

Village of Frazeyburg, Ohio Zoning Ordinance

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Section 1 Purpose and Application

1.01 Title

This ordinance shall be cited as the “Zoning Ordinance of the Village of Frazeytsburg, Muskingum County, Ohio.”

1.02 Purpose

This Zoning Ordinance is adopted for the purpose of improving and protecting the public health, safety and general welfare of residents of the Village. To this end, the Ordinance seeks to:

- (a) Zone all land within the jurisdiction of the Village so as to conserve property values and further the orderly layout and use of land;
- (b) Protect all areas in the Village from harmful encroachment by incompatible land uses;
- (c) Prevent the overcrowding of land and avoid undue concentration of population, so as to prevent the development of deterioration and blight;
- (d) Develop a desirable relationship between residential, commercial, industrial, as well as other types of uses for the greater good of all types of developments;
- (e) Provide for growth and development in accordance with adopted plans, zoning regulations and policies.

1.03 Applicability

No building, structure, land or premises shall hereafter be constructed, altered, converted, enlarged, moved, used or occupied except in conformity with the provisions herein.

1.04 Allowable Uses

Only the following uses of land, buildings or structures are allowed in the Village:

- (a) Uses lawfully established on the effective date of this ordinance;
- (b) Uses which:
 - 1) Had a building permit prior to the adoption of this Ordinance; and
 - 2) Began construction prior to the effective date of this Ordinance; and
 - 3) Structures and occupied areas in compliance with the plans submitted in support of the permit issued.
- (c) Permitted uses in the applicable zoning districts, subject to the conditions and requirements herein;
- (d) Conditional uses in the applicable zoning district, subject to the conditional use requirements and possessing a conditional use permit; and
- (e) Temporary uses subject to the requirements herein.

1.05 Separability Clause

The validation of any clause, sentence, paragraph or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

1.06 Interpretation and Conflict

In the interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements herein. It is not intended by this Ordinance to interfere with or annul any easements, covenants or other agreements between parties unless they violate this Ordinance. When two specific provisions of this Ordinance conflict, or a provision of this Ordinance conflicts with either any other law or adopted rules, regulations, ordinances or resolutions, the most restricted, or that imposing the higher standard shall apply.

1.07 Adoption

All ordinances or part of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law. Revisions adopted by Village Council on 6-13-16.

Section 2 Administration

2.01 Permits and Certificates

In addition to any other permits or certificates issued elsewhere in this or other Village regulations, the following permits and certificates are hereby established.

- (a) Commercial building permit. No person shall begin construction, alteration or repair of any commercial structure without first obtaining a building permit from the County Building Department.
- (b) Zoning Permit. No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use prior to the issuance of a Zoning Permit and after having been properly reviewed by the Zoning Inspector. Zoning permits shall only be issued in conformance with this Ordinance by the Zoning Inspector or by ruling of the Board of Zoning Appeals when deciding an appeal, variance, conditional use or temporary use.

2.02 Enforcement

The Zoning Inspector is hereby designated and authorized to enforce this Ordinance.

2.03 Zoning Inspector

The Zoning Inspector of the Village, designated by the Mayor, shall administer and enforce this Ordinance. The duties of the Zoning Inspector shall be:

- (a) Issue certificates of occupancy, certificates of compliance, conditional use permits and temporary use permits;
- (b) Notify in writing any property owner believed to be responsible for violating a provision of this Ordinance and order corrective action on the violation;
- (c) Prepare and cause to be published on or before April 1 of each year a zoning map as amended each year through the end of the previous calendar year.
- (d) Receive and forward to the Board of Zoning Appeals and Planning Commission all applications and notices subject to its review or required by law;
- (e) Maintain records of applications filed, public hearings held, permits and certificates issued, inspections made and orders or notices issued under the provisions of this Ordinance;
- (f) Request the assistance and cooperation of other Village officials, departments, boards or commissions as necessary to effectively administer this Ordinance.

2.04 Planning Commission Authority

The Planning Commission of the Village is the Planning Commission referred to in this Ordinance.

The Commission is hereby vested with the power and responsibility to:

- (a) Prepare and recommend to Council a Community Plan, and any additional plans for the development and redevelopment of the Village;
- (b) Conduct hearings and recommend to Council for approval, conditional approval or denial of applications for:
 - 1) Amendments to this Ordinance;
 - 2) Applications for map amendments;
 - 3) Conditional use approval for Planned Unit Developments.

- (c) Annually initiate a review and revisions to the zoning code and zoning boundary map.
- (d) Adopt by-laws and any procedural rules consistent with this and other Village ordinances or State statutes;
- (e) Carry out the functions concerning land subdivision and discharge any other duties referred or assigned to by the Village Council.

A concurring vote of three (3) members shall be required to take action on matters subject to the Planning Commissions review.

2.05 Planning Commission Members

The Planning Commission shall be made up of five (5) members, consisting of the Mayor, the Village Administrator (or other professional appointed by the Mayor), and three (3) members who shall be residents of the Village. Members shall be appointed, without compensation, for a term of three (3) years, except that the initial appointments shall be as follows:

<u>Term</u>	<u>Years</u>
1	1
1	2
1	3

- (a) The Board shall elect:
 - 1) One member to serve as Chairman and;
 - 2) Another to serve as Vice Chairman and will serve as Acting Chairman in the absence of the Chairman.
- (b) Council shall have the authority to remove any member for cause after a public hearing is held and a copy of the charges against such member has been delivered to the member at least ten days prior to the hearing. The member shall be given an opportunity to answer to such charges.
- (c) All successors to the original members shall be appointed for a term of three years and shall serve without compensation.
- (d) The Zoning Inspector or his or her designee shall serve as Executive Secretary of the Planning Commission.
- (e) A vote of a simple majority of a legal quorum of members (minimum three (3) present for a legal quorum) must be made to forward any Planning Commission recommendation to Village Council.

2.06 Planning Commission Meetings

- (a) Meetings shall be held at the call of the Chairman and at such other times as the Commission may determine.
- (b) All meetings shall be open to the public except when an executive session is authorized by law.
- (c) No meeting shall be held in the absence of a quorum, which shall consist of three members.
- (d) The Commission shall keep minutes of its proceedings and shall show the vote, absence or abstention, upon every official action and shall be kept on file in the Village Municipal Building office.

2.07 Board of Zoning Appeals Authority

The Board of Zoning Appeals of the Village is the Board of Zoning Appeals referred to in this Ordinance. The Board of Zoning Appeals is hereby vested with the power and responsibility to:

- (a) Conduct hearings and make final determinations on approval, conditional approval, or denial of all applications for:
 - 1) Conditional Uses, except Planned Unit Development;
 - 2) Variances, including minor variances; and
 - 3) Appeals;
- (b) Make final determinations on approval, conditional approval, or denial to properties with nonconformities as provided in the nonconformity section of this Ordinance;
- (c) Interpretation of the Zoning Ordinance and Zoning Map;
- (d) Adopt by-laws and any procedural rules consistent with this and other Village ordinances or State statutes;
- (e) Carry out the functions concerning land subdivision and discharge any other duties referred or assigned to by the Village Council.

2.08 Board of Zoning Appeals Members

- (a) The Village Council and President of Council shall serve as the Board of Zoning Appeals for the Village and will consist of seven members.
- (b) The Board shall elect:
 - 1) One member to serve as Chairman and;
 - 2) Another to serve as Vice Chairman and will serve as Acting Chairman in the absence of the Chairman
- (c) All successors to the original members shall be appointed for a term not to exceed that of their Council appointment and shall serve without compensation.
- (d) The Zoning Inspector or his or her designee shall serve as Executive Secretary of the Board of Zoning Appeals.
- (e) A vote of a simple majority of a legal quorum of members (minimum four (4) present for a legal quorum) must vote the same for any BZA action to be approved.

2.09 Board of Zoning Appeals Meetings

- (a) All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at other such times as the Board may determine. No meeting shall be held in the absence of a quorum, which shall consist of a majority of the total membership.
- (b) The Board shall keep minutes of its proceedings and shall show the vote, absence or abstention, upon every official action and shall be kept on file in the designated Village location.

2.10 Appeals

- (a) Applicability: Any party aggrieved by an administrative order, requirement, decision or determination made under this Zoning Ordinance by the Zoning Inspector, other than a recommendation of the Planning Commission to Council or ruling by the Board of Zoning Appeals, may appeal to the Board of Zoning Appeals. The Court of Common Pleas shall hear appeals to the ruling of the Board of Zoning Appeals.

- (b) Approval Process: Appeals shall be approved only in conformance with the filing procedures contained herein and with the approval criteria herein.
- (c) Notice of Appeal:
- 1) Appeals are to be filed with the Zoning Inspector within (20) twenty days of the order or decision being appealed.
 - 2) The notice shall contain:
 - A. The name, address and telephone of the party filing the appeal;
 - B. The location of the property affected by the decision being appealed;
 - C. Identification of the provision of the Ordinance governing the decision being appealed;
 - D. A statement of the grounds on which the appeal is based;
 - E. The reason given by the Zoning Inspector for the decision;
 - F. A summary of the factual evidence on which the appeal is based.
- (d) Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Village Council, after notice of appeal has been filed with the Zoning Inspector, that by reason of facts state in the application a stay would, in his/her opinion, causes imminent peril to life, health or property. In such cases, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Village Council after notice to the Zoning Inspector, or by judicial proceedings.
- (e) Hearing and Action: Upon receipt, the Zoning Inspector shall forthwith transmit the notice of appeal and a complete record of the decision to the Village Council. The Council shall fix a reasonable time for a public hearing on the appeal. After conclusion of the hearing, the Council shall within (30) thirty days take final action on the appeal, whereby it may affirm, reverse or modify the action being appealed, and subject only to judicial review in the Court of Common Pleas in accordance with applicable State statutes. To this end, the Board shall have all the power of the party from which the appeal was taken and may direct the issuance of a permit.
- (f) Approval Criteria for Appeals: The Board shall reverse the order appealed only if it finds that the action or decision appealed:
- 1) Was arbitrary or capricious; or
 - 2) Was based on an erroneous finding of a material fact; or
 - 3) Constituted an abuse of discretion; or
 - 4) Was based on an erroneous interpretation of the Zoning Ordinance or zoning law.

2.11 Penalty

Whoever violates any provision of this Zoning Ordinance shall be guilty of a minor misdemeanor under the Ohio Revised Code. Each day or portion thereof that a violation exists shall constitute a separate offense.

Section 3 Appeal or Hearing Filing Procedures

3.01 Applicability

- (a) The requirements of this section shall apply to all applications under the provisions of this Ordinance and are as follows:
- 1) Variances;
 - 2) Conditional Uses;
 - 3) Temporary Uses;
 - 4) Zoning Amendments;
 - 5) Appeals;
 - 6) Sign Permits.
- (b) Except in the case of a zoning action proposed by Council, board or commission of the Village, any party requesting any Village action to which this chapter applies shall file an application on a form provided by the Zoning Inspector.

3.02 Staff Review

Except in the case of a notice of appeal, the Zoning Inspector may, together with other departments, consultants, and officials of the Village, prepare a written review of the application. The review shall be forwarded to the Planning Commission or Board of Zoning Appeals, as applicable, no later than five (5) days before the scheduled public hearing date.

Staff may advise and assist the applicant in meeting the requirements of this Ordinance, but shall have no power to approve or disapprove any filing or in any way restrict the applicant's right to seek formal approval.

3.03 Hearing Process

(a) Applications Requiring Hearing

- 1.) For any action that requires a public hearing, the provisions herein shall be complied with. Applications that require a hearing are:
 - A. Amendments;
 - B. Variances;
 - C. Conditional Uses; and
 - D. Appeals.
 - 2.) Hearings shall be held by the Planