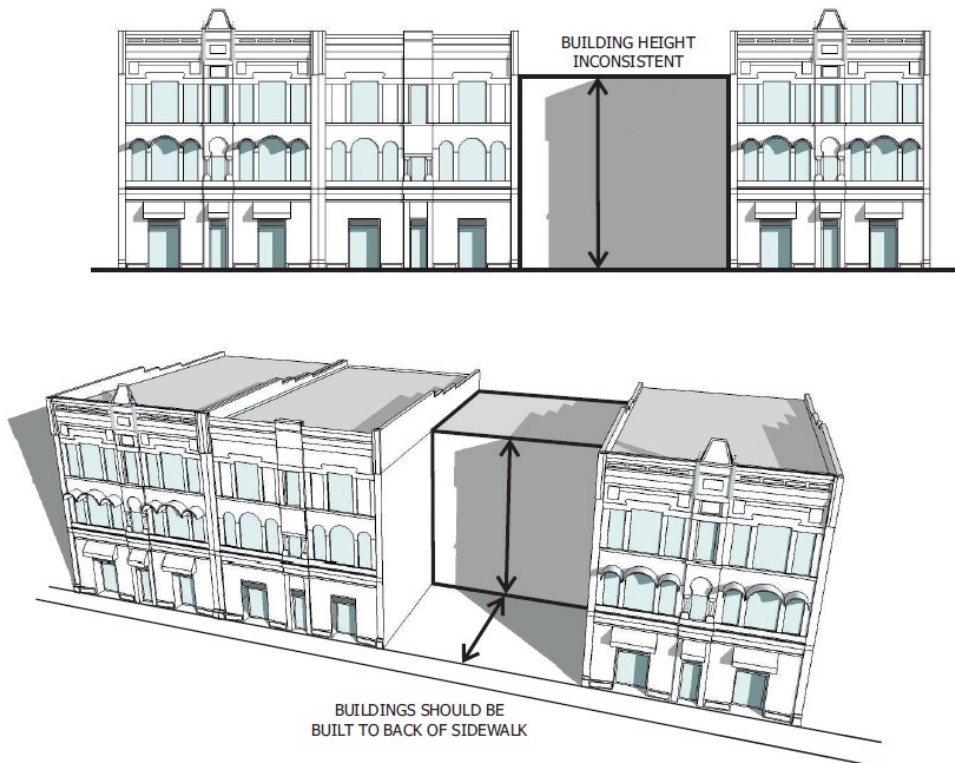


Figure 707-E: Buildings should be built to the back of the sidewalk. Buildings should not be setback behind the front facade of adjacent buildings unless creating a pedestrian amenity such as a courtyard or small urban plaza.

- (i) The roof shapes and forms of new buildings shall resemble, but shall not necessarily duplicate, the shape, style, and form of roofs for nearby structures. Introducing roof shapes, pitches, or materials not traditionally associated with the area or architectural style shall be prohibited.



*Figure 707-F: This image illustrates an infill building that would not comply with these standards of new construction in terms of height, roof styles, window and door patterns, siding, ornamentation, signage, and most other requirements in the Restoration District.*

- (j) Open spaces between buildings that create courtyards or walkways to the rear of the property are encouraged.

## Chapter 708: Landscaping and Screening

### 708.01 Purpose

The purpose of landscaping and screening regulations is to:

- (a) Promote attractive development and preserve the appearance and character of the surrounding area through the use of effective landscaping;
- (b) Promote the preservation and replacement of major trees;
- (c) Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots using a suitable combination of setbacks, visual buffers and physical barriers;
- (d) Prescribe standards for the installation and maintenance of trees, plantings, walls and fences; and
- (e) Encourage the enhancement of the visual environment, ensure public safety, and moderate the micro-climate.

### 708.02 Applicability

#### (a) New Construction and Expansions

- (1) The requirements of this chapter shall apply to new development and any collective, substantial expansion or change in land use, except for single-family, two-family, and three-family dwellings. Substantial expansion or modification of the existing structures shall be defined based on the criteria established in [Table 708-1](#).

TABLE 708-1: LANDSCAPING AND SCREENING APPLICABILITY	
When the Existing Structure is:	A Substantial Expansion is:
0-2,500 sq. ft.	50% or greater
2,501-10,000 sq. ft.	40% or greater
10,001-25,000 sq. ft.	30% or greater
25,001-100,000 sq. ft.	20% or greater
100,001 sq. ft. and larger	10% or greater

- (2) Collective expansion shall include the sum of all expansions of the original structure or building, as existed on the effective date of this code, regardless of when they occur.

#### (b) Expansion of Vehicular Use Areas

- (1) When a vehicular use area is expanded, the landscaping requirements of Section [708.04](#) shall apply to the expanded vehicular use area.
- (2) If a vehicular use area is demolished and replaced or redesigned, the landscaping requirements of Section [708.04](#) shall apply to the entire vehicular use area.

### 708.03 Minimum Materials and Standards

The following identifies the minimum landscape and screening standard requirements for all developments.

#### (a) Installation Timing

If plantings cannot be completed prior to building occupancy due to weather or other conditions that prevent planting, the Zoning Inspector has the authority to grant a six-month extension for installation of plantings. Failure to install by such timeline shall be considered a violation of this code.



**(b) Plant Materials**

- (1) All plant material shall be sound, healthy, live plants installed and maintained in accordance to acceptable nursery industry procedures.
- (2) All plant materials shall be installed prior to a occupancy of a building.
- (3) Shrubs shall be installed at a minimum height of two feet.
- (4) **Trees**
  - A. Evergreen trees shall be installed at a minimum height of six feet.
  - B. Shade (deciduous or canopy) trees shall be installed at a minimum caliper of two inches as measured at the diameter at breast height (DBH).
  - C. Trees that drop fruits, berries, or seeds shall be prohibited from use as part of any landscaping requirement where the tree or its canopy will hang over a vehicular use areas, sidewalks, or other paved areas.
  - D. Invasive species identified in [OAC 901:5-30-01](#) shall be prohibited.
  - E. To curtail the spread of disease or insect infestation in a plant species if a new development contains over 20 trees, the application should include diversity in plant choices.
- (5) Any trees, shrubs, or landscaping materials used to meet the standards of this section shall be required to meet the height and size standards of this section. Any trees, shrubs, or landscaping materials incorporated onto a site that exceeds the amount required by this section may be of any size.

**(c) Accessways**

Necessary accessways shall be permitted to traverse required landscaping and screening areas. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees and shrubs required in this chapter.

**(d) Fencing and Walls**

- (1) All fencing or walls used for screening purposes shall not exceed eight feet in height and shall be 100 percent in opacity.
- (2) Placement of fencing and walls shall comply with [Chapter 705: Fences and Walls](#).

**(e) Mounds and Berms**

- (1) Earthen mounds and berms shall have a maximum slope of 3:1 (three feet of horizontal space is required for each one-foot vertical change in elevation).
- (2) The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mound.
- (3) Earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.

**(f) Location**

- (1) No trees shall be planted directly over any storm or sanitary sewers.
- (2) All required landscaping and screening materials shall be installed on the subject property requiring the landscaping and screening.

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**708.04 Perimeter Parking Lot Screening**

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Where a parking lot in a nonresidential zoning district has more than five parking spaces and is adjacent to a lot in a residential zoning district, such parking lot shall be screened in accordance with the following:

- (a) A 15-foot-wide landscaping strip shall be provided between the parking lot and adjacent lot in a residential district in all districts except the B-1 and B-2 Districts. In the B-1 and B-2 Districts, there shall be a three-foot wide landscaping strip between any vehicular use area and adjacent lots in a residential district.
- (b) A wall or fence shall be located within the landscaping strip, parallel to the residential lot.
- (c) The wall or fence shall have a minimum height of four feet and a maximum height of six feet provided the height complies with the fencing and wall regulations in Section [Chapter 705: Fences and Walls](#).
- (d) Landscaping may be planted in lieu of the wall or fence. Such landscaping shall consist of evergreen trees and shrubs that will create a 100 percent opaque screen within 5 years of planting. Such screen shall have a minimum height of four feet from grade.
- (e) A landscape plan illustrating the proposed screen shall be approved prior to issuance of a zoning certificate.

## **708.05 Screening**

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### **(a) Screening of Service Areas**

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intensive uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

- (1) The following areas shall be screened in accordance with this section:
  - A. Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
  - B. Accessory outdoor storage and bulk sales;
  - C. Pipes, conduit, and cables associated with the building or use;
  - D. Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.);
  - E. Ground-level or facade-mounted mechanical equipment; and
  - F. Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.
- (2) Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent lots in residential zoning districts.
- (3) All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.
- (4) This screening shall not be required in the B-1 District.

### **(5) Screening Methods**

- A. The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.
  - 1. Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views (See [Figure 708-A](#)); or
  - 2. An opaque fence or wall consistent with the standards of [Chapter 705: Fences and Walls](#); or
  - 3. Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building.



Figure 708-A: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.

- B. The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code.
- C. To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building facade to further reduce visibility.
- D. In all cases, fences and walls are limited to the heights allowed by [Chapter 705: Fences and Walls](#) unless the wall used for screening is an extension of the principal building, in which case, the wall may be the same height as the principal building wall that from which it is extended. See [Figure 708-B](#).



Figure 708-B: The above image illustrates a wall and fence that is an extension of the principal building that is designed to screen outdoor storage areas.

**(b) Screening between Land Uses**

Where a B-3, M-1, or P-1 District is adjacent to a lot in a residential zoning district, any new development in the district-3, M-1, or P-1 District shall comply with the following screening requirements:

- (1) A 15-foot-wide landscaping strip shall be provided between the proposed development and adjacent lot in a residential district. Such landscaping strip may be provided in a required yard setback area.
- (2) A wall or fence shall be located within the landscaping strip, parallel to the residential lot.

- (3) The wall or fence shall have a minimum height of four feet and a maximum height of six feet provided the height complies with the fencing and wall regulations in [Chapter 705: Fences and Walls](#).
- (4) Landscaping may be planted in lieu of the wall or fence. Such landscaping shall consist of evergreen trees and shrubs that will create a 100 percent opaque screen within 5 years of planting. Such screen shall have a minimum height of four feet from grade at the time of planting.
- (5) A landscape plan illustrating the proposed screen shall be approved prior to issuance of a zoning certificate.

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**708.06 Maintenance**

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- (a) The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and weeds at all times.
- (b) All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
- (c) No plant material required by this code shall be removed for any reason unless replaced with like kind and size at the time of removal. If replaced with a like kind and size of material, no approvals shall be required.
- (d) Any changes to an approved landscaping plan shall require approval in the same manner as the landscaping plan was original approved.
- (e) Violation of these provisions shall be subject to the enforcement provisions of Section [711.13](#).

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## Chapter 709: Parking, Access, and Connectivity

### 709.01 Purpose

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The purpose of this section is to protect the public health, safety, and general welfare, and to:

- (a) Regulate the appropriate amount of land for parking, loading, stacking, and maneuvering;
- (b) Relieve the congestion so the streets can be utilized more fully for movement of vehicular traffic;
- (c) Promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;
- (d) Encourage alternative modes of transportation by providing facilities for pedestrians and bicyclists;
- (e) Protect the light, air, visual amenities, and property values of residential areas by limiting the parking and storage of recreational vehicles, boats, trailers and trucks in residential areas;
- (f) Reduce surface water run-off by considering the use of pervious surfaces, where applicable; and
- (g) Promote the general convenience, welfare and prosperity of business, service, research, production, manufacturing and distribution developments which depend upon off-street parking facilities; and

### 709.02 Applicability

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- (a) Compliance with this section shall be reviewed as part of an application for a site plan review or zoning certificate, whichever is reviewed first, unless otherwise stated in this section.
- (b) Unless otherwise stated, the requirements of this chapter shall apply to all new development where there is the construction of a new structure or establishment of a new use.
- (c) Where a change in use based on [Table 702-2](#) occurs, an increase in square footage or seating, or an increase in the number of dwelling units occurs, the number of parking spaces, loading spaces, or vehicle stacking spaces shall comply with the requirements of this section and as identified in this subsection.
- (d) Accessory and temporary uses shall be exempt from the requirements of this chapter unless specifically required in [Chapter 704: Accessory and Temporary Uses](#).
- (e) All development in a PUD District shall be subject to the standards of this section unless otherwise modified through the PUD review and approval process.

### 709.03 General Requirements

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The following requirements shall apply to all vehicular use areas including off-street parking, stacking, and loading spaces.

#### (a) Location

- (1) Vehicular use areas required by this section shall be provided on the same lot as the principal use they are intended to serve unless otherwise regulated in this chapter.
- (2) All vehicular uses areas in the B-2, B-3, or M-1 District shall be set back a minimum of 10 feet from the right-of-way and 20 feet from any adjacent lot in a residential zoning district. Additional setback area may be required by Section [708.04](#).

#### (b) Modification to Existing Vehicular Use Areas

The modification of any existing vehicular use area, including, but not limited to, reduction, enlargement, restriping or remarking of any vehicular use area in a manner that differs from the existing site plan, shall require a review of the modification in accordance with the following:

- (1) Minor modifications related to maintenance and upkeep including, but not limited to, repaving of the existing paved area, restriping, remarking, or other similar maintenance work are permitted without a zoning certificate.
  - (2) All other modifications shall be reviewed through the zoning certificate process, including, but not limited to, the removal or expansion of existing paved areas.
- (c) **Striping, Marking, and Maintenance**
- (1) All parking, loading spaces, and stacking spaces shall be striped and maintained in good condition.
  - (2) Each parking space, loading space, stacking space, driveway, and aisle shall be clearly designated and marked to ensure approved utilization of the space, direction of traffic flow and general safety.
  - (3) When a parking space is designated for handicapped accessibility or small car use, it shall be clearly marked as such.
  - (4) The owner of property shall be responsible for maintaining vehicular use areas in good condition without potholes and free of all trash, abandoned or junk vehicles, and other rubbish.
- (d) **Surface and Grading**
- (1) The surface of any vehicular use area, including driveways or maneuvering areas, shall be paved with a hard, durable, dust free surface such as asphalt or concrete (excluding compacted gravel). See Section [709.08](#) on driveway standards.
  - (2) Gravel may be used for parking areas in the B-3 or M-1 District when approved by the Planning Commission for the storage of equipment, trucks, or other working vehicles related to the business but not for parking for the general public.
  - (3) All vehicular use areas shall be graded and drained so that surface water shall not flow onto adjacent property.
- (e) **Wheel Stops and Curbing**
- (1) Wheel stop devices consisting of parking blocks, permanent curbs, or other suitable barriers shall be installed to prevent any part of a parked motor vehicle from extending beyond the required parking space area, overhanging a pedestrian circulation way or sidewalk or damaging any structure or landscaping.
  - (2) The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet.
  - (3) Wheel stops shall be adequately anchored to the ground to prevent any movement.
  - (4) Continuous curbing is discouraged, but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater. See [Figure 709-A](#).



Figure 709-A: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.



**(f) Lighting**

Any lighting of vehicle use areas shall be subject to Section [706.08](#).

**(g) Landscaping and Screening**

Landscape and screening shall be pursuant to [Chapter 708: Landscaping and Screening](#).

**(h) Prohibited Activities**

- (1)** The display, sales, or storage of any goods, wares, or merchandise shall not be permitted within any areas designated for required off-street parking, circulation, and loading unless approved as part of an accessory or temporary use, or if approved as part of a site plan.
- (2)** No part of any building, structure, or related improvements shall be temporarily or permanently located or stored in areas designated for off-street parking, circulation and loading, unless as part of an approved accessory or temporary use, or if approved as part of a site plan.

**(i) Bicycle and e-Scooter Parking**

When bicycle or e-Scooter parking accommodations are provided on a site, they shall be located in an area adjacent to the primary building and separate from vehicular or pedestrian traffic circulation to prevent unnecessary conflicts and safety hazards between vehicles, people, bicycles and e-Scooters.

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**709.04 Off-Street Parking Standards**

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**(a) Number of Parking Spaces Required**

**(1) Computation**

In computing the number of parking spaces required by this code, the following shall apply:

- A.** Where floor area is designated as the standard for determining parking space requirements, floor area shall be as defined by this code but is not intended to mean gross floor area.
- B.** Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or where individual seats are not provided (bench, pew, etc.), one seat shall be for each 24 lineal inches of seating facilities.
- C.** Fractional numbers shall be increased to the next highest whole number.

**(2) Mixed Use Occupancy**

In the case of mixed or multiple uses in one building or on one property, the total requirements for off-street parking shall be based on the portion of the building or property used for the individual uses.

**(b) Number of Parking Spaces Required**

- (1)** Applications for single-family, two-family, and multi-family dwellings shall be required to provide the number of required off-street parking spaces as established in [Table 709-1](#). The spaces may be located within a garage, on an approved driveway, or in an approved parking lot.



**TABLE 709-1: RESIDENTIAL PARKING REQUIREMENTS**

Use	Required Parking Spaces
Single-Family and Two-Family Dwellings	2 spaces per dwelling unit <a href="#">[1]</a>
Multi-Family Dwellings – Studio or One Bedroom Units	1.5 spaces per dwelling unit
Multi-Family Dwellings – Two or More Bedroom Units	2 spaces per dwelling unit <a href="#">[42]</a>
<p>NOTE:</p> <p><a href="#">[1]</a> Single-family and two-family dwellings are required to have a fully enclosed garage to accommodate vehicle parking, with a minimum floor area of 240 square feet. Such garage may be attached or detached from the principal building. Fully enclosed means that the garage is enclosed on all sides with access through a garage door, that is required.</p> <p><a href="#">[42]</a> For multi-family dwelling developments with more than 20 units, an additional parking space shall be provided for every four dwelling units to provide additional guest parking.</p>	

- (2) There shall be no required off-street parking spaces for any uses in the B-1 District.
  - (3) All applications for development except for residential uses as identified in [Table 709-1](#), above, and uses in the B-1 District, are required to demonstrate that the proposed number of off-street parking spaces provided is sufficient to serve the proposed use or activity through the submission and review of a parking plan within the site plan or zoning certificate review process, whichever review is first. As part of the parking plan, the applicant shall provide a written analysis of parking requirements based on the following information:
    - A. Availability of on-street parking near the use and the distances to those spaces;
    - B. Building square footage for each specific use to be served by off-street parking;
    - C. Hours of operation;
    - D. Estimated number of patrons/customers at peak hours of operation;
    - E. Maximum numbers of employees present on one shift;
    - F. Availability of joint parking areas;
    - G. Building occupancy loads; and
    - H. Any additional information as requested by the Zoning Inspector.
  - (4) When multiple uses are proposed on the site, the Planning Commission or Zoning Inspector, as applicable, shall consider the parking requirements of all uses and may utilize the most intense use when determining if the proposed plan has sufficient parking spaces.
  - (5) The Planning Commission or Zoning Inspector, as applicable, has the authority to deny an application if they determine that an adequate amount of parking has not been provided. The Planning Commission or Zoning Inspector, as applicable, shall provide the reasons for the rejection. The Planning Commission or Zoning Inspector, as applicable, may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI), and/or the Institute of Traffic Engineers (ITE) in making their determination. Prior to a formal denial, the Planning Commission or Zoning Inspector, as applicable, shall also have the ability to discuss alternative parking options, as permitted in Section [709.04\(e\)](#) as a potential solution to providing sufficient parking.
- (c) **Dimensional Requirements for Parking Spaces and Drive Aisles**
- (1) Areas for off-street parking facilities shall be designed in accordance with the minimum dimensional requirements established in [Table 709-2](#) and illustrated in [Figure 709-B](#).
  - (2) If parking along a drive aisle shall have parking at two or more different angles, the width of the aisle required shall be the largest width required in [Table 709-2](#).

TABLE 709-2: PARKING SPACE DIMENSIONS				
Angle	Parking Space Width (Feet)	Parking Space Length (Feet)	Drive Aisle Width (Feet)	
			One-Way	Two-Way
	A	B	C	D
Parallel (0°)	10 feet	22 feet	12 feet	20 feet
30°	10 feet	20 feet	12 feet	24 feet
45°	10 feet	20 feet	12 feet	24 feet
60°	9 feet	19 feet	18 feet	24 feet
Perpendicular (90°)	9 feet	19 feet	20 feet	24 feet

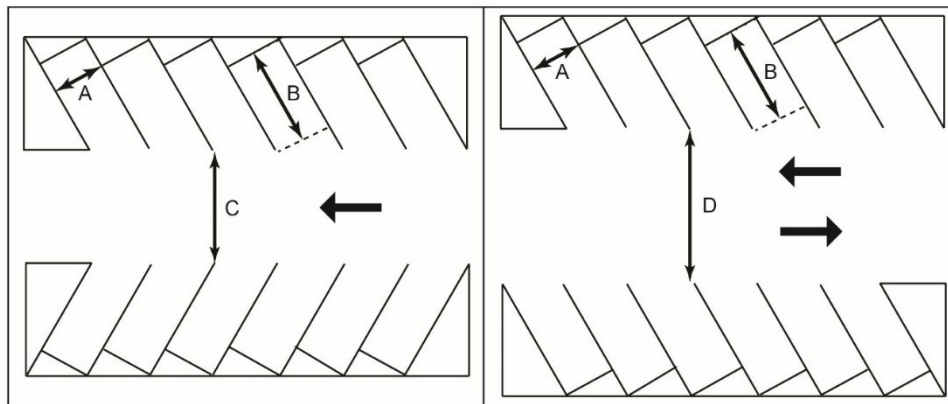


Figure 709-B: Parking area dimensions

**(d) Parking for Handicapped Persons**

- (1) Parking spaces for handicapped and elderly persons shall meet the requirements of the Accessible Parking Guide published by the Secretary of State of Ohio, which outlines requirements of the most recent ADA Standards for Accessible Design.
- (2) Each handicap space may be included in the computation of spaces required by this section.

**(e) Alternative Parking Solutions**

**(1) Shared or Off-Site Parking**

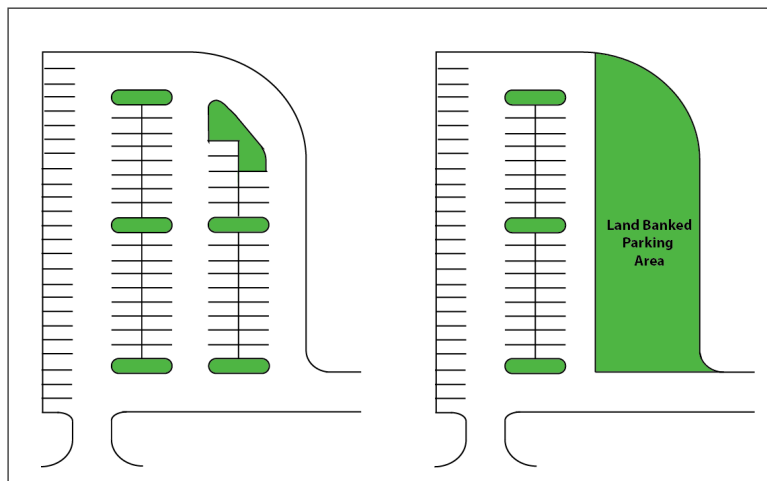
A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

- A. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- B. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.
- C. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.
- D. Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted as part of a conditional use review.
- E. Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- F. In the event that a shared or off-site parking area is located on multiple parcels, a written parking agreement shall be required and must be approved by the Village.

- G. No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- H. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request.
- I. Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the users of the parking spaces.
- J. Shared or off-site parking shall not account for more than 50 percent of the required parking spaces as established in Section [709.04\(a\)](#).
- K. Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require Planning Commission review and approval.
- L. All shared or off-site parking plans and agreements shall be provided to Zoning Inspector prior to any zoning certificate being issued. Such plans and agreements continue to apply to the land, regardless of future ownership.

**(2) Land Banked Parking**

Up to 50 percent of the required parking spaces may remain landscaped and unpaved, or paved with pervious pavement, provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with this section. See [Figure 709-C](#) below.



*Figure 709-C: The parking lot shown on the left is a traditional parking lot with interior parking islands while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.*

- A. The parking plan submitted with the site plan application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the “land banked” parking spaces will be constructed according to these regulations if the Zoning Inspector determines at any time that all or any portion of this parking is necessary.
- B. The applicant shall be required to design the site for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations even though a portion of the parking area may not be developed initially.

- C. Any conditions required by the Village, and the design for the site as established above, shall be illustrated on a final site plan, approved as part of the zoning certificate application and maintained as part of the Village's official records.
- D. At no time shall any portion of the land banked parking area that is designated for future development be used for the construction of any structure or paved surface with the exception that pervious pavement may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
- E. At no time shall any portion of the land banked parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this code.
- F. The owner shall initiate construction of the approved land banked parking area(s), as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (if the certified letter is not accepted) sent to the owner of record from the Zoning Inspector, identifying that such parking is determined to be necessary. Such determination may be made when the Zoning Inspector
  - 1. Is reviewing an application related to a change of use or activity; or
  - 2. Documents that vehicles related to the use are consistently parked on the grass, landscaping area, or on the street.
- G. Off-site or shared parking alternatives shall not be permitted where land bank parking is utilized.

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#### **709.05 Off-Street Loading**

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A permanently paved and maintained area for standing, loading, and unloading of delivery vehicles shall be provided for principal uses in the nonresidential districts. These off-street loading facilities shall be in accordance with the following specifications:

**(a) Number of Spaces**

This code does not require a minimum number of off-street loading spaces. However, uses which receive frequent deliveries are required to provide adequate space, built to the standards as identified in this subsection.

**(b) Size**

Loading spaces shall conform to the following minimum dimensions. Unless otherwise noted, all dimensions are exclusive of any driveway, aisle or other circulation area:

- (1) Clearance height: 14 feet
- (2) Minimum width: 12 feet
- (3) Minimum length: 60 feet

**(c) Location and Activities**

- (1) All loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.
- (2) A required loading space shall not face, or be visible from the street on which the lot fronts, and shall not be located in a required front yard unless modified by the Planning Commission.
- (3) Off-street loading spaces shall be so arranged that they may be used without blocking and shall not obstruct or occupy any parking space, circulation or drive aisles, sidewalks, or vehicle stacking spaces for drive through lanes.

- (4) No loading ramp, dock, door or space, or any portion thereof, shall be located closer than 50 feet from any lot zoned for any residential use unless located completely within an enclosed building.
- (5) An off-street loading space shall not be used for repairing or servicing motor vehicles.
- (d) **Access**
  - (1) All required off-street loading spaces shall have access to a public street or alley in such a manner that any vehicle entering or exiting the premises shall be traveling in a forward motion onto such street or alley.
  - (2) Each required off-street loading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which shall least interfere with adjacent traffic movements and interior circulation. The access drive of an off-street loading facility shall be located so that the driveway center line shall not be less than 50 feet from the nearest intersecting street right-of-way line.
- (e) **Improvements**

All off-street loading spaces shall be improved as required for all vehicular use areas as set forth in Section [709.03](#).

### **709.06 Stacking Space Requirements**

- (a) Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street stacking areas, on the same lot as the use, in addition to the required number of parking spaces specified in this chapter.
- (b) The number of required stacking spaces shall be as provided for in [Table 709-3](#). See [Figure 709-D](#) for an illustration of stacking spaces:

TABLE 709-3: STACKING SPACE REQUIREMENTS		
Activity	Minimum Stacking Spaces (per lane)	Measured From:
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Drive-Through Window or Stall
Automatic Vehicle Washing Establishment	5	Outside of Washing Bay
Self-Service Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel Stations	2 per accessible side of the pump island	Fuel Pump
Other	As determined by the Zoning Inspector	

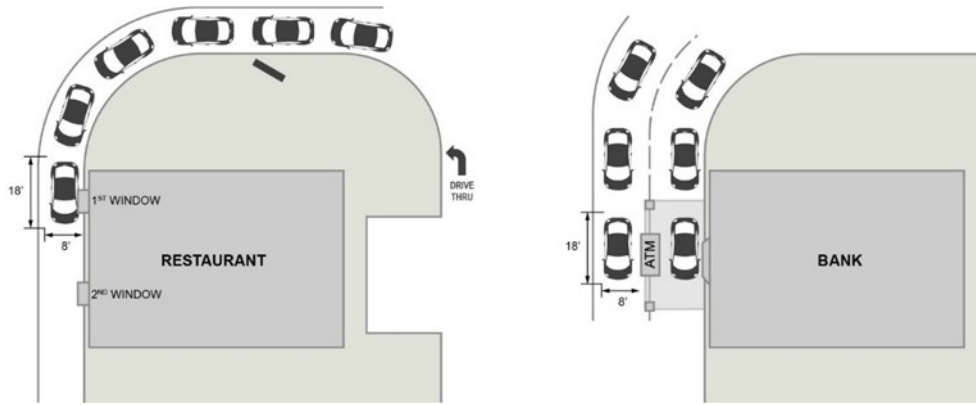


Figure 709-D: Illustrative example of stacking space requirements for a bank and a restaurant.

- (c) Stacking lanes and spaces shall be provided for any use having a drive-through facility and shall comply with the following standards:
  - (1) Drive-through stacking lanes shall have a minimum width of eight feet and a minimum length of 18 feet for each space required.
  - (2) When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.
  - (3) The number of stacking spaces required by [Table 709-3](#) shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two lane separate lanes to order at a restaurant converge to one lane after the drive-through sign), the stacking spaces shall be measured in accordance with [Table 709-3](#) with the spaces located after the convergence point counting toward both stacking lanes.
  - (4) Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.
- (d) The Planning Commission may reduce the number of required stacking spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of stacking spaces does not impede vehicular traffic flow on the site and ingress/egress to the site.

## 709.07 Parking and Storage of Recreational Vehicles in Residential Districts

- (a) All recreational vehicles that are parked or stored outside of an enclosed building shall be subject to the following general standards:
  - (1) Recreational vehicles shall not be used as living quarters, whether temporary or permanent, and no business shall be conducted in a recreational vehicle while the vehicle is stored.
  - (2) Recreational vehicles shall not have a permanent connection to electric, water, gas or sewer facilities.
  - (3) Recreational vehicles shall be maintained and kept in good repair and carry the current year's license and/or registration as required by the State of Ohio.
- (b) The following standards shall apply to the parking and storage of recreational vehicles on residential lots in the R-1, R-1A, R-2, and R-3 Districts and on any residential lot in a PND:
  - (1) There shall be no more than a one recreational vehicle stored outside on a single lot in a residential zoning district.
  - (2) Recreational vehicles shall not be stored in front of the building line of the dwelling except for the temporary parking of such vehicle or trailer in the driveway for the purposes of loading or unloading for a period of not more than one week.



- (3) Recreational vehicles not exceeding 32 feet in length, may be parked on a residential lot subject to the following conditions:
  - A. In an enclosed garage or permitted accessory building; or
  - B. On the premises of the owner, outside of an enclosed garage or permitted accessory building, provided that the following conditions are met:
    - 1. The recreational vehicle is parked behind the front line of the building foundation at a point furthest from the street right-of-way as practical.
    - 2. All wheels of the recreational vehicle are resting entirely upon a hard surface (paved with concrete, asphaltic concrete or other hard surface not gravel) or on a surface of pervious pavers or pavement, as approved by the Zoning Inspector.
- (4) Recreational vehicles 32 feet or longer in length shall only be permitted when stored within an enclosed building.

## 709.08 Driveways

### (a) Purpose

The purpose of this section is to establish standards and specifications for the construction, repair, or relaying of driveways within the Village.

### (b) Applicability

- (1) No driveway construction shall be started until the Zoning Inspector has granted approval and a zoning certificate has been secured.
- (2) In reviewing an application to construct a driveway, the Zoning Inspector shall apply accepted principles of traffic safety engineering. In addition, the Zoning Inspector may consult the Village Engineer to ensure that sound discretion considering the factors including but not limited to the quantity and quality of traffic, the existence of on-street parking, sight distance, adjacent land use, development of access away from arterial streets and onto side streets, anticipated development in the area, and speed limits is factored during the review.
- (3) If after such review the Zoning Inspector approves the construction of a driveway, the Village Office shall issue a permit.
- (4) Any driveway so reviewed and approved shall meet the specifications of the following sections of this code.
- (5) This section on driveways shall not apply to any driveways installed on a property prior to the effective date of Ordinance 2013-10. This includes pavement or repair of any pre-existing driveways.

### (c) Specifications for Driveways in All Districts

The following are specifications and standards for driveways in all zoning districts:

- (1) No driveway shall be constructed within 40 feet of an intersecting street, or within 30 feet of another such driveway on the same lot. There shall be a minimum setback of one foot from all side or rear lot lines.
- (2) The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same grade as any existing sidewalk.
- (3) All new driveways shall provide for sidewalks. All sidewalks shall be a minimum of four feet wide with an expansion joint on each side abutting the driveway. All sidewalks crossing a driveway shall have no more than one-fourth (1/4) inch per foot cross slope and shall be the same thickness as the driveway to be constructed, but in no case less than five inches thick. Special circumstances may require adjustments approved by the Zoning Inspector or Street Department Foreman.



- (4) If the applicant contracts such construction to a contractor, the contractor shall be required to apply for the permit and receive approval from the Zoning Inspector.
- (5) All such construction shall be done according to the Village specifications and the approval of the Zoning Inspector.
- (6) Drawings or sketches of proposed driveways submitted with the application shall be kept on file in the office of the Zoning Inspector.
- ~~(6)~~(7) Driveways shall be constructed in accordance with this section from the street to the front facade of the principal building. Any driveways or paved surfaces that are located behind the front building facade may be constructed of any materials.
- ~~(7)~~(8) Driveways on non-curbed streets shall include piping approved by the Zoning Inspector with the following specifications:
  - A. The driveway pipe shall be of a material acceptable to the Zoning Inspector
  - B. The minimum diameter of the pipe shall be 12 inches and the length of the pipe must be no less than 3 feet from the edge of the driveway on each side.
  - C. The driveway pipe shall be set so that the inlet end is not so high as to block water flow in the ditch.
  - D. The driveway pipe outlet shall not be lower than the ditch beyond the driveway.
  - E. Driveways with a positive slope shall install a trench drain to divert all storm water into the driveway pipe. Trench drain specifications can be received from the Village of Fredericktown.
- ~~(8)~~(9) Driveways shall be completely installed ~~completely within 12 months of occupancy of the principal building at the time of occupancy of the principal building.~~

**(d) Additional Specifications for Driveways in Residential Districts**

The following are additional specifications and standards for driveways in the R-1, R-1A, R-2, and R-3 Districts as well as to any residential property in a PND District.

- (1) Subject to such changes as may be required by the Zoning Inspector to cover special situations, all driveways, curbs and gutters hereafter constructed shall be constructed of concrete with a minimum thickness of five inches or shall be constructed of asphalt (blacktop) with a minimum compacted thickness of two inches over a two-inch gravel base.
- (2) Driveways shall have a minimum width of 12 feet and a maximum width of 24 feet measured at the property line.
- (3) Each driveway shall have a three-foot flare on each side of the point of joining with the street.
- (4) Concrete driveways shall be concrete the entire width of the opening and shall be installed to within two feet from the place of joining the street to the property line of the applicant.
- (5) Asphalt driveways shall be paved the entire width of the opening and shall be paved to the place of joining the street to the property line of the applicant.
- (6) The place of joining will be determined by the type of curb and gutter.
- (7) No curb shall be cut or removed without prior approval of the Zoning Inspector.
- (8) All flares shall be curbed to a vanishing point at the street side of the sidewalk, or if no sidewalk exists, to a point designated by the Zoning Inspector or the Service Department Foreman.

**(e) Additional Specifications for Driveways in Business Districts**

The following are additional specifications and standards for driveways in the B-1, B-2, or B-3 Districts as well as to any property with a commercial or office use in a PND District, as determined by the Planning Commission.

- (1) Subject to such changes as may be required by the Zoning Inspector to cover special situations, all driveways hereafter constructed shall be constructed of concrete with a minimum thickness of six inches or shall be constructed of asphalt (blacktop) with a minimum compacted thickness of four inches.
  - (2) Driveways shall have a minimum width of 20 feet and a maximum width of 30 feet measured at the property line.
  - (3) Each driveways shall have a minimum of an eight-foot radius on each side of the point of joining with the traveled street.
  - (4) Concrete driveways shall be concrete the entire width of the opening and shall be installed to within two feet from the place of joining the street to the property line of the applicant.
  - (5) Asphalt driveways shall be paved the entire width of the opening and shall be paved to the place of joining the street to the property line of the applicant.
  - (6) The place of joining will be determined by the type of curb and gutter.
  - (7) No curb shall be cut or removed without prior approval of the Zoning Inspector.
  - (8) All radii shall be curbed to a vanishing point at the street side of the sidewalk, or if no sidewalk exists, to a point designated by the Zoning Inspector or the Service Department Foreman.
- (f) **Additional Specifications for Driveways in Industrial Districts**
- The following are additional specifications and standards for driveways in the M-1 Districts as well as to any property with an industrial use in a PND District, as determined by the Planning Commission.
- (1) Subject to such changes as may be required by the Zoning Inspector to cover special situations, all driveways hereafter constructed shall be constructed of concrete or asphalt (blacktop) with a minimum thickness of four inches over a 12-inch gravel base.
  - (2) Driveways shall have a minimum width of 20 feet and a maximum width of 40 feet measured at the property line.
  - (3) Each driveways shall have a minimum of an eight-foot radius on each side of the point of joining with the traveled street.
  - (4) No curb shall be cut or removed without prior approval of the Zoning Inspector.

## **709.09 Sidewalks**

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(a) **Purpose**

The purpose of this section is to establish standards and specifications for the construction, repair, or replacement of sidewalks within the Village.

(b) **Duty of Abutting Owner**

All sidewalks within the Village shall be kept in repair by the owner of the property abutting thereon by constructing, repairing, or relaying of the same, as may be required by the Village. No existing sidewalks can be removed.

(c) **Work to Comply with Village Specifications**

No person shall construct, replace or repair, or cause to be constructed, replaced or repaired any curb, gutter or sidewalk on any public way within the Village which does not comply with the following specifications or with the rules and regulations established by the Zoning Inspector.

**(d) Material Specifications**

- (1)** All curbs, gutters, and sidewalks shall be constructed, replaced with air entraining cement. If a property currently has an existing brick sidewalk that property may replace the existing brick sidewalk with a new brick sidewalk that is installed over a four-inch concrete slab that meets the minimum standards for a concrete sidewalk, with a minimum of one inch of masonry sand between the concrete and brick with the joints between bricks filled with a non-shrinking grouting material.
- (2)** All concrete sidewalks shall be constructed or repaired in accordance with the following specifications and requirements:
  - A.** Cement shall be Portland cement with a minimum five-bag mix but a six-bag mix is recommended.
  - B.** A pre-molded bituminous expansion joint, one-half of an inch wide by four inches deep, shall be installed where new sidewalk meets the curb or building foundations.
  - C.** All new or replaced sidewalks shall be constructed to a minimum width of four feet. The slope of all new sidewalks shall not exceed the natural slope of the road that it is parallel to. A sidewalk constructed, replaced or repaired within the area of intersections with driveways for vehicles, except streets and alleys or where sidewalk abuts against a paved street with no curb, shall be of cement not less than six inches in thickness. All other sidewalks shall be constructed, replaced or repaired not less than four inches in thickness. A sidewalk in a residential area when repaired, replaced or extended shall be in line and same width as existing sidewalks.
- (3)** Valve boxes that fall within the sidewalk area shall be brought flush with the finished walk surface and protected while construction is in progress. Roof drains shall be extended under the sidewalk and through the curb.

**(e) Notice to Owners and Time Limit**

The owners of lots where sidewalks, curbing, or gutters are to be constructed or repaired shall be notified in accordance with the statutes of the state relative thereto and in accordance with the following) procedure:

- (1)** Council shall request an inspection;
- (2)** Council shall pass a resolution determining the necessity to proceed with the notifications of owners;
- (3)** Notices shall be sent, by registered mail, to owners, to repair, or replace in not more than 60 days, or proof of intent;
- (4)** If the notice is returned, or an owner cannot be located, then public notice shall be given in the newspaper;
- (5)** If a property owner does not construct or replace, the Village shall proceed with the work or hire a contractor; and then
- (6)** The cost of the construction shall then be assessed to the property owner.

**(f) Failure of Owner to Construct, Remedy of Village**

Upon failure of the owner of any property to cause sidewalks, curbing or gutters to be constructed within the time mentioned above, the Mayor is authorized and directed to cause such sidewalks, curbing or gutters to be constructed and to assess the entire cost of the same against such property and cause the same to become a lien thereon, to be collected in such manner as may be provided by State law, the Codified Ordinances or other Village Ordinances. The Mayor is hereby authorized and directed to contract for such work with the lowest and best bidder, after advertisement according to law. The Mayor may, at her/his discretion, let the entire job in one contract, or in several contracts, to cover each of the separate streets.

**(g) Ramps Required**

Whenever a sidewalk at an intersection is to be constructed or replaced by the Village or by the individual, ramps for the handicapped and elderly shall be constructed in a uniform manner set up by Village specifications or the Zoning Inspector.

**(h) Vegetation**

All property owners are responsible to keep their sidewalks free of vegetation. The property owner is responsible for keeping the area above the sidewalk free of branches to a height of seven feet and the area beside the sidewalk free of vegetation encroaching upon the sidewalk.

**(i) Penalty**

Whoever violates or fails to comply with any of the provisions of this section shall be in violation of this code.

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**709.10 Sidewalk Connections to a Right-of-Way**

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- (a)** Where a sidewalk exists in a public right-of-way adjacent to a site in the B-2, B-3, or P-1 District, or where such sidewalk is required to be constructed as part of the development approval, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.
- (b)** Such pedestrian connection requirement shall also be required for any commercial development in a PND District unless waived by the Planning Commission.
- (c)** The pedestrian connection shall have a minimum width of five feet.
- (d)** All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Zoning Inspector or Planning Commission, as applicable. See [Figure 709-E](#).



*Figure 709-E: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.*

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## Chapter 710: Signs

### 710.01 Purpose

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The purpose of this section is to promote the public health, safety, and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this section shall be interpreted in a manner consistent with the First Amendment guarantee of free speech while also:

- (a) Enhancing and protecting the physical appearance of the community;
- (b) Balancing the rights of individuals to convey messages through signs with the right of the public to be protected against the unrestricted proliferation of signs;
- (c) Ensuring that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;
- (d) Preventing the erection of structures of any kind that will obstruct sight distance at the intersection of streets, alleys, or driveways;
- (e) Preventing the erection of poorly constructed and unsafely located, posted, or painted signs;
- (f) Prohibiting all signs not expressly permitted by this section.

### 710.02 Applicability

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- (a) It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the village except in accordance with the provisions of this section.
- (b) Unless otherwise provided, this section shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.
- (c) Any sign already established on the effective date of this section or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [710.11: Nonconforming Signs](#).

### 710.03 Zoning Review Requirements

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- (a) To ensure compliance with these regulations, a zoning certificate shall be required to be issued unless specifically exempted in this section.
- (b) The following signs are subject to the requirements of this sections but do not require a zoning certificate. Certificate-exempt signs may still be subject to building code or other applicable code requirements.
  - (1) Signs and/or notices issued by any court, officer or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
  - (2) Whenever any sign, either conforming or nonconforming, is required to be removed for the purpose of repair, relettering, or repainting, the same may be done without a zoning certificate or any payment of fees provided that all of the following conditions are met.
    - A. There is no alteration or remodeling to the structure or the mounting of the sign itself;
    - B. There is no enlargement or increase in any of the dimensions of the sign or its structure; and
    - C. The sign is accessory to a legally permitted or legally nonconforming use.

- D. This shall include the exchange of sign panels when a sign is designed to have replaceable sign faces unless a zoning certificate or other review is required for simultaneous work on the applicable lot, in which case, the sign panel change shall be reviewed as part of the zoning certificate or other review application, as applicable.
- (3) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;
- (4) Any sign that is located completely inside a building that is not visible from the exterior (see also definition of window sign);
- (5) Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;
- (6) Certain temporary signs as established in Section [710.10](#);
- (7) No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:
  - A. The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum sign area of area of 40 square feet for any individual flag attached to the pole.
  - B. The maximum projection for wall-mounted flag post is six feet and a maximum sign area of 15 square feet per flag.
- (8) A single wall sign placed on the facade of an individual dwelling unit that is not illuminated and does not exceed two square feet in area.
- (9) Any signs located on umbrellas, seating or similar patio furniture provided they are located outside of the right-of-way;
- (10) Ground signs and markings located completely within the interior of a lot used for a cemetery where such signs are not designed to be visible from a public street;
- (11) Signs that are part of a public art installation;
- (12) Any sign on a truck, bus or other vehicle that is used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors) for transportation (See also [Paragraph 710.04\(f\)](#)), or signage required by the State or Federal government;
- (13) Signs installed or required by a governmental agency including the Village of Fredericktown, Knox County, State of Ohio and United States, including local and regional transit agencies;
- (14) Any warning signs or traffic safety signs required by public utility providers;
- (15) Hand-held signs not set on or affixed to the ground;
- (16) Any address numbers required by the Village of Fredericktown, Knox County, or the State of Ohio;
- (17) Changes of copy on signs with changeable copy;
- (18) Any signs, including illuminated signs, or related decorations erected in observance of religious, national or state holidays which are not intended to be permanent in nature and which contain no advertising material; and
- (19) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.



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## **710.04 Prohibited Sign Types**

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The following types of signs are specifically prohibited within the village:

- (a) Signs that are applied to trees, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;
- (b) Any sign or sign structure which in the opinion of the Zoning Inspector is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
- (c) No sign shall be installed, erected, or attached in any shape, manner, or form, to a fire escape or to any door or window that is required ingress and egress for fire safety.
- (d) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention except for electronic message centers permitted in accordance with this section;
- (e) Laser lights, beacons and searchlights, except for emergency purposes;
- (f) Motor vehicles, tractor trailers, or similar vehicles with signs painted on, attached to, or otherwise affixed to the vehicle shall not be parked or stored long-term on a lot as a form of signage. This standard does not apply to vehicles used in the day-to-day business of the applicable use (e.g., delivery vehicles or vehicles used by employees). Vehicles with signage that are parked for more than 48-hours on a lot without a principal use or parked, without any movement, for more than one week on a lot with a principal use, shall be considered a violation of this subsection.
- (g) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;
- (h) Any sign that violates the traffic visibility requirements of this code;
- (i) Any sign located in a public right-of-way except as provided for in Section [710.06\(j\)](#);
- (j) Roof signs unless approved as part of a PND; and
- (k) Any other sign type that is not specifically allowed by this code.

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## **710.05 Sign Measurements and Computations**

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The following regulations shall control the computation and measurement of signs.

### **(a) Sign Setback**

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

### **(b) Sign Height**

- (1) The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.
- (2) In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See [Figure 710-A](#).

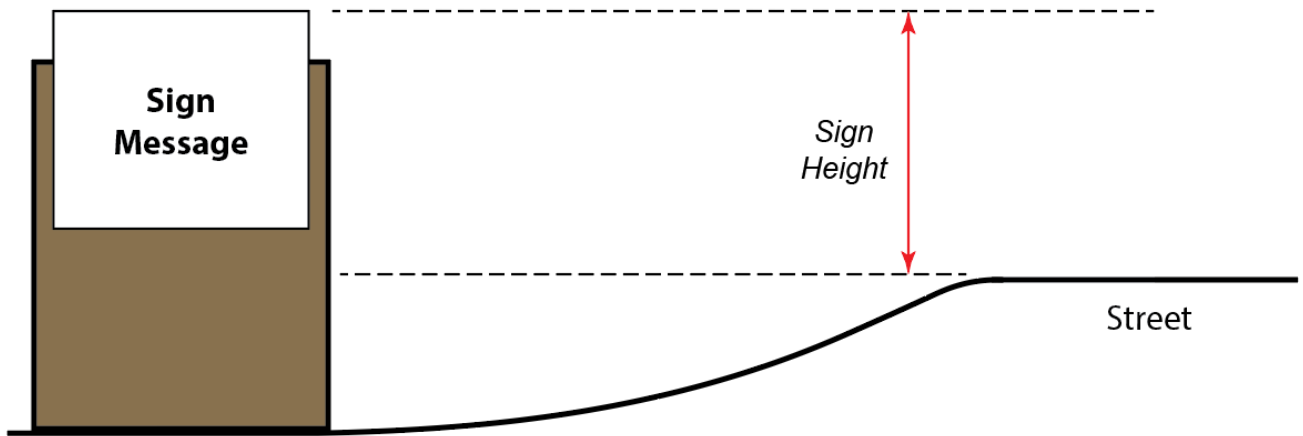


Figure 710-A: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

- (3) The height of an awning, canopy, projecting, wall or window sign shall be determined by measuring the vertical distance between the top part of a sign panel or individual letters or characters, whichever is highest, to the elevation of the ground underneath the sign.
- (4) Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.

**(c) Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as follows:

- (1) When calculating street frontage, only the street frontage that lies in the municipal boundaries of the Village of Fredericktown shall be used in the calculation.
- (2) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area of the sign face that encompasses the extreme limits of the background panel, cabinet, or surface. See [Figure 710-B](#) and [Figure 710-C](#).

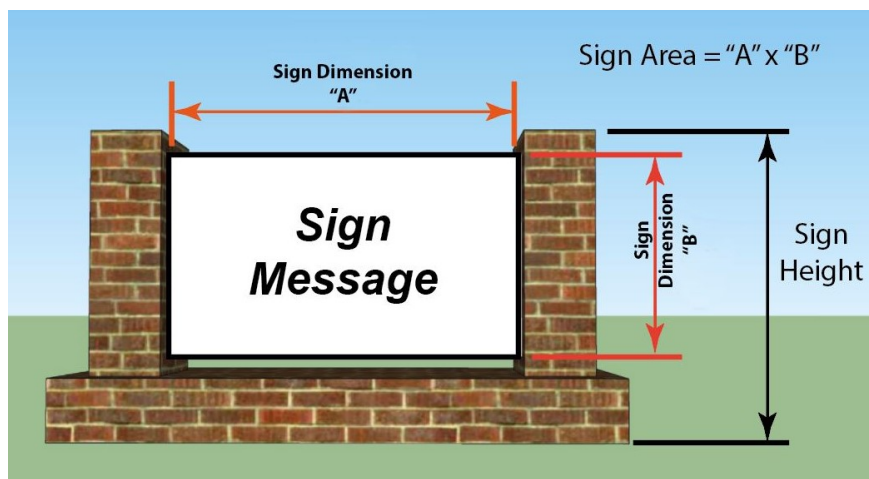


Figure 710-B: Illustration of sign area calculation for a monument sign with copy on a distinct cabinet.



Figure 710-C: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- (3) For sign copy where individual letters or elements are mounted or painted on a building facade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area of the sign face that encompasses the extreme limits of all the letters, elements, or copy associated with the sign. See [Figure 710-D](#). In cases where there are multiple sign elements on the same surface, the Zoning Inspector shall have the authority to determine the outermost boundaries of individual sign elements. Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this section. See [Figure 710-E](#).

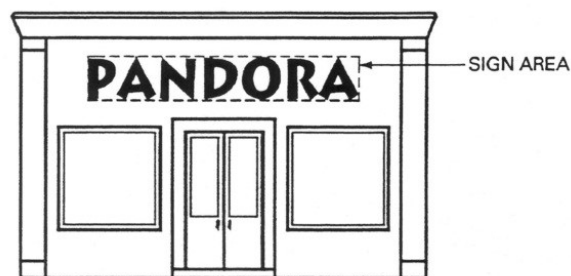


Figure 710-D: Illustration of sign area calculation for wall signs with individual letters.

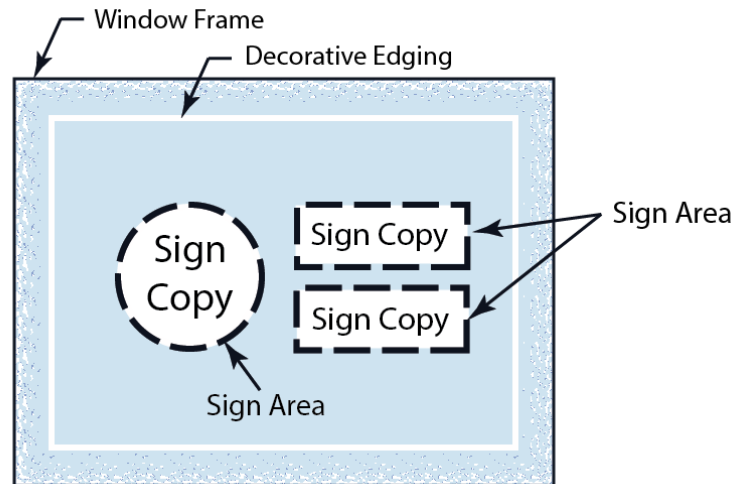


Figure 710-E: Illustration of sign area calculations for multiple sign areas on a window sign

- (4) The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Zoning Inspector.
  - (5) In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be one-half the total area of the sign face that encompasses the extreme limits of the profile of the sign message. The profile used shall be the largest area of the sign message visible from any one point.
  - (6) When two identical, flat sign faces are mounted back-to-back so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
  - (7) When two identical, flat sign faces are not mounted back-to-back, the sign area be computed by adding together the sign area of all sign faces.
- (d) **Determining Window Area**

The window area of a building shall be the total glass area of windows on the building frontage. For the purposes of determining window area for ground floor occupants, the ground floor shall be considered to be no more than 15 feet in height above grade. See [Figure 710-F](#).



Figure 710-F: The window area is illustrated within the dashed line area for the two storefronts in the above image.

## 710.06 General Regulations

Unless otherwise specifically stated, the following regulations shall apply to all signs within the village:

- (a) All signs with a shall be professionally manufactured, or of equivalent quality.
- (b) All sign supports shall be an integral part of the sign design.
- (c) The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes.
- (d) No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
- (e) All signs shall maintain a minimum clearance of eight feet over pedestrian ways and 15 feet over vehicular ways.
- (f) Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
- (g) All signs shall be subject to the clear vision triangle standards established in this code.
- (h) Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.
- (i) **General Standards for All Permanent Signs**
  - (1) All freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this resolution.
  - (2) The landscaped area shall include all points where sign structural supports attach to the ground.
  - (3) All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable building or electrical codes.
  - (4) The back side of all permanent signs that do not contain a second sign face, and structural supports shall be completely enclosed.
- (j) **Signs in Rights-of-Way**
  - (1) Signs shall be prohibited in the right-of-way with the exception of:
    - A. Signs installed by the Village of Fredericktown, Knox County, State of Ohio, federal government, or approved transit agency;
    - B. Any warning signs or traffic safety signs required by public utility providers; or
    - C. Sidewalk signs as allowed in Section [710.10](#).

- (2) Any sign to be installed in the right-of-way by an agency other than the Village of Fredericktown shall require prior approval of the Zoning Inspector.
- (3) The Zoning Inspector may remove or cause to be removed any unlawful sign in the public right-of-way.

**(k) Illumination**

In all zoning districts except residential districts, signs shall be permitted to be illuminated in compliance with the following:

- (1) Light sources shall be shielded from all adjacent buildings and streets.
- (2) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists or cause reasonable objection from adjacent residential districts.
- (3) No colored lights shall be used in a location or manner in which they might be confused with traffic control devices or vehicular traffic.
- (4) An illuminated sign or lighting device shall employ only light of constant intensity.

**(5) Electronic Message Centers**

Where electronic message center signs are allowed, such signs shall be subject to the following:

- A. Electronic message centers are allowed in nonresidential districts only, in accordance with the standards in this section.
- B. All electronic message centers shall be set back a minimum of 200 feet from a residential dwelling unit.
- C. Any message change shall be a static, instant message change.
- D. Messages can only change once every eight seconds or longer.
- E. The transition time between messages shall be less than one second.
- F. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- G. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- H. Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message center sign.
- I. Audio emissions from electronic message center signs shall be prohibited.

**(l) Maintenance**

- (1) All signs shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts or materials, painting, repainting, cleaning and other acts required for the maintenance of said sign.
- (2) All sign cabinets and structures shall be maintained in a way that shall not allow for the exposure of electrical or structure components unless a part of the integral sign. Any sign face that is broken, deteriorated, or otherwise in poor maintenance shall be replaced.
- (3) Failure to maintain a sign in accordance with this section shall be a violation of this resolution, subject to Section [711.13](#).



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## 710.07 Signs Permitted in PND Districts

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- (a) All development in a PND District shall be subject to the standards of this section unless otherwise modified through the PND review and approval process. In general:
  - (1) Single-family residential uses and public and institutional uses in a PUD shall comply with the sign requirements of the R-1 District.
  - (2) Multi-family residential uses in a PND shall comply with the sign requirements of the R-3 District.
  - (3) Industrial uses in a PND shall comply with the sign requirements of the M-1 District.
  - (4) All other uses shall comply with the sign requirements of the B-2 District.
- (b) This section shall apply to both permanent and temporary signs.

## 710.08 Permanent Signs in Agricultural, Conservation, and Residential Districts

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The following are the permanent signs allowed in the AG, C-1, and all residential districts:

### (a) Signs for Individual Dwellings

- (1) One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the facade of the principal dwelling and does not exceed two square feet.
- (2) The sign shall not be internally or externally illuminated.
- (3) A zoning certificate shall not be required for this type of sign.

### (b) Signs at Entrances

Two wall signs or one permanent freestanding monument sign may be permitted for any subdivision or multi-family dwelling development that contains 10 units/lots or more provided that the signs meet the following requirements:

#### (1) General Standards

- A. Each sign may have a maximum sign area of 36 square feet.
- B. No such sign or any portion of the structure shall exceed six feet in height.
- C. The sign may only be illuminated through an external light source.

#### (2) Monument Sign

- A. A maximum of one freestanding monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Inspector.
- B. In all cases, the sign shall be set back a minimum of 10 feet from any rights-of-way.
- C. The monument sign shall have a maximum of two sign faces, mounted back-to-back.
- D. If an applicant proposes to use a monument sign, no wall signs, as allowed in [710.08\(b\)\(3\)](#), below, shall be permitted.

#### (3) Wall Signs on Entry Fences or Walls

- A. A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Inspector.
- B. If two signs are utilized, the signs shall be separated by a minimum of 50 feet.
- C. The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street. For multi-family developments, the signs may be attached to the principal buildings.



- D. If an applicant proposes to use wall signs, no monument sign, as allowed in [710.08\(b\)\(2\)](#), above, shall be permitted.
- (c) **Signs for Nonresidential Uses in AG, C-1, and Residential Zoning Districts**
- (1) One permanent freestanding monument sign may be permitted on a lot containing a nonresidential use in an AG, C-1, or residential zoning district provided the sign meets the following requirements:
    - A. In all cases, the sign shall be set back a minimum of 10 feet from any rights-of-way.
    - B. The maximum sign area shall be 36 square feet.
    - C. A maximum of 75 percent of the monument sign area may be devoted to a manual changeable copy or to an electronic message center subject to Section [710.06\(k\)\(5\)](#). Where an electronic message center is approved, such electronic message center must be turned off between 11:00 pm in the evening until 7:00 am in the morning.
    - D. No such sign or any portion of the structure shall exceed six feet in height.
  - (2) Building signs shall be permitted for all nonresidential uses in a residential district in the same manner as permitted for nonresidential uses in the B-2 District. This shall not apply to signs located on lots used exclusively for residential dwellings where signage is controlled by [710.08\(a\)](#).

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## **710.09 Permanent Signs in Nonresidential Zoning Districts**

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The following standards apply to signs on lots zoned B-1, B-2, B-3, M-1, and P-1 Districts:

(a) **Permanent Freestanding and Building Signs**

- (1) In any of the applicable zoning districts, each lot shall be permitted a maximum of 100 square feet of aggregate sign area for all freestanding and building signs, as provided for in this subsection.
- (2) Each type of sign shall be subject to any applicable standards for that specific sign type within Section [710.10\(c\)](#).

(3) **Standards for Permanent Building Signs**

**A. General Provisions for all Building Signs**

- 1. Building signs include wall signs, awning signs, canopy signs, and projecting signs.
- 2. Building signs shall not extend above the top of the roofline of the building to which it is attached.
- 3. Building signs may not be attached to mechanical equipment or roof screening.
- 4. Building signs shall not include electronic message centers.

**B. Wall Sign Standards**

- 1. Wall signs shall be mounted on or flush with a wall and shall not protrude more than 24 inches from the wall or face of the building to which it is attached.
- 2. A wall sign may be painted directly on a building wall, mounted on the facade wall, or mounted on a raceway.
- 3. Permanent signs that are attached to gas pumps, gas pump islands, or similar structures, that can be read or understood from a public street by most persons of normal vision shall be considered a wall sign for the purposes of this chapter and shall be based on the wall sign allowance for the principal building.

4. Wall signs may be internally or externally illuminated.

**C. Awning or Canopy Signs**

Any canopy or awning sign allowed pursuant to this section shall comply with the following standards:

1. Signage shall not cover more than 50 percent of any individual awning, or canopy.
2. An awning or canopy shall be considered part of the face of a structure. However, no sign may project more than six inches from an awning, canopy or marquee.

**D. Projecting Signs**

1. Only one projecting sign shall be permitted for each tenant on each street frontage where the tenant has building frontage.
2. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the facade wall to which it is attached.
3. Projecting signs shall maintain a minimum six-inch clearance from the facade of any building, not including the supporting structure or brackets.
4. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
5. The maximum sign area for a projecting sign shall be 12 square feet.
6. Projecting signs shall not be internally illuminated. If a projecting sign is illuminated it shall be by indirect lighting methods such as gooseneck lighting.

**(4) Standards for Permanent Freestanding Signs**

**A. General Provisions for all Freestanding Signs**

1. A maximum of one freestanding sign is permitted to be located on any single lot. Each freestanding sign shall have a maximum sign area of 64 square feet and a maximum height of 16 feet.
2. For lots that have a lot width of over 400 feet along one street frontage, a second freestanding signs shall be permitted with a maximum sign area of 64 square feet and a maximum sign height of 16 feet. Such second freestanding sign shall be in addition to the maximum 100 square feet of signage allowed by Section [710.09\(a\)\(1\)](#).
3. Where two freestanding signs are places along the same street frontage, the signs shall be separated by a minimum of 100 feet.
4. For lots that have frontage on multiple public streets, one permanent freestanding monument sign may be placed on each frontage based on the standards in Section [710.09\(a\)\(1\)](#).
5. Aa freestanding signs shall be set back a minimum of 10 feet from any rights-of-way.

- B.** There shall be a pole cap on all freestanding signs unless the pole is an integral part of the sign design.

**C. Electronic Message Centers**

Electronic message centers are permitted on monument signs in nonresidential zoning districts provided they comply with the following:

1. The size of an electronic message center sign shall not exceed 90 percent of the total sign area.

2. Electronic message centers shall only be permitted on monument signs.
3. The area of an electronic message center sign shall be included in the applicable maximum sign area allowed pursuant to [this section](#).

**(b) Window Signs**

Window signs do not require a zoning certificate provided they comply with the following standards:

- (1) Window signs shall not occupy more than 50 percent of the window area of any ground floor window areas. See [710.05\(d\)](#) for locations used in the calculation of sign area. The sign area is based on the window area, regardless of the presence of an awning.
- (2) For a multi-story building, each occupant above the ground floor shall be permitted one window sign for each individual tenant provided the sign does not exceed six square feet or 25 percent of the area of the window in which the sign is placed, whichever is smaller.
- (3) Window signs may be temporarily or permanently attached.
- (4) Window signs shall be in addition to the maximum square feet of signage allowed by Section [710.09\(a\)\(1\)](#).

**(c) Driveway Signs**

In the B-3, M-1, and P-1 Districts, permanent signs shall be permitted near driveway entrances to a street and at intersections of internal drives under the following provisions:

- (1) Driveway signs shall comply with the vision clearance requirements of this code but in no case shall the sign be set back more than 25 feet from the driveway entrance or intersection of internal drives. Furthermore, such signs shall be set back a minimum of two feet from the public right-of-way or easement for roadway purposes.
- (2) Up to two driveway signs may be permitted per individual driveway or internal intersection.
- (3) Driveway signs may not exceed three square feet in area and three feet in height.
- (4) Driveway signs may be internally or externally illuminated.
- (5) Driveway signs shall not be included in the total calculated allowed signage for a property under the remainder of this section.
- (6) Driveway signs shall be in addition to the maximum square feet of signage allowed by Section [710.09\(a\)\(1\)](#).

**(d) Drive-Through Signs**

- (1) Up to two freestanding drive-through signs shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all drive-through signs, for each facility, does not exceed 72 square feet. In no case shall a single drive-through sign exceed 36 square feet in sign area.
- (2) If a drive-through sign is completely screened from view from any right-of-way or adjacent residential uses, there shall be no maximum sign area.
- (3) Drive-through signs shall only be permitted in a side or rear yard.
- (4) Drive-through signs shall not be included in the total calculated allowed signage for a property under the remainder of this section.
- (5) No drive-through sign shall exceed seven feet in height.
- (6) Drive-through signs may be internally or externally illuminated.
- (7) Drive-through signs may be 100 percent electronic message center subject to [710.06\(k\)\(5\)](#).
- (8) Drive-through signs shall be in addition to the maximum square feet of signage allowed by Section [710.09\(a\)\(1\)](#).

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## 710.10 Temporary Signs

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The following are the types of temporary signs allowed in the Village, including any applicable regulations for each type of sign.

**(a) Standards Applicable to All Temporary Signs**

- (1) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.
- (3) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.
- (4) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (5) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- (6) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with this section or when such sign is attached to the principal building as permitted in this chapter.
- (7) No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of, or attachments to, temporary signs.
- (8) Where a temporary sign is designed to have two sign faces (portable signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame portable sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.
- (9) For zoning certificate applications related to the establishment of a new use or change of use within an existing building, where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a zoning certificate.
- (10) Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.
- (11) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such a sign is deteriorated.
- (12) Temporary signs shall not be located in the right-of-way. Where the right-of-way is unknown, the temporary sign shall be set back a minimum of 10 feet from the edge of any street pavement.

**(b) Temporary Sign Allowances**

[Table 710-1](#) establishes the allowances for temporary signs in all zoning districts. All sign types are subject to the general provisions above and the sign-type standards that follow the table.

**TABLE 710-1: TEMPORARY SIGN ALLOWANCES**

Zoning Districts	AG, C-1, R-1, R-1A, R-2, R-3, or MHP	B-1, B-2, B-3, M-1 or P-1	
Time Limit	Unrestricted	Unrestricted	30 Days per Quarter [1]
Maximum Number or Area per Lot [2]	Unlimited	32 Square Feet	1
Maximum Sign Area per Sign [2]	12 Square Feet	16 Square Feet	40 Square Feet
Maximum Height	4 Feet	6 Feet	6 Feet
Permitted Sign Types	Banner, Window, or Yard	Banner, Sidewalk, or Yard	Banner, Feather, or Yard
Zoning Certificate Required	No	No	Yes

NOTES:

[1] A quarter shall be defined as evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).

[2] The provisions of this requirement are as stated in the table unless otherwise allowed for in the applicable sign type standards below.

**(c) Sign Type Standards**

**(1) Banner Signs**

- A. Banner signs shall not be subject to the maximum height requirements of this section provided they are not attached above any roofline.
- B. Banner signs can be affixed to a building but not to a fence, unless such fence is enclosing an outdoor dining area adjacent to the building.

**(2) Feather Signs**

- A. Only one feather sign shall be permitted for any lot. If a lot has more than 100 feet of street frontage along a public street, one additional feather sign shall be permitted at the same time as the initial feather sign.
- B. The maximum height of a feather sign may exceed the maximum height in the temporary sign allowance table but in no case shall exceed 10 feet in height.

**(3) Sidewalk Signs**

- A. Only one sidewalk sign is allowed for each tenant space.
- B. The sidewalk sign shall be limited to an A-frame portable sign or a T-frame portable sign.
- C. There shall be no time limitation for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- D. Sidewalk signs shall not exceed six square feet in area with a maximum height of four feet.
- E. The sign shall not be placed on pavement used for vehicles (e.g., driveways and parking lots).
- F. When placed on a public or private sidewalk, the width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
- G. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, or other structure.

- H. The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.
  - I. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
  - J. The sign shall be internally weighted so that it is stable and windproof.
  - K. The Village of Fredericktown shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.
- (4) **Window Signs**  
Temporary window signs shall not be affixed permanently to the window.
- (5) **Yard Signs**  
Temporary yard signs are prohibited in the right-of-way and shall be set back a minimum of 10 feet from adjoining lot lines.

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### **710.11 Nonconforming Signs**

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(a) **Determination of Legal Nonconformity**

Existing signs that do not conform to the specific provisions of this section may be eligible for the designation of a “legal nonconforming sign” provided that the nonconforming sign:

- (1) Is properly maintained and does not in any way endanger the public or constitute a nuisance; and
- (2) The sign was erected pursuant to a valid zoning certificate or variance and complies with all other applicable laws on the effective date of this resolution.

(b) **Loss of Legal Nonconforming Status**

A legal nonconforming sign loses the legal nonconforming designation if:

- (1) The sign is relocated;
- (2) Any part of the sign structure is replaced;
- (3) The sign is removed or abandoned for a period of one year. This does not refer to general maintenance, changeable marquees, or face and copy changes.

- (c) Once a sign loses its legal nonconforming status according to this subsection, it shall be removed at the cost of the property owner.

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### **710.12 Signs in Violation**

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- (a) Any sign or device located within a public right-of-way shall be deemed a public nuisance and can be removed by the Zoning Inspector without any written notice.
- (b) If any such sign or device has not been removed on or before the expiration of the time limits as stated in this section, following receipt of said notice, it shall be deemed a violation of this resolution and the Zoning Inspector shall take the appropriate action necessary for removal of the sign or device, or the correction of the violation at the owner’s expense.



## **Chapter 711: Administration and Enforcement**

### **711.01 Purpose**

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The purpose of this section is to set forth the powers and duties of the Village's various review boards and administrative staff with respect to the administration and enforcement of the provisions of this code. This section also sets out the review procedures necessary for the successful administration of the requirements of this code.

### **711.02 Review Authority Names, References, and Delegation**

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#### **(a) Review Authority Names and References**

For the purposes of this code, the formal names of the administration and decision-making authorities identified above may also be referred to abbreviated names as identified below:

- (1) The Fredericktown Village Council may be hereafter referred to as "Village Council" or "Council."
- (2) The Village of Fredericktown Planning Commission may be hereafter referred to as the "Planning Commission" or "Commission."
- (3) The Village of Fredericktown Board of Zoning Appeals may be hereafter referred to as the "Board" or "BZA."
- (4) The Village of Fredericktown Zoning Inspector may be hereafter referred to as the "Zoning Inspector" or "Inspector."

#### **(b) Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the Village to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

### **711.03 Village Council**

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In addition to any other authority granted to the Village Council by ordinance or State law, the Village Council shall have the following powers and duties, as it relates to this code:

- (a) Initiate, hear, review, and make decisions related to amendments to the text of this code or the zoning map;
- (b) Hear, review, and make decisions related to Planned Neighborhood Developments in accordance with [Chapter 703: Planned Neighborhood Districts](#);
- (c) Establish fees for development review procedures, certificates, and permits outlined in this code;
- (d) Perform any other duties related to the administration and enforcement of this code as authorized by this code and the ORC.

### **711.04 Review Boards**

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For the purposes of this code, there shall be review boards established for the administration and enforcement of this code including the Planning Commission and BZA.

#### **(a) General Rules and Regulations for All Review Boards**

The following shall apply to the Planning Commission and BZA:



- (1) All members of a review board, at the date of their respective appointments, shall be residents of the Village and shall continue to be residents of the Village during the terms of their office with the exception of the Village Administrator.
- (2) Members of any review board shall be removable for nonperformance of duty, misconduct in office or other cause, by the Mayor, upon written charges having been filed with the Mayor and after a public hearing by Village Council has been held regarding such charges. A copy of the charges shall be served upon the member at least 10 days prior to the hearings, either personally, by registered mail or by leaving the same at their usual place of residence. The member shall be given opportunity to be heard and answer such charges.
- (3) A vacancy occurring during the term of any member of a review board shall be filled through the same manner as the position was originally filled, for the unexpired term in a manner authorized for the original appointment.
- (4) The review boards may, by a majority vote of its entire membership at the time of consideration, adopt bylaws or rules for the governance of said board, provided they are consistent with State law and with any ordinances of the Village.
- (5) The review boards shall keep a record of their meetings and hearings, which shall be a public record.
- (6) All meetings of the review boards shall be open to the public, except as exempted by law.
- (7) The departments, divisions, and agencies of the Village shall cooperate with and assist the boards in implementing the purposes for which they are formed.
- (8) **Meetings**
  - A. Each review board shall hold such meetings as it may require for conducting its business. Prior to the end of each year, the members shall, by motion, determine the dates of its regular meetings for the succeeding year.
  - B. The Chairperson of each board, the Zoning Inspector, or the Village Administrator may cancel a meeting if there is no pending business to be conducted.
  - C. Special meetings may be called by the Chairperson or by a vote of the applicable review board at its regular meeting.
  - D. At either the first meeting or the last regular meeting of each year, or when practical, each review board shall elect a Chairperson who shall serve for a one-year term. The boards may also elect a Vice-Chairperson, who shall also serve for a one-year term. These officers shall be elected from among the members of the applicable boards. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson.
- (9) **Quorums and Decisions**
  - A. Any combination of three or more members of the applicable review board shall constitute a quorum.
  - B. A motion made on a decision shall carry when at least three members of the applicable review board concur.
  - C. General business items that do not include decisions on applications, such as continuances or approval of minutes, shall only require a majority of the quorum to concur.
  - D. A member of an applicable review board shall not be qualified to vote if that member did not attend the public hearing or meeting of the applicable case subject to a decision unless he or she has read or listened to the transcript of the public hearing or meeting, as applicable.

- E. A member of the applicable review board shall not be qualified to vote if they have a direct or indirect interest in the issue subject to the application or any other conflict of interest.

**(b) Organization and Roles of the Planning Commission**

**(1) Establishment**

The Village of Fredericktown Planning Commission is hereby established by Village Council pursuant to Chapter 713 of the ORC.

**(2) Membership and Terms**

Membership of the Planning Commission shall be in accordance with Chapter 713 of the ORC, including the length of terms.

**(3) Roles and Powers of the Planning Commission**

The Planning Commission shall have the following roles and powers:

- A. Initiate, hear, review, and make recommendations to Village Council for the approval of a strategic plan and other plans for the future physical development and improvement of the Village, based upon utility, convenience and beauty, physical needs, density and the social welfare and physical well-being of the people;
- B. Initiate, hear, review, and make recommendations to Village Council related to amendments to the text of this code or the zoning map;
- C. Hear, review, and make recommendations or decisions related to Planned Neighborhood Developments in accordance with [Chapter 703: Planned Neighborhood Districts](#);
- D. Review and make decisions on site plan applications;
- E. Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by Village Council, or the administration; and
- F. Perform any other duties related to the administration and enforcement of this code as authorized by this code, by ordinance of Village Council, and/or by the ORC.

**(c) Organization and Roles of the Board of Zoning Appeals (BZA)**

**(1) Establishment**

The Village of Fredericktown Board of Zoning Appeals is hereby established.

**(2) Membership and Terms**

- A. The BZA shall be composed of a total of five members appointed by the Mayor with consent of the Village Council.
- B. The terms of all members shall be six years and so arranged so that the term of at least one but not more than two members shall expire at least every two years.

**(3) Roles and Powers of the BZA**

The BZA shall have the following roles and powers to:

- A. Hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the Zoning Inspector or other staff member authorized to make such decisions or orders, unless another appeals board is established by this code;
- B. Hear, review, and decide on variance requests in accordance with the applicable provisions of this code;
- C. Hear, review, and make decisions on conditional uses in the respective

- D. Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section [702.03\(b\)](#);
  - E. To permit the completion, restoration, reconstruction, expansion, extension, or substitution of a nonconforming use where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship (See [Chapter 712: Nonconformities](#).); and
  - F. Perform any other duties related to the administration and enforcement of this code as authorized by this code or the ORC.
- (4) Special Provisions for BZA Hearings**
- A. The BZA shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.
  - B. The BZA shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony and to produce reports, findings and other evidence pertinent to any issue referred to it for decision.
  - C. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. Comments may also be submitted in writing or verbally to the Zoning Inspector, and provided to the BZA in advance of the hearing.
  - D. The privilege of cross-examination of witnesses shall be accorded all interested parties or their attorney.

## **711.05 Zoning Inspector**

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**(a) Establishment**

The position of Village of Fredericktown Zoning Inspector shall be established to aid in the administration and enforcement of this code. The Zoning Inspector may be provided with the assistance of such other persons as the Mayor may direct.

**(b) Roles and Powers of the Zoning Director**

The Zoning Inspector shall have the following roles and powers to:

- (1) Enforce the provisions of this code. The Zoning Inspector shall have all necessary authority on behalf of the Village to administer and enforce the provisions of this code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this code and the ability to bring legal action to ensure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding. All officials and employees of the Village may assist the Zoning Inspector by reporting to the Zoning Inspector any new construction, reconstruction, land uses, or violations that are observed;
- (2) Review and make administrative decisions on zoning certificate applications;
- (3) Accept, review for completeness, and respond to questions regarding review procedure applications established in this code;
- (4) Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;
- (5) Coordinate the Village's administrative review of applications required by this code, including rezoning applications, site plan review, and conditional use applications;
- (6) Maintain, in current status, the official zoning map;

- (7) Refer requests for appeals of decisions to the BZA pursuant to the procedures established in Section [711.11](#);
  - (8) Provide such technical and consultation assistance as may be required by the BZA, the Planning Commission, and Village Council, in the exercise of their duties relating to this code;
  - (9) Maintain permanent and current records of all applications and the decisions related to those applications;
  - (10) Review, inspect property, and make decisions on compliance with the provisions of this code;
  - (11) Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;
  - (12) Order discontinuance of any illegal work being done;
  - (13) Revoke a zoning certificate issued contrary to this code or based on a false statement or misrepresentation on the application;
  - (14) Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code;
  - (15) Undertake any additional work as specified by this code or as directed by the review boards or Village Council.
- (c) **Decisions of the Zoning Inspector**  
A decision of the Zoning Inspector may be appealed to the BZA in accordance with [711.11](#) unless another appeals board is established by this code.

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## **711.06 Common Review Requirements**

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The requirements of this section shall apply to all applications and procedures subject to development review procedures established in this code, unless otherwise stated.

(a) **Authority to File Applications**

- (1) Unless otherwise specified in this code, applications for development review procedures defined in this code may be initiated by:
  - A. An owner of the property that is the subject of the application; or
  - B. An agent authorized, in writing, by the owner, which may include a lessee of the property, manager, attorney, or other representative.
- (2) The Planning Commission or Village Council may initiate code text and map amendments under this code, with or without written authorization or application from the property owners who may be affected.

(b) **Application Submission Schedule**

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the Zoning Inspector, and made available to the public.

(c) **Application Contents**

- (1) Applications required under this code shall be submitted to the Village offices.
- (2) All applications shall be in a form and in such numbers as established by the Zoning Inspector, and made available to the public as part of application forms.
- (3) Applications shall be accompanied by a fee, if required, in accordance with the fee ordinance adopted by Village Council pursuant to Section [711.06\(f\)](#).

(4) **Complete Application Determination**

- A. The Zoning Inspector shall only initiate the review and processing of applications submitted under this code if such application is determined to be complete.

- B. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application. The Zoning Inspector may waive the submission of requirements if such requirements are not needed due to the type or scale of development, or are unnecessary for determining compliance with this code. Such waiver shall be provided to the applicant in writing as part of the record.
- C. The Zoning Inspector shall make a determination of application completeness within five business days of the application filing.
- D. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
- E. If an application is determined to be incomplete, the Zoning Inspector shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Zoning Inspector determines that the application is complete.
- F. The Village shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
- G. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the Zoning Inspector, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Zoning Inspector may grant one 60-day extension if just cause is shown, upon written request by the applicant.
- H. No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this chapter, submit a new application, and submit a new filing fee.
- I. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

**(d) Simultaneous Processing of Applications**

- (1) Whenever two or more forms of review and approval are required by review boards under this code, the Zoning Inspector shall determine the order and timing of review.
- (2) The Zoning Inspector may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

**(e) Pre-application Conferences or Meetings**

- (1) Prior to filing an application, an applicant may request a meeting with the Zoning Inspector for a pre-application conference to discuss the proposed application or project.
- (2) An applicant may request a pre-application meeting with the Planning Commission or Village Council for any review procedure in this section. The applicant may request such meeting by submitting a written request to the Zoning Inspector for placement on the agenda of the next regularly scheduled meeting or any special meeting that may be called by the applicable board.
- (3) The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and any adopted plans prior to the submission of an application.

- (4) No action can be taken by the administrative staff and/or any review boards until the applicant submits an actual application and/or plan to the Village pursuant to the laws and policies of the Village. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or Village review boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with Village staff, review boards, any pre-application conferences or meetings, are not binding on the Village and do not constitute official assurances or representations by the Village or its officials regarding any aspects of the plan or application discussed.

**(f) Fees**

- (1) Any application for a review procedure under this code shall be accompanied by such fee as shall be specified from time to time by ordinance of Village Council. There shall be no fee, however, in the case of applications filed by the Mayor, Village Council, or any of the review boards.
- (2) The fees shall be in addition to any other fees that may be imposed by the Village, State, Knox County, or other agency having jurisdiction.
- (3) Such fees are adopted to cover the cost to the Village for investigations, legal advertising, postage, and other expenses resulting from the administration of planning and zoning activities.
- (4) Unless otherwise identified in the fee schedule adopted by Village Council, no application shall be processed or determined to be complete until the established fee has been paid.
- (5) If the Village determines that the costs on a particular application will exceed the filing fee as established by Village Council as a result of preparation of legal descriptions, maps, studies, or other required information, or as a result of the need for professional expert review, study, or testimony, the Zoning Inspector is authorized to collect such additional costs from the applicant.
- (6) Application fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

**(g) General Provisions for Attendance and Decisions**

- (1) Whenever a provision of this code allows for or requires attendance at a meeting or hearing by the applicant, the applicant may attend in person, may have an authorized representative attend in their place, or may provide the Zoning Inspector written comments in advance of the meeting or hearing.
- (2) Whenever a provision in this code requires a decision to be provided in writing, or communication in writing, then such provision shall be interpreted to allow for such communication by e-mail unless otherwise stated, required by law, or requested by the applicant.

**(h) Public Notification for Public Meetings**

For all public meetings required by this code, the Village shall comply with this code and all applicable State notice requirements.

**(i) Public Notification for Public Hearings**

- (1) Applications for development approval that require public hearings shall comply with all applicable State requirements and the public meeting notice requirements established in [711.06\(h\)](#), above.
- (2) The Zoning Inspector shall be responsible for providing the required notice as specified in [Table 711-1](#).

**(3) Content**

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

- A.** Provide the name of the applicant or the applicant's agent;
- B.** Indicate the date, time, and place of the public hearing;
- C.** Describe the land involved by street address, Knox County parcel identification number (as applicable), or by legal description; and
- D.** Describe the nature, scope, and purpose of the application or proposal.

**(4) Notice Requirements**

Published and mailed notice for public hearings shall be provided as defined in [Table 711-1](#).

TABLE 711-1: NOTICE REQUIREMENTS		
Review Procedure	Published Notice	Written (Mailed) Notice
Code Text Amendment	Published notice required a minimum of 10 days before the initial scheduled public hearing of Planning Commission and 30 days before the initial scheduled hearing of Village Council.	No written notice is required for a text amendment.
Zoning Map Amendment		Written notice shall be sent to all applicants and all owners of property within 200 feet from the boundary of all properties subject to the application. The notice shall be required a minimum of 20 days before the scheduled public hearing of Village Council.
PND Preliminary Plan and Major PND Amendment		Written notice shall not be required where the application involves more than 10 individual lots.
Conditional Use, Appeals, and Variances	No published notice is required	Written notice to the applicant and all property owners within 200 feet from the boundary of all properties subject to the application. The notice shall be required a minimum of 10 days prior to the scheduled public hearing.

**(5) Published Notice**

- A.** Published notice shall be provided in a newspaper of general circulation. The Village may also provide additional published notice by posting of the notice in Village buildings or by electronic media including, but not limited to, posting online at the Village's website.
- B.** The content and form of the published notice shall be consistent with the requirements of this section and State law.

**(6) Written (Mailed) Notice**

- A.** Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the applicable review board.
- B.** Written notice shall be postmarked no later than the amount of days specified in [Table 711-1](#) prior to the hearing date at which the item will be considered.



**(7) Constructive Notice**

- A.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.
- B.** When the records of the Village document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

**(j) Conduct of Public Hearing**

**(1) Rights of All Persons at Public Hearings**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state their address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

**(2) Continuance of a Public Hearing or Deferral of Application Review**

- A.** An applicant may request that a review board's consideration of an application at a public hearing be deferred by submitting a written or verbal request for deferral to the Zoning Inspector prior to the publication of notice, as may be required by this code. The Zoning Inspector may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- B.** A request for deferral of consideration of an application received by the Zoning Inspector after publication of notice of the public hearing, as required by this code, shall be considered as a request for a continuance of the public hearing, and may only be granted by the applicable review board.
- C.** The review board conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place, provided the date, time, and place is publicly announced at the time of continuance. No additional written or published notice shall be required.

**(k) Withdrawal of Application**

- (1)** Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a written request by the applicant prior to action by the review or decision-making body.
- (2)** After request for withdrawal has been received, the Zoning Inspector will then withdraw the application from any agenda and no further action will be taken. Any future request for action will require a new application and fee in accordance with this code.

**(l) Examination and Copying of Application and Other Documents**

Documents and/or records related to applications may be inspected and/or copied as provided for by State law.

**(m) Effect of any Approvals**

- (1) The issuance of any approval or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.
- (2) All approvals shall run with the land or use and shall not be affected by change in ownership provided there is no change in use and all conditions of approval continue to be met.

**(n) Modifications or Amendments of Approved Applications**

- (1) For any review procedure, the Zoning Inspector is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development, does not increase density, or is necessary to address minor technical issues. This shall not give the Zoning Inspector the authority to vary the requirements of this code or any conditions of approval.
- (2) Where the Zoning Inspector determines that the proposed modification, amendment, or change is not minor, as stated above, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

**(o) Reapplication after Denial of an Application**

If an application is denied, the applicant may:

- (1) Appeal the decision in accordance with the applicable appeals procedure established for the procedure in this code, or as granted by State Law; or
- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Zoning Inspector shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in [711.06\(c\)\(4\)](#). If it does not, the Zoning Inspector shall return the application, with reasons for their determination in writing, along with any submitted fees;
- (3) Submit the same application after a 24-month waiting period; or
- (4) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

**(p) Subsequent Development**

- (1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the Village's ordinances.
- (2) The granting of any approval or permit shall not guarantee the approval of any other required permit or application.
- (3) The Village shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Knox County, as applicable, the State, or other agencies having jurisdiction.

**(q) Records**

The Village shall maintain permanent and current records of all applications and the decisions related to those applications in Village Offices.

**(r) Computation of Time**

- (1)** In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday observed by the Village of Fredericktown where the Village administrative offices are closed for the entire day, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- (2)** When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- (3)** When the Village offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the Village of Fredericktown in which the Village administrative offices are closed for the entire day.
- (4)** If a timeframe does not specify business or calendar days, such timeframe shall be interpreted to be calendar days.

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**711.07 Code Text and Map Amendments**

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**(a) Purpose**

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and/or text of this code.

**(b) Applicability**

This section shall apply to requests to amend the text of this code or amend the Official Zoning Map of the Village of Fredericktown, Ohio.

**(c) Initiation**

- (1)** For a zoning map amendment of a specific property, any person who has authority to file an application (See [711.06\(a\)](#).) for such property may initiate an amendment by filing an application with the Zoning Inspector.
- (2)** Only Village Council or the Planning Commission may initiate code text amendments, however, any member of the public may request that the Planning Commission or Village Council consider a text amendment during their respective public meetings.
- (3)** Village Council may initiate a code text or map amendment by referring a recommendation on an amendment to the Planning Commission.
- (4)** The Planning Commission may initiate a code text or map amendment by adopting a motion to make such amendment.

**(d) Code Text or Map Amendment Review Procedure**

The review procedure for a code text or map amendment shall be as follows:

**(1) Step 1 – Pre-Application Meeting (Optional)**

- A.** An applicant may request to have a pre-application meeting with the Zoning Inspector and/or Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to [711.06\(e\)](#).

**(2) Step 2 – Application**

- A.** For amendments that are not initiated by the Planning Commission or Village Council, the applicant shall submit an application in accordance with [711.06](#), and with the provisions of this section.

- B. Amendments initiated by Village Council shall be referred to the Planning Commission for initiation of review.

**(3) Step 3 – Planning Commission Review and Recommendation**

- A. The Planning Commission shall review the amendment application at a public hearing at the next regularly scheduled Planning Commission meeting or at a special meeting.
- B. Notification of the public hearing shall be provided in accordance with [711.06\(i\)](#).
- C. In reviewing the application, Planning Commission shall, at a minimum, consider the review criteria of this section.
- D. The Planning Commission shall make a recommendation to Village Council, on the application, in the form of a resolution. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.

**(4) Step 4 – Village Council Review and Decision**

- A. Following receipt of the recommendation from the Planning Commission (Step 3), the application shall be placed on Village Council's agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or Village Council shall set a time for a public hearing on the proposed amendment.
- B. Notification of the public hearing shall be provided in accordance with [711.06\(i\)](#).
- C. Village Council shall review a text or zoning map amendment application during the public hearing. In reviewing the application, Village Council shall, at a minimum, consider the recommendation from Planning Commission and the review criteria of this section.
- D. Village Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission.
  - 1. If Village Council moves to adopt the recommendation of Planning Commission, such action shall only require concurring vote of four members of Village Council.
  - 2. If Village Council moves to adopt the recommendation of Planning Commission with modifications, or otherwise overrun the recommendation, such action shall require a favorable vote of five members of Village Council.

**(e) Review Criteria**

The review of code text or map amendment applications by Planning Commission and Village Council shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment is consistent with the strategic plan, other adopted or approved Village plans, and the stated purposes of this code;
- (2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (3) The proposed amendment will promote the public health, safety, convenience, comfort, prosperity and general welfare;
- (4) The proposed amendment, if amending the zoning map, is consistent with the stated purposes of the proposed zoning district;
- (5) The proposed amendment, if amending the zoning map, follows lot lines or the centerlines of streets, railroads, or other rights-of-way.
- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

- (7) The proposed amendment will not constitute spot zoning where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances; and/or
- (8) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

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## **711.08 Variances and Conditional Uses**

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### **(a) Purpose**

#### **(1) Variances**

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

#### **(2) Conditional Uses**

The purpose of a conditional use review is to allow consideration for certain uses that, due to their unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on a case-by-case basis.

### **(b) Applicability**

This section shall apply to all applications for establishment or modification of a conditional use, and the for applications for variances, as may be identified in this code.

### **(c) Variance of Conditional Use Review Procedure**

The review procedure for a conditional use or variance review shall be as follows:

#### **(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [711.06: Common Review Requirements](#), and with the provisions of this section.

#### **(2) Step 2 – BZA Review and Decision**

- A.** The BZA shall hold a public hearing on the variance or conditional use application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B.** Notification of the public hearing shall be provided in accordance with Section [711.06\(i\)](#).
- C.** See Section [711.04\(c\)\(4\)](#) for special provisions provided to the BZA as part of a conditional use review.
- D.** In reviewing the application, the BZA shall, at a minimum, consider the review criteria for the specific application type in this section.
- E.** Within 30 days of the close of the public hearing, or an extended timeframe approved by the applicant, the BZA shall make a decision on the application. In making its decision, the BZA may approve, approve with modifications or supplementary conditions, or deny the application.

**(d) Conditional Use Review Criteria**

Decisions on a conditional use application shall be based on consideration of the following review criteria. All conditional use applications shall be subject to review under the criteria of this section, as applicable, and may also be subject to additional use-specific standards, as established in this code.

- (1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;
- (2) The proposed use is consistent with the spirit, purposes and intent of the strategic plan, the general purposes of this code, and the purposes of the zoning district in which the conditional use will be located;
- (3) The proposed use complies with any use-specific standards as may be established for the use in this code;
- (4) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, comfort, prosperity or general welfare;
- (5) The proposed use will comply with all applicable development standards unless an alternative equivalency review or variance is approved in accordance with this code;
- (6) The proposed use will be harmonious with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area;
- (7) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- (8) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (9) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (10) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets, and adequate consideration has been given to the proximity of access drives to street intersections relative to the anticipated volume of traffic;
- (11) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- (12) The establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire or schools;
- (13) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible; and
- (14) Wherever there are no use-specific standards for the proposed use related to street frontage, height, setbacks, or other lot and site regulations, then such use shall be subject to the lot and site regulations for the applicable zoning district.

**(e) Variance Review Criteria**

**(1) Area or Dimensional Variance**

Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts. The application for a variance shall not be based exclusively upon a desire to increase the value or income potential of the parcel of land or any structures or uses thereupon. The BZA shall take into consideration:

- A.** Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to nonconforming and inharmonious uses, structures or conditions;
- B.** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- C.** Whether the variance is the minimum necessary to make possible the reasonable use of the land or structures;
- D.** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- E.** Whether the variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup;
- F.** Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
- G.** Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- H.** Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
- I.** Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and
- J.** Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

**(2) Use Variance**

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- A.** The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- B.** The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- C.** The hardship condition is not created by actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);



- D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  - E. There is an existing building on the lot and such building, due to its design, cannot be reasonably reused for a permitted use in the district;
  - F. The granting of the variance will not adversely affect the public health, safety, convenience, comfort, prosperity or general welfare;
  - G. The variance will be consistent with the general spirit and intent of this code; and
  - H. The variance sought is the minimum that will afford relief to the applicant.
- (f) **Time Limit**
- (1) The applicant shall submit a completed application for a zoning certificate and start work within one year of the date the variance or conditional use was approved or the approval shall expire.
  - (2) Upon expiration of a variance or conditional use approval, a new application, including all applicable fees, shall be required before a variance or conditional use application will be reviewed.
  - (3) Upon written request, one extension of six months may be granted by the Zoning Inspector if the applicant can show good cause for a delay.
  - (4) As part of the variance or conditional use approval, the BZA may authorize alternative time limits for zoning certificate issuance based on the scale of the proposed development.
- (g) **Additional Criteria and Conditions**
- BZA may impose such conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights, and to ensure that the conditional use or variance will meet the intent and purposes of this code.
- (h) **Revocation of a Conditional Use Approval**
- The breach of any condition, safeguard, or requirement shall automatically invalidate the conditional use approval, and shall constitute a violation of this code.
- (i) **Appeals**
- Any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the Knox County Court Of Common Pleas as provided in ORC Chapters 2505 and 2506.

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## **711.09 Site Plan Review**

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(a) **Purpose**

Certain land uses are quite necessary to the proper development of a community, but likewise possess characteristics which warrant special treatment. These characteristics, in many situations, can easily become undesirable to some degree, basically because their intrinsic needs and/or appearance have a wide-ranging influence beyond their own perimeter. In conformance with the purposes of this code, it is hereby deemed prudent and necessary to apply limits and guidelines which shall both encourage good development and discourage undesirable effects on surrounding development.

(b) **Applicability**

The following forms of development shall require site plan review by the Planning Commission in accordance with this section:

- (1) New construction, structural alterations, and site improvements in the B-1, B-2, B-3, M-1, and P-1 Districts, unless waived by the Zoning Inspector for the following reasons:

- A. The construction is an addition or alteration to an existing building that includes less than 50 percent of the entire building gross floor area prior to construction and will not alter the any building facade facing a street;
  - B. Minor changes to vehicular use area or landscaping requirements, as determined by the Zoning Inspector; or
  - C. Other changes that are minor or technical in nature and will not alter the use or change the exterior appearance of buildings.
- (2) All conditional uses, in all zoning districts;
- (3) Any proposal to alter, reconstruct, or otherwise modify any existing or previously approved site plan for a permitted use, conditional use, or similar use that increases the number of dwelling units in a multi-family development, or that changes the use in a manner which requires an increase in the amount of parking or a change in the site's circulation.

**(4) Exemptions**

The following forms of development within the above zoning districts shall be exempt from site plan review but may still be subject to zoning certificate review:

- A. Single-family dwellings, two-family dwellings, multi-family dwellings; and
- B. Re-occupancy of an existing building or the internal construction or change in floor area of a building or structure that does not increase the gross floor area, increase the intensity of use, or affect parking or landscaping requirements on a site that meets all of the development standards of this code; and
- C. Accessory and temporary uses as established in Section [704.01](#), unless otherwise stated.

**(c) Site Plan Review Procedure**

The site review procedures shall proceed as follows:

**(1) Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with the Zoning Inspector and/or Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [711.06\(e\)](#).

**(2) Step 2 – Application**

The applicant shall submit an application in accordance with Section [711.06: Common Review Requirements](#), and with the provisions of this section.

**(3) Step 3 – Planning Commission Review and Decision**

- A. The Planning Commission shall review the site plan application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. In reviewing the application, the Planning Commission shall, at a minimum, consider the review criteria of this section.
- C. Within 450 days of the Zoning Inspector determining that the application is complete, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- D. After approval of a site plan, the applicant may apply for a zoning certificate.

**(d) Review Criteria**

The following standards shall be utilized by the Planning Commission in the review of all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of the site plans as well as for the reviewing authority in making a judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation.

- (1) The proposed development is consistent with all the requirements of this code, and other related codes and ordinances of the Village;
- (2) The proposed development is in compliance with the applicable zoning district regulations;
- (3) The proposed development complies with any established standards, policies, or requirements in approved Village plans;
- (4) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., previously approved planned neighborhood developments, conditional use approvals, variance approvals, etc.);
- (5) Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings;
- (6) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
- (7) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas;
- (8) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- (9) Points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;
- (10) Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site;
- (11) Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties;
- (12) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- (13) Adequate provision is made for emergency vehicle access and circulation; and
- (14) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

**(e) Modifications**

- (1) Major changes such as increased density, additional buildings, etc., to the approved final site plan shall require a new submission for site plan approval.
- (2) Any minor changes, such as dimension changes, building location, parking and drives, etc. may be approved by the Zoning Inspector provided they do not create substantive changes to the elements of the site plan.

- (3) No changes are to be considered as a waiver of conditions or covenants, and all rights to enforce such conditions or covenants against any changes permitted by this code are expressly reserved.
- (f) **Significance of an Approved Site Plan**
  - (1) An approved site plan shall become, for the proposed development, a binding commitment of the specific elements approved for development, regardless if the ownership of the site is transferred.
  - (2) All construction and development under any zoning certificate approval shall be in accordance with the approved site plan. Any departure from such plan shall be cause for revocation of the zoning certificate approval and/or building permit, and the property owner or other responsible parties are subject to penalties as prescribed by this code.
- (g) **Time Limit**
  - (1) The applicant shall submit a completed application for a zoning certificate approval within one year of the date the site plan was approved or the site plan approval shall expire.
  - (2) Upon expiration of a site plan approval, a new application, including all applicable fees, shall be required before a new site plan will be reviewed.
  - (3) Upon written request, one extension of six months may be granted by the Zoning Inspector if the applicant can show good cause for a delay.
  - (4) The Planning Commission may authorize alternative time limits for zoning certificate approval issuance, as part of its approval, based on the scale of the proposed development.
- (h) **Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the BZA as established in Section [711.11: Appeals](#).

## **711.10 Zoning Certificate**

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- (a) **Purpose**

A zoning certificate shall be required in accordance with the provisions of this section in order to ensure that proposed development and uses comply with the standards of this code, and to otherwise protect the public health, safety, convenience, comfort, prosperity and general welfare of the citizens of the Village of Fredericktown.
- (b) **Terminology**
  - (1) For the purposes of this code, the zoning certificate review shall be an administrative review that may be applied to permits or certificates of other names (e.g., sign permits, temporary use permits, fence permits, etc.) if so stated in this code or on the application for the permit or certificate. In such cases, the procedure of [711.10\(d\)](#), below, shall still apply.
  - (2) Zoning certificates shall be reviewed as part of, and in the same manner, as a building permit unless the Village specifically establishes a separate certificate or permit that is intended to reviewed administratively outside of the building permit. In such cases, that zoning certificate or other named permit shall be reviewed in the manner prescribed by this section.
  - (3) Where zoning is reviewed as part of the building permit process, a separate zoning certificate shall not be required and such development shall be exempted from this separate procedure.

**(c) Applicability**

- (1) No building or other structure shall be erected, moved, structurally altered, or added to, in whole or in part, nor shall any building, structure, or land be used or changed in use without a zoning certificate issued by the Zoning Inspector. A change in tenancy or ownership of a residential dwelling unit shall be exempt from the zoning certificate requirement unless such change in tenancy changes the classification of the use.
- (2) A zoning certificate may be required for the establishment of certain temporary or accessory use as established in [Chapter 704: Accessory and Temporary Uses](#).
- (3) A zoning certificate shall be required if any excavation or grading takes places on a property that will result in an excavation of more than one-foot in depth and/or more than 200 square feet.
- (4) A zoning certificate shall be required for any changes to any site element, vehicular use area, landscaping, patio, or other improvements to land as may be established under the applicability sections of individual sections or chapters in this code.
- (5) The establishment of a use of vacant land or building shall require the issuance of a zoning certificate.
- (6) A change in use or business establishment shall require a zoning certificate. This shall not apply to a change in tenancy of a residential dwelling unit.
- (7) Changes in a building or structure's appearance that is regulated by this code shall require a zoning certificate unless the change is a replacement of the same-for-same materials and colors, etc.
- (8) Unless otherwise specifically exempted in [Chapter 710: Signs](#), signs shall require a zoning certificate.
- (9) Zoning certificates shall be issued only in conformity with the provisions of this code unless the application is subject to an approval by the BZA or Planning Commission providing for additional standards, conditions, or modifications, in which case, the zoning certificate shall be issued in conformity with the provisions of those approvals, as applicable.
- (10) Failure to obtain a zoning certificate shall be a violation of this code.

**(d) Zoning Certificate Review Procedure**

Zoning certificates shall be reviewed as part of, or in the same manner, as a building permit unless the Village specifically establishes a separate permit or certificate that is intended to reviewed administratively in accordance outside of the building permit. In such cases, the zoning certificate shall be reviewed as follows:

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with [711.06: Common Review Requirements](#), and with the provisions of this section.

**(2) Step 2 – Zoning Inspector Review and Decision on a Zoning Certificate**

- A. The Zoning Inspector may distribute the application to other staff members and other Village departments to solicit comment on the zoning certificate application.
- B. Within 30 days after the application is determined to be complete, or an extended timeframe approved by the applicant, the Zoning Inspector shall make a decision on the zoning certificate application. In making its decision, the Zoning Inspector may approve or deny the application. The Zoning Inspector may also approve with modifications or supplementary conditions necessary to ensure the proposed activity will be in full compliance with this code.

- C. Prior to making a decision, the Zoning Inspector shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance.
- D. If the Zoning Inspector fails to act within 30 days from the date the application is determined to be complete, or an extended period as may be agreed upon by the Zoning Inspector and applicant, then the application shall be considered denied.
- E. Where revisions are necessary for approval, the application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the Zoning Inspector.
- F. When the Zoning Inspector denies an application, the Zoning Inspector shall inform the applicant of the reason for the denial, including the regulation(s) which would be violated by the proposed use or development.

**(e) Review Criteria for a Zoning Certificate Approval**

In order to approve any zoning certificate, the Zoning Inspector shall determine the following:

- (1) The application complies with all applicable provisions of this code and the applicable zoning district; and
- (2) The application complies with all approved plans, conditions, or other development approvals issued pursuant to the rules of this code (e.g., variances, conditional uses, etc.).

**(f) Time Limits**

- (1) The applicant shall have initiated work within one year of the approval of a zoning certificate or the approval shall be revoked. The initiation of work shall be when the ground has been broken, construction on site improvements has begun, or construction of structures has begun.
- (2) All work authorized by a zoning certificate shall have been completed within two years of the approval of a zoning certificate. Failure to do so shall be a violation of this code and shall result in the revocation of the zoning certificate.
- (3) Time limits for permitted temporary uses and structures shall be as authorized in Section [704.02](#). An approval of a zoning certificate for a temporary use shall include the approved start and end dates for the proposed temporary use.
- (4) If construction activities for which a zoning certificate has been issued are abandoned or suspended for a period of six months after the time of commencing the work, the zoning certificate shall be revoked. Abandonment shall be defined as the lack of building activity or progress towards achieving the scope of work defined in the zoning certificate.
- (5) Upon written request, up to two extensions of six months may be granted by the Zoning Inspector if the applicant can show good cause for a delay.
- (6) The Zoning Inspector shall notify the application of the revocation of a zoning certificate including notice that further work as described in the canceled permit shall not proceed unless and until a new zoning certificate has been obtained or extension granted.
- (7) Upon revocation of a zoning certificate, a new application, including all applicable fees, shall be required before a new zoning certificate application will be reviewed.
- (8) The above time limits shall not apply if alternative time limits that have been approved by the Zoning Inspector, Planning Commission, or BZA, in accordance with the applicable review procedure.

**(g) Revoking a Zoning Certificate**

A zoning certificate shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the BZA in accordance with Section [711.11: Appeals](#), of this code.

**(h) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Zoning Inspector shall have the right to appeal the decision to the BZA as established in Section [711.11: Appeals](#).

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**711.11 Appeals**

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**(a) Purpose**

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

**(b) Applicability**

- (1)** An appeal may be made regarding any administrative decision made in the administration and enforcement of this code including, but not limited to, administrative decisions by the Zoning Inspector.
- (2)** An appeal may not be made to the BZA when the Planning Commission is making a recommendation to Village Council as part of a legislative action such as a code text or map amendment.

**(c) Initiation**

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.

**(d) Appeals Review Procedure**

The review procedure for appeals shall be as follows:

**(1) Step 1 – Submission of Appeal**

Within 20 days of an administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information to the Zoning Inspector in accordance [711.06: Common Review Requirements](#).

**(2) Step 2 – Forwarding of the Record to the BZA**

Upon receiving the written appeal of an administrative order, decision, determination or interpretation, the Zoning Inspector shall transmit the written appeal with all papers, documents, and other materials related to the appealed order, decision, determination or interpretation to the BZA. This material shall constitute the record of the appeal.

**(3) Step 3 – BZA Review and Decision**

- A.** The BZA shall hold a public hearing within 45 days of the filing of the appeal, provided adequate notification is provided pursuant to Section [711.06\(i\)](#).
- B.** In reviewing the appeal, the BZA shall, at a minimum, consider the review criteria of this section.
- C.** Within 30 days of the close of the public hearing, the BZA shall render a decision on the appeal. The BZA may reverse or affirm, wholly or in part, or modify any such order, decision, determination or interpretation.



- D. The Zoning Inspector shall notify the appellant, in writing, of the decision of the BZA.
  - E. If the BZA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.
  - F. The decision of the BZA shall become effective immediately.
- (e) **Review Criteria**
- An administrative order, decision, determination or interpretation shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the order, decision, determination or interpretation fails to comply with either the procedural or substantive requirements of this code.
- (f) **Stay**
- A properly submitted appeal shall stay all administrative proceedings by the Village in furtherance of the action appealed, unless the Zoning Inspector certifies to the BZA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the BZA or by a court of competent jurisdiction, for good cause shown.
- (g) **Appeals of BZA Decisions**
- Any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the Knox County Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

## **711.12 Interpretation of the Code**

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It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Zoning Inspector, and that such questions shall be presented to the BZA only on appeal from the decision of the Zoning Inspector. Such appeals shall be in accordance with [711.11](#).

## **711.13 Enforcement and Penalties**

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- (a) **Enforcement by the Zoning Inspector**
- (1) The Zoning Inspector is hereby designated as the enforcing officer of this code.
  - (2) The Zoning Inspector is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.
  - (3) The Zoning Inspector may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance of other Village officials. In addition, the Zoning Inspector may delegate, at their discretion, the administration of this code and the building permit process to other Village officials.
- (b) **Records**
- The Zoning Inspector shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued. They shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection, at reasonable hours, but shall not be removed from the office of the Zoning Inspector.
- (c) **Violations**
- (1) It shall be unlawful to:

- A. Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this code;
  - B. Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a zoning certificate, site plan approval, conditional use approval, or other required approvals indicating compliance with the provisions of this code;
  - C. Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated;
  - D. Continue construction, renovation, or improvements contrary to a stop work order or notice of violation; or
  - E. Knowingly make any materially false statement of fact in an application to the Zoning Inspector for any approvals required by this code.
- (2) Each day's continuation of a violation of this section may be deemed a separate offense.

**(d) Complaints Regarding Violations**

Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a complaint. Such written or verbal complaints shall fully state the causes and basis of the complaint and shall be filed with the Village.

**(e) Inspection of Property**

The Zoning Inspector may inspect any building erected, altered, moved, razed or converted, and any use of land or premises carried on in alleged violation of any of the provisions of this code.

**(f) Injunction**

No person may erect, construct, alter, repair or maintain any building or structure, or use any land in violation of this code or the regulations enacted pursuant thereto. In the event of any such violation, or imminent threat thereof, upon the request of the Mayor or Village Council, the Village's legal counsel, on behalf of the Zoning Inspector, shall institute a suit for injunction to prevent or terminate such violation.

**(g) Notice of Violation**

Upon finding a violation, the Zoning Inspector shall order, in writing, the owner, agent, occupant or operator of such building or premises to correct, within a stated reasonable time, all conditions that are found to be in violation of this code. After such a notice is served, no work, except to correct the violation or comply with the notice, shall proceed on any building or premises included in the violation.

**(h) Penalties**

Any person, firm, or corporation, violating any of the provisions of this code, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than 500 dollars; 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.

**(i) Remedies**

- (1)** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of this code, or any amendment or supplement thereto, Village Council, the Village's legal counsel, the Zoning Inspector, the Village Engineer, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- (2)** The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**(j) Affected Parties**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

**(k) Other Actions**

Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

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## Chapter 712: Nonconformities

### 712.01 Purpose

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Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities, especially when dealing with a person's residence, are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code. This chapter has the further purposes for nonconformities:

- (a) To permit their continuance but control nonconformities so as to minimize any adverse effect on the adjoining properties and development;
- (b) To regulate their maintenance and repair;
- (c) To restrict their rebuilding if substantially destroyed;
- (d) To require their permanent discontinuance if not operated for certain periods of time; and
- (e) To require conformity if they are discontinued, and to bring about eventual conformity in accordance with the objectives of the strategic plan, other adopted plans, and this code.

### 712.02 General Provisions

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- (a) Any structure, land, or use of land or a structure that existed at the time of the effective date of this code, that was legally established under a previous code amendment or versions, may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.
- (b) An applicant for any development review procedure (e.g., zoning certificate, site plan review, variance, etc.) that involves a nonconformity shall bear the burden of proof in demonstrating that the use, building, or structure, or combination thereof, was a legal nonconformity.
- (c) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.
- (d) **Certificates for Nonconformities**
  - (1) The Zoning Inspector may upon their own initiative, or by request of any owner, issue a certificate for any lot, structure, use, or combination thereof that certifies that the lot, structure, use, or combination is a valid nonconformity.
  - (2) The certificate shall specify the reason why the lot, structure, use, or combination is a nonconformity, 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 nonconformity, and the extent that dimensional requirements are nonconforming.
  - (3) The purpose of this section is to protect the owners of lands or structures that are or becoming nonconforming.
  - (4) 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 nonconformity.

**(e) Existing Use Reclassified as a Conditional Use**

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval in accordance with Section [711.08](#). Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

**(f) Nonconformities and Variances**

- (1)** Whenever any nonconformity has been changed so that the use, structure, or condition conforms to the requirements of this code, such use, structure, or condition shall no longer be defined as a nonconformity, nor shall the property or structure be returned to the former nonconformity.
- (2)** When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the structure or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.
- (3)** If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the structure or condition that remains a nonconformity shall still be subject to the provisions of this chapter.

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**712.03 Nonconforming Uses**

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Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

- (a)** No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land or structure than was occupied at the effective date of adoption or amendment of this code. The BZA may approve the substitution of an existing nonconforming use with another nonconforming use through review subject to the same procedure as a use variance (See Section [711.08](#).) The substitution of use shall only be permitted when the new use will be more compatible with the scale, intensity, and character of surrounding uses. The
- (b)** No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.
- (c)** No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.
- (d) Termination of Nonconforming Uses**
  - (1) Termination of Use through Discontinuance**
    - A.** When any nonconforming use is discontinued or abandoned for more than one year, any new use shall conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
    - B.** Whenever a nonconforming use has been voluntarily changed to a conforming use, there shall be no ability to change the use back to the previous nonconforming use.

- C. There may be cases when a structure, or structure and premises in combination, may not be converted to a conforming use because of the original floor plan and design (e.g., townhouses in a single-family residentially zoned area). In these cases, the BZA may determine that the nonconforming use may continue if the nonconforming use is the original use of the structure and/or premises. Appropriate safeguards, conditions and design standards may be required by the BZA so as to minimize the impact of such continuance on the area.
- (2) **Termination of Use by Damage or Destruction**
- A. If a nonconforming residential use, in any district, is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot provided the structure and use meet the same size in height and footprint, as well as complying with the same setbacks as previously existed.
  - B. If any building containing a nonconforming use, other than a residential use, is damaged, but not to an extent greater than 50 percent of the principal structure's reconstruction value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage. Such reestablishment of the use shall require the issuance of a zoning certificate, which must be issued within six months of the damage or the use shall not be reestablished.
  - C. If any building containing a nonconforming use, other than a residential use, is damaged beyond 50 percent of the principal structure's reconstruction value, such structure and use may only be reestablished in accordance with this code.
  - D. Determination of the reconstruction value shall be made by three practicing building construction contractors, one to be appointed by the owner, one to be appointed by the Village and the third to be selected by the mutual consent of the two parties.

#### **712.04 Nonconforming Structures and Sites**

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A nonconforming structure or site may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (a) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.
- (b) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
- (c) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (d) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

**(e) Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**

- (1) If a nonconforming structure is damaged, but not to an extent greater than 50 percent of the structure's reconstruction value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage. Such reestablishment of the use shall require the issuance of a zoning certificate within six months of the initial damage. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.
- (2) If a nonconforming structure is damaged beyond 50 percent of the structure's reconstruction value, such structure shall only be rebuilt in compliance with the requirements of this code. Such reconstruction shall require the application and issuance of all necessary zoning and building permits.
- (3) If the owner voluntarily removes a nonconforming structure, or reduces the nonconformity of a nonconforming structure that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.
- (4) The determination of the reconstruction value shall be made in the same manner as established in Section [712.03\(d\)\(2\)](#).

**712.05 Nonconforming Lots of Record**

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- (a) A lot of record which does not comply with the lot or yard regulations of the district in which it is located on the effective date of this code or any amendment thereto which made it nonconforming, may be used as follows:
- (1) If occupied by a building, such building may be maintained, repaired or altered. However, the building may not be enlarged in floor area unless the depth of front yard, total width of side yards, and the rear yard regulations are complied with.
  - (2) If vacant, the lot may be used provided that:
    - A. No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this code;
    - B. Not owning adjoining land, other vacant land adjoining the lot cannot be equitably acquired; and
    - C. All other regulations of this code, except the lot area and lot width regulations, shall be complied with.
- (b) While the lot may be used in accordance with this section, if the proposed development cannot comply with required setbacks, a variance shall be required to determine reasonable setbacks for the applicable structure and use.

**712.06 Nonconforming Signs**

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See Section [710.11](#) for the regulation of nonconforming signs.

**712.07 Nonconforming Fences and Walls**

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See Section [705.07](#) for the regulation of nonconforming fences and walls.



**712.08 Repair and Maintenance**

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- (a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this chapter.
- (b) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, including, but not limited to the Zoning Inspector, upon order of such official. Where appropriate, a zoning permit for such activities shall be required.

## Chapter 713: Definitions

### 713.01 General Rules of Interpretation

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The following rules shall apply for construing or interpreting the terms and provisions of this code.

**(a) Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this code shall be interpreted in accordance with the general purposes set forth in Section [701.02](#), and the specific purpose statements set forth throughout this code. When a specific section of this code gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.

**(b) Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

**(c) References to Other Regulations or Publications**

Whenever reference is made to a code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such code, statute, regulation, or document, unless otherwise specifically stated.

**(d) Delegation of Authority**

Any act authorized by this code to be carried out by a specific official of the Village may be carried out by a designee of such official.

**(e) Technical and Nontechnical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**(f) Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the Village of Fredericktown, unless otherwise indicated.

**(g) Mandatory and Discretionary Terms**

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

**(h) Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1)** “And” indicates that all connected items, conditions, provisions or events apply; and
- (2)** “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

**(i) Tenses, Plurals, and Pronouns**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Where a pronoun is used (he, she, they, it, etc.), such pronoun shall mean any pronoun unless the context of the particular usage clearly indicates otherwise.

**(j) Terms Not Defined**

If a term used in this code is not defined in this chapter, the Zoning Inspector shall have the authority to utilize a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The Zoning Inspector may also rely on Webster's Dictionary or a similar source for the definition of terms.

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**713.02 Definitions**

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**Abut, Adjoin, or Adjacent**

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

**Access**

Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

**Accessibility Ramps**

Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

**Accessory Dwelling Units**

Attached or detached living quarters located on a lot with an existing principal dwelling where the accessory dwelling unit is designed for the use of persons employed on the premises or for the temporary use of guests of the occupants of the principal dwelling.

**Active Recreational Uses**

Any park or recreational facility owned by the Village of Fredericktown, Knox County, State of Ohio, or a non-profit organization, that requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, and other similar outdoor facilities.

**Administrative, Business, or Professional Offices**

Establishments providing executive, management, medical, dental, administrative, or professional services including, but not limited to, medical and dental clinics, real estate, banks and financial institutions, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

**Adult Arcade**

Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

**Adult Bookstore, Adult Novelty Store, or Adult Video Store**

A commercial establishment which, as one of its purposes, offers for sale or rental for any form of consideration any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." For the purposes of this code any retail establishment which devotes at least twenty percent of the total linear feet available for the display of items or materials for sale or rental to the display of items or material for sale or rental which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" shall be categorized as an adult bookstore, adult novelty store or adult video store.

**Adult Cabaret**

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Adult Entertainment Business**

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

**Adult Entertainment Businesses**

Adult entertainment businesses shall include any use identified in Section [702.06\(i\)](#) that relates to sexually-oriented businesses or activities including, but not limited to, adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, etc.

**Adult Motion Picture Theater**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown, or show various electronic media, such as the Internet, are made available for the showing of materials, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Adult Theater**

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

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**Agricultural Use**

- Any use of land for the growing and harvesting of legal agricultural crops and trees for commercial agricultural purposes. Agricultural uses include, but not limited to, raising of crops, horticulture, floriculture, and viticulture and the necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- Any use of land for the raising and caring of livestock. This includes necessary buildings and structures which shall be used for agriculture, raising and caring for livestock and animal and poultry husbandry, including necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- For the purposes of this code, this use shall also include commercial stables and riding academies defined as the use of a building for animals to lodge and feed in, especially having stalls for horses. Such building may also be used for educational instruction in the care or riding of horses.
- Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.

**Alley**

A minor, service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this code.

**Amateur Radio Antennas**

A system of cables, electrical conductors, insulators, metallic or non-metallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

**Animal Boarding, Training, or Daycare Facilities**

Any building, structure or land, or combination thereof, used, designed or arranged for the boarding, training, breeding, or care of domestic animals or pets, for profit, but exclusive of animals used for agricultural purposes. Such facilities include any lot or premises on which more than five dogs or cats, or combination thereof, are cared for as a commercial operation. Such use shall not include overnight boarding related to animal hospitals/clinics.

**Animal Hospital/Clinics and Animal Grooming**

A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment, including overnight stays. Such uses shall not have any outdoor facilities for the boarding or keeping of animals. Such use may include facilities for animal grooming.

**Animal Hospital/Clinics and Animal Grooming**

A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment, including overnight stays. Such uses shall not have any outdoor facilities for the boarding or keeping of animals. Such use may include facilities for animal grooming.

**Antenna**

Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

**Appeal**

A review procedure by which a person may call into question a decision related to this code as outlined in Section [711.11](#).

**Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to this code.

**Application**

The process by which the applicant submits a request for any type of development review or approval identified in this code. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the Village.

**Architectural Feature**

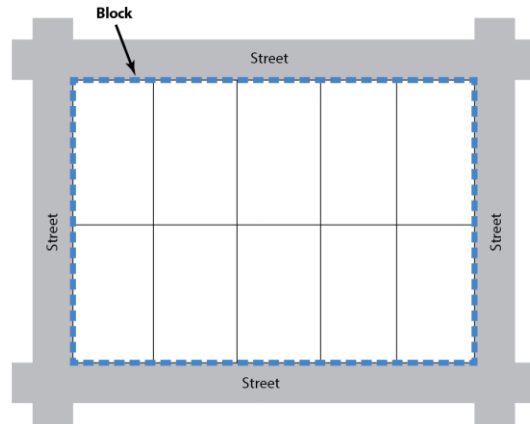
A prominent or significant part or element of a building, structure or site.

### **Assembly Halls or Conference Centers**

Facilities or buildings available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

### **Block**

The property lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the Village.



*Figure 713-A: Illustration of block*

### **Board of Zoning Appeals**

The Village of Fredericktown Board of Zoning Appeals. The Board of Zoning Appeals may be referred to as the "Board" or the "BZA" in this code.

### **Building**

Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure.

### **Building Height**

The vertical distance of a building as measured in Section [702.07\(c\)](#).

### **Building Lines**

The lines along the edge of the building. For example, the front building line is the line running equal to and parallel to the front building facade.

### **Building, Accessory**

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

### **Building, Legally Nonconforming**

A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and that does not conform to the provisions of the code in the district in which it is located.

### **Building, Principal or Main**

A building occupied by the main use of the lot on which said building is located.

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**Canopy**

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.). See also the definition of “awning.”



*Figure 713-B: Example of a canopy and related sign*

**Cemeteries**

A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

**Code Text or Map Amendment**

An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the Village Council in accordance with Section [711.07](#).

**Co-location**

The use of a wireless telecommunications facility, comprising a single wireless telecommunications tower, building or other structure permanently affixed to real property, supporting two or more antennas, disks, pods or other similar devices used for telecommunications by more than one telecommunications provider, whether public or private. Co-location shall apply to such devices whether readily discernible to the naked eye or camouflaged.

**Commercial and Business Support Services**

A profit-making activity which renders services to other commercial or industrial businesses such as, but not limited to, courier services, information technology consultants and internet providers.

**Commercial Grain Storage**

A commercial or industrial establishment designed to temporarily store agricultural grains in silos or other structures.

**Commercial Recreational Facilities (Indoors)**

A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, motion picture theaters, live performances, bowling alleys, commercial recreation, video game rooms, billiard halls, indoor skating rinks, bingo parlors and similar entertainment activities. Commercial recreational facilities shall not include "adult entertainment businesses."

**Commercial Recreational Facilities (Outdoors)**

Land or facilities for any profit-making activity which is providing outdoor participatory and/or spectator activities such as, but not limited to, privately manages or owned parks, amusement park, water parks, rollerblade rental, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, outdoor ice-skating rinks, batting cages or swimming pools. Commercial recreational facilities shall not include "adult entertainment businesses."

**Completed Application**

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.



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**Construction Structures**

A mobile home, trailer, dumpster, or similar temporary structure that is used as an office, storage, or collection of debris in conjunction with a construction project.

**Contractor Equipment and Storage Yards**

An unenclosed area or portion of a lot upon which a construction contractor maintains its principal office or a permanent business office used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

**County**

Knox County, Ohio

**Cultural Facilities**

Public or private facilities use for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites. See separate definition for "theater."

**Deck**

A flat surface, that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof.



*Figure 713-C: Example of a deck.*

**Density**

The number of dwelling units permitted per acre of land.

**Detached Accessory Buildings**

An accessory building that is detached from the principal building and may include, but is not limited to, storage barns or sheds, accessory dwelling units, detached garages, enclosed gazebos, etc.

**Developer**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another.

**Development**

Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

**Drive-Through Facility**

Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" shall also include "drive-up" and "drive-in" but shall not include vehicle washing establishments, automotive fuel sales, or automotive repair and service establishments.

**Driveway**

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

**Dwelling Unit**

A single unit of one or more rooms providing complete, independent living facilities for one family, or alternatively by one housekeeping unit.

**Dwelling, Multi-Family**

A building designed for or used exclusively for residential purposes by more than three families or housekeeping units within separate dwelling units.

**Dwelling, Single-Family**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**Dwelling, Three-Family**

A building designed for or used exclusively for residential purposes by three families or housekeeping units within separate dwelling units.

**Dwelling, Two-Family**

A building designed for or used exclusively for residential purposes by two families or housekeeping units within separate dwelling units.

**Easement**

A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

**Educational Facilities (Pre-K to 12)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See also “educational facilities (secondary).”

**Educational Facilities (Secondary)**

Any private or public secondary educational institution that includes, but is not limited to: colleges and universities, trade schools, business schools, seminaries, or any other institution providing collegiate level curriculum. Such use shall also include any related administrative and faculty offices, classrooms, auditoriums, commons, dormitories, laboratories, assembly and dining facilities, and all facilities and areas normally associated with these uses.

**Electronic Message Center**

A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs).

**Essential Services**

The erection, construction, alteration, or maintenance by Village utilities or Village departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such Village utility or Village department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

**Establishment (Adult Entertainment Business)**

Establishment means and includes any of the following:

- The opening or commencement of any adult entertainment business as a new business;
- The conversion of an existing business, whether or not an adult entertainment business, to an adult entertainment business;
- The additions of any adult entertainment business to any other existing adult entertainment business; or
- The relocation of any adult entertainment business.

**FAA**

The Federal Aviation Administration

**Facade**

The exterior walls of a building or building face exposed to public view; the exterior face of a building that gives it a distinctive character.

**Family**

One or more persons, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

**FCC**

The Federal Communications Commission, which is primarily responsible for the administration of the Telecommunications Act of 1996.

**Fence**

Any accessory barrier or structure composed of wood, metal, stone, vinyl or other material erected in such a manner and positioned to enclose, partially enclose, screen or divide any premises or part of premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose, partially enclose, screen or divide any premises or any part of any premises shall be included within the definition of fence.

**Financial Institutions**

Any building, property or activity of which the principal use or purpose of which is for depository purposes and including the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions.

**Fish and Game Hatcheries or Preserves**

Any use of land for the legal raising, caring, culling, hunting, or sale of fish or game. This includes necessary buildings and structures which shall be used for such uses, including necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the primary use.

**Flag**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters, or
- The unusual and rapid accumulation or runoff of surface waters from any source.

**Floor Area**

The total area of a building measured by taking the outside dimension of the building at each floor level intended for occupancy, storage and circulation. See Section [702.07\(e\)](#).

**Floor Area, Gross**

The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking.

**Footcandle**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

**Forestry**

The growing, protection, and maintenance of forests and woodlands.

**Fraternal, Charitable, and Service Oriented Clubs**

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit which is customarily carried on as a business.

**Frontage**

All of the property abutting on one side of a street or places (crossing or terminating) or, if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

**Fuel Stations**

An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles.

**Funeral Homes**

A building or part thereof used for human funeral services. It may include space for the embalming and other services used in the preparation of the dead for burial; the storage of caskets, funeral urns, and other related uses and supplies; the storage of funeral vehicles; facilities for cremation; and chapels.

**Government Buildings**

Buildings or office space utilized for the provision of services by the Village of Fredericktown, Knox County, the State of Ohio, or the Federal Government.

**Grade**

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

**Grading**

The stripping, cutting, filling, or stockpiling, or any combination thereof of earth-disturbing activity, inclusive of land in its cut or filled conditions.

**Home Occupation**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

**Hospitals**

An institution providing inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, medical offices, training facilities, and other necessary accessory facilities.

**Hotels**

A building in which lodging, with or without meals, is offered for compensation and in which there are more than five sleeping rooms. Hotels may include typical accessory uses within the principal building including, but not limited to, swimming pools, bars, and restaurants.

**Housekeeping Unit**

Five or fewer unrelated persons occupying a single dwelling unit, living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a hotel or other group living arrangement. Such definition shall also include residential facilities that allow for more than five persons when permitted as a group home. This definition does not apply to a group temporarily occupying a bed and breakfast establishment or hotel.

**Impervious Surface**

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, decks and paved recreational facilities.

**Industrial Service Uses**

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

**Industrial Uses, Heavy**

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industrial uses" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, public works yards, and container storage.

**Industrial Uses, Light**

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

**Industrialized Unit**

A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity.

"Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

**Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees.

Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

**Legal Counsel**

An attorney representing the Village of Fredericktown

**Livestock**

All animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals. This definition shall also include any fowl, rabbits, and other animals that are traditionally raised in agricultural settings.

**Loading Area**

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

**Loading Space**

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that has an appropriate means of access.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section [702.07\(a\)](#).

**Lot Coverage**

That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.

**Lot Depth**

The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

**Lot Line**

The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

**Lot Line, Front**

In the case of an interior lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section [702.07\(b\)\(3\)](#).

**Lot Line, Rear**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [702.07\(b\)\(3\)](#).

**Lot Line, Side**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [702.07\(b\)\(3\)](#).

**Lot of Record**

A lot which is part of a subdivision, the part of which has been recorded in the office of the Knox County Recorder, or a parcel of land the deed to which was recorded, prior to adoption of this code.

**Lot Width**

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line. See Section [702.07\(a\)](#).

**Lot, Corner**

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure 713-D](#).

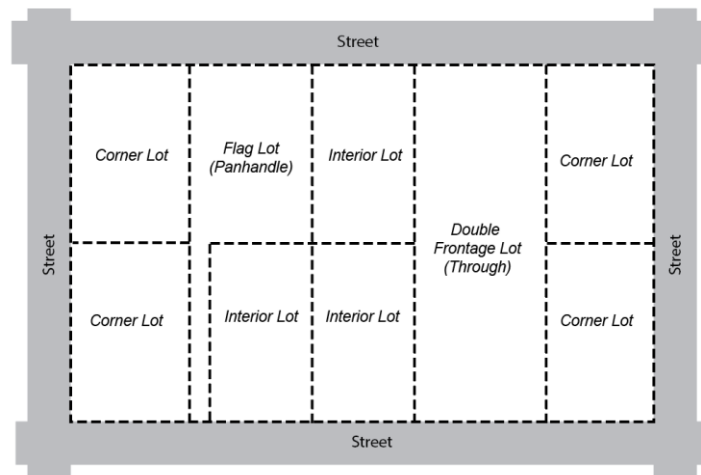


Figure 713-D: Illustration of typical lot types.

**Lot, Curved or Cul-De-Sac**

A lot with frontage along a curved street or cul-de-sac. See Section [702.07\(b\)\(3\)](#).

**Lot, Double Frontage (Through)**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [702.07\(b\)\(3\)](#).

**Lot, Interior**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [702.07\(b\)\(3\)](#).

**Lot, Nonconforming**

A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

**Lot, Panhandle (Flag)**

A lot that does traditionally have a frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section [702.07\(b\)\(3\)](#).

**Manufactured Home**

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

**Mechanical Equipment**

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**Medical Marijuana**

Marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose, including the leaves, stems, buds, and flowers of the medical marijuana plant, or as otherwise defined in Ohio Revised Code Section 3796.01(A)(2).

**Medical Marijuana**

Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

**Medical Marijuana Cultivation**

To grow, harvest, package, and transport medical marijuana pursuant to a certificate of operation issued by the Ohio Department of Commerce as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

**Medical Marijuana Cultivation**

A facility where medical marijuana is grown, harvested, packaged and transported in accordance with all rules established for such facilities in the ORC. Such use shall not include a “medical marijuana dispensary.”

**Medical Marijuana Dispensary**

A use owned and operated by a person holding a dispensary license as allowed and issued by the State of Ohio for the purposes of dispensing medical marijuana to clients with a medical marijuana prescription. This use is specifically prohibited in the township.

**Medical Marijuana Processing**

Converting harvested Medical Marijuana into Medical Marijuana Product and packaging, selling and delivering Medical Marijuana Product for Retail Dispensing in accordance with a certificate of operation by the Ohio Department of Commerce as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

**Medical Marijuana Product**

A product that contains cannabinoids that have been extracted from medical marijuana for administration to a registered patient, including but not limited to oils, tinctures, edibles, patches and other forms approved under division (A)(6) of Section 3796.06 of the Ohio Revised Code.

**Medical Marijuana Retail Dispensing**

To distribute, sell, or otherwise provide a Medical Marijuana Product to qualifying patients and caregivers pursuant to a certificate of operation issued by the State of Ohio Board of Pharmacy as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

**Medical Marijuana Testing, Processing, or Manufacturing**

A facility where medical marijuana is tested and or processed in accordance with all rules established for such facilities in the ORC. Such use shall not include a “medical marijuana dispensary.”

**Medical/Dental Clinics**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition does not include hospitals, skilled nursing facilities, or personal care facilities.

**Microbrewery, Microdistillery, or Microwinery**

An establishment with where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises. The manufacturing may be the principal use of the facility or may be subordinate to a restaurant, bar, or tavern as allowed in Section [702.06\(l\)](#). A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law.

**Mining and Extraction**

The use of land for the extraction, removal, or basic processing of minerals, soil, or other natural resources from the earth. Such uses also include quarrying, mining, or other procedures typically done at an extraction site.

**Mixed Use Buildings**

A building that contains a commercial or office use and a residential use within a single building as provided for in this resolution.

**Mobile Food Vendor**

A movable or motorized wheeled vehicle, cart, or other similar device that is designed and equipped to serve food and/or beverages.



**Mobile Home**

A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.

**Motor Vehicles**

Any powered vehicle, which is required to be licensed by the state.

**Multi-Tenant Use**

A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

**Nonconforming Site Condition**

A site improvement that was legally established, but no longer conforms to the parking, landscaping, architectural, or other design standards for the site exclusive of the lot area, lot width, or other site development standards established in this code. See also "lot, nonconforming".

**Nonconformity**

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this code or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for "use, nonconforming," "lot, nonconforming," "building, nonconforming," "nonconforming site condition," and "structure, nonconforming."

**Nudity or State of Nudity**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

**Nurseries and Greenhouses**

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales. Greenhouses and nurseries that are part of a larger agricultural use shall be considered accessory to the principal agricultural use of the land.

**Nursery Schools and Day Care Centers**

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for an adult for a portion of a 24-hour day in a building other than the adult's home.

**Occupant**

A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

**Open Space**

Open areas, including parks, nature areas, playgrounds, trails, and improved open space areas.

**ORC**

Ohio Revised Code

**Ordinance**

Any legislative action, however denominated, of a local government which has the full force of law, including any amendment or repeal of any ordinance.

**Outdoor Dining**

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

**Outdoor Displays or Sales**

The placement of small products or materials for sale outside of a retail or wholesale sales establishment.

**Outdoor Storage and Bulk Sales**

A facility or lot used for the outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and not open to the general public for retail sales. This use may also include the outdoor storage of fleet vehicles.

**Outdoor Vending Machines and Drop-Off Boxes**

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

**Owner**

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

**Parking Aisle**

The driveway or access drive by which a car enters and departs a parking space.

**Parking Area**

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

**Parking Space**

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

**Passive Recreation, Conservation, and Open Space**

Any park or recreational facility where there is minimal grading of the land or improvements that could include walking trails, flood control and watershed protection, noncommercial lakes, land conservation, walking and/or bike trails and other paths, fish and game preserves, and other passive areas.

**Patio**

An unenclosed outdoor hard-surfaced area that is no higher than 18 inches above the ground. If a pergola or other roof structure is attached to the principal building and extends over the patio, then the patio and roofing shall be considered a porch.



*Figure 713-E: Illustrative example of a patio.*

**Pennants**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**Permanently Sited Manufactured Home**

A building unit or assembly of closed construction as defined in the ORC and permitted where single-family dwellings are allowed.

**Person**

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, Knox County or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**Personal Care**

In addition to room and board, personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

**Personal Service Establishments**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Personal Wireless Services**

Commercial mobile services, unlicensed wireless services and common carrier wireless exchange assess services, including the cellular services.

**Places of Worship**

A religious institution where a congregation of any denomination, regularly participates in or holds religious services, meetings and other activities, including buildings in which the religious services are held and which may include accessory indoor uses such as, but not limited to, day care or educational institution facilities.

**Planned Neighborhood Development**

A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses on the land.

**Planning Commission**

The Planning Commission of the Village of Fredericktown, Ohio. The Planning Commission may be referred to as the "Commission" in this code.

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**Porch**

An unenclosed area with a roof that is attached to a building but not used for livable space. A porch also includes paved areas without a roof if the surface area is higher than 18 inches above the adjacent grade (e.g., stoops).



*Figure 713-F: Examples of a front porch (left) and back porch (right).*

**Portable Storage Units**

Any portable enclosed unit of whatever type of construction or material, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

**Public Hearing**

A public hearing is where a decision-making board (Village Council, Planning Commission, or BZA) holds a special review of an application where specific notice is provided to the public and the public is afforded an opportunity to speak and be heard. Public hearings take place during a public meeting of the applicable decision-making body.

**Public Meeting**

A public meeting is a prearranged gathering of a majority of the members of a public body (Village Council, Planning Commission, or BZA) for the purpose of discussing public business. Public meetings are subject to the Open Meetings Act of Ohio. Public hearings as defined and addressed in this code, can only take place at a public meeting.

**Public Utilities**

Structures and land used for storage, transmission, or recovery facility for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, State, or Federal Government.

**Raceway or Wireway**

An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

**Raising of Chickens and Rabbits**

The noncommercial raising and caring of female chickens or rabbits on a residential lot, as an accessory use.

**Recreational Vehicle**

A vehicle, which is:

- Built on a single chassis,
- 400 square feet or less when measured at the largest horizontal projection,
- Designed to be self-propelled or permanently towable by a light-duty truck, and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Research and Development Facilities**

An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

**Residential Community Centers**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development with which the use is associated and that may be privately owned or jointly owned by property owners.

**Residential Facilities**

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119 and 5123 of the Ohio Revised Code.

**Restaurants**

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.

**Retail Businesses**

Establishments primarily engaged in the sale of goods, materials, and general services to the public. Examples of this use type may include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, and other similar uses.

**Retail Commercial Uses**

For the purposes of accessory uses, this term shall mean “retail businesses” that are accessory to the principal use.

**Right-of-Way**

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Road**

See definition of “street.”

**Satellite Dishes**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

**Self-Storage Facilities (Indoor)**

A building that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares where all access to such stalls or lockers occurs within the inside of the building and where there is no outdoor storage.

**Semi-Nudity or Semi-Nude Condition**

The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include 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, skirt, leotard, bathing suit or other wearing apparel, provided that the areola is not exposed in whole or part.

**Setback**

Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

**Setback Line**

A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code. For example, a front yard setback line is the line formed by applying the minimum front yard setback from any applicable front lot lines.

**Setback, Building**

The setback required from any right-of-way and the principal or accessory building as established in this code.

**Setback, Front**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line. See Section [702.07\(b\)\(3\)](#).

**Setback, Rear**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. See Section [702.07\(b\)\(3\)](#).

**Setback, Side**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot that that is shared with another lot where such lot line is defined as a side lot line. See Section [702.07\(b\)\(3\)](#).

**Sidewalk**

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public.

**Sign**

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

**Sign Area**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section [710.05](#).

**Sign Copy**

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

**Sign Face**

The surface of the sign upon, against or through which the message of the sign is exhibited.

**Sign, A-Frame**

A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

**Sign, Awning**

A permanent sign painted on, printed on or attached flat against the surface of an awning.

**Sign, Banner**

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner signs is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary "yard sign."

**Sign, Building**

Any permanent sign attached to any part of a building including awning, canopy, projecting, or wall signs.

**Sign, Canopy**

A permanent sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning.

**Sign, Changeable Copy**

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. See also the definition of “sign, manual changeable copy” and “electronic message center”.

**Sign, Drive-Through Facility**

Any permanent signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**Sign, Driveway**

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

**Sign, Feather**

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

**Sign, Freestanding**

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building.

**Sign, Illuminated**

Any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

**Sign, Manual Changeable Copy**

A changeable copy sign designed so that the characters, letter or illustrations can be changed or rearranged manually. May also be known as readerboards.

**Sign, Monument**

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

**Sign, Nonconforming**

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

**Sign, Permanent**

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.

**Sign, Pole**

A sign which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic to flow underneath the bottom of the sign cabinet or copy.

**Sign, Projecting**

A permanent sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.

**Sign, Roof**

Any sign erected on a roof.

**Sign, Sidewalk**

A temporary sign that may be placed on the sidewalk, in the public right-of-way, during business hours in accordance with this section and all other applicable ordinances and resolutions. See definition of “sign, T-frame” and “sign, A-frame.”

**Sign, Temporary**

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.



**Sign, T-Frame**

A freestanding sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

**Sign, Wall**

A permanent sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

**Sign, Window**

Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

**Sign, Yard**

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

**Site Plan**

A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings, exterior lighting, landscaping, vehicular use areas, access drives, signs, outdoor storage areas, and any other features that comprise a proposed development that are further defined in Section [711.09](#) and that demonstrate a development’s compliance with this code.

**Site Plan Review**

The review of proposed site plans as reviewed and decided upon in accordance with Section [711.09](#).

**Skilled Nursing**

In addition to room and board, those nursing services and procedures employed in caring for the persons who require training, judgment, technical knowledge, and/or skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

**Skilled Nursing or Personal Care Facilities**

A long-term or short-term residential facility that provides skilled nursing services or personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as a hospital or residential facility.

**Solar Panels**

The equipment and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include passive solar energy systems that capture the sun's energy in building design and construction components; solar thermal energy systems that convert sunlight to heat as in a hot water tank or swimming pool; and photovoltaic solar energy systems that convert sunlight to electricity.

**Specified Anatomical Areas**

- The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

**Specified Sexual Activities**

Specified sexual activities means any of the following:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- Excretory functions as part of or in connection with any of the above activities.

**Stacking Space**

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

**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.

**Static/Instant Message Change**

Static/Instant message change is defined as when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

**Story**

The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the residential building code.

**Streamer**

A ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more supports.

**Street**

A right-of-way dedicated or deeded and accepted for public use, which provides for vehicular and pedestrian traffic. A street will typically include:

- The paved area, or cartway, principally for use by motorized vehicles, and usually bordered with curbs and gutter;
- A sidewalk between the paved area and right-of-way line principally for use by pedestrians; and
- A landscaped area between the sidewalk and paved area which is often called a "treelawn".

Streets may be referred to as roads or thoroughfares.

**Street, Arterial**

Streets designed for the movement of large amounts of fast traffic between points of heavy traffic generation (e.g., freeways, large residential areas or business and industrial areas) and from one section of the community or communities to another. Major arterial streets have the widest rights-of-way and carry the largest volumes of traffic within the Village.

**Street, Collector**

A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

**Street, Cul-de-Sac**

A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Street, Public**

A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

**Structural Alteration**

Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.

**Structure**

Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, freestanding signs, cabins, manufactured homes, and other similar items. Patios, parking lots, or other similarly paved surfaces shall not be deemed structures.

**Structure, Accessory**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Structure, Nonconforming**

A structure or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

**Structure, Temporary**

A structure permitted for limited duration with the intent that such use will terminate or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

**Substantial Enlargement (Adult Entertainment Business)**

Substantial enlargement of an adult entertainment business means the increase in floor area occupied by the business by more than twenty-five percent as the floor areas exist on the date this code takes effect.

**Swimming Pools**

Any pool, spa, hot tub, pond, lake or open tank, not located within a completely enclosed building, that is intended for swimming, wading or recreational bathing capable of containing in excess of two feet of water at its deepest point

**Taverns or Bars**

Establishments providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

**Temporary Sales Office and Model Homes**

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

**Theaters**

Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons. See also the definition of "cultural facilities."

**Truck and Heavy Equipment Sales**

An establishment engaged in the temporary storage for the sale or repair of tractor trailer trucks and other equipment or vehicles used in commercial, industrial or construction enterprises such as, but not limited to, bulldozers, cranes, backhoes, rollers, and lifts.

**Truck Terminals**

A facility intended to provide services to the trucking industry including but not limited to the following activities: the dispensing of fuel, the storage of truck tractors and truck trailers, weighing facilities, truck washing facilities, convenience retail sales and other driver accommodations.

**Type A Day Care Home**

A permanent residence of the provider in which child day care is provided for seven to twelve children at one time, as permitted and licensed by the State of Ohio, and as regulated by the State of Ohio.

**Type-B Day Care Home**

A permanent residence of the provider in which child day care is provided for one to six children at one time, as permitted and licensed by the State of Ohio, and as regulated by the State of Ohio.

**Use**

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Use, Accessory**

A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

**Use, Conditional**

A use which may be appropriate or desirable in a specified zoning district, but requires special approval through the conditional use approval (See Section [711.08](#).) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

**Use, Nonconforming**

Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this code or by the passage of this code or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

**Use, Principal or Main**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

**Use, Temporary**

A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

**Variance**

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See Section [711.08](#).

**Vehicle Sales and Leasing**

Any building or land where new or used passenger cars, pick-up trucks, motorcycles, boats, trailers, and other recreational vehicles, in operational condition, are sold or leased to customers.

**Vehicle Washing Establishments**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. This shall include establishments that provide car detailing services.

**Vehicular Use Area**

The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, stacking space, or loading space.

**Village**

Means the municipal corporation of Fredericktown, Knox County, Ohio.

**Village**

The Village of Fredericktown, Ohio in Knox County, Ohio

**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.

**Village Council**

The Village Council of the Village of Fredericktown, Ohio. The Village Council may be referred to as the "Council" in this code.

**Violation**

The failure of a structure or other development to be fully compliant with the regulations of this code.

**Wall**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

**Wall, Retaining**

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

**Warehouses**

A business establishment primarily engaged in the storage, loading, and unloading of merchandise, goods, and materials, not including "self-storage facilities (indoors)."

**Wholesale Establishments**

An establishment or place of business primarily engaged in selling merchandise to retailers, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**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.

**Wireless Telecommunication Facilities (Co-Location)**

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services. Such facilities shall be limited to those that are placed on pre-existing towers or on approved buildings.

**Wireless Telecommunication Facilities (New)**

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services. Such facilities shall include the installation of new towers to support necessary equipment.

**Yard**

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section [702.07\(b\)\(3\)](#) for rules of measurement and determination for all yard types.

**Yard, Front**

Unless otherwise stated in Section [702.07\(b\)\(3\)](#), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

**Yard, Rear**

Unless otherwise stated in Section [702.07\(b\)\(3\)](#), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

**Yard, Side**

Unless otherwise stated in Section [702.07\(b\)\(3\)](#), a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Zoning Certificate**

An official statement certifying that a proposed building or use complies with all the provisions of this code. See Section [711.10](#).

**Zoning District**

An area within the Village limits for which the regulations and requirements governing use are uniform as defined by Section [702.02](#).

**Zoning District, Nonresidential**

The term "nonresidential zoning district" shall include the B-1, B-2, B-3, M-1, and P-1 Districts, regardless if residential uses are permitted.

**Zoning District, Residential**

The term "residential zoning district" shall include the R-1, R-1A, R-2, R-3, and MHP Districts.

**Zoning Inspector**

The Zoning Inspector of the Village of Fredericktown, Ohio. The individual designated to administer and enforce this code, unless otherwise stated.

**Zoning Map**

The Zoning Map or maps of the Village, together with all amendments subsequently adopted by Village Council. See Section [702.03](#).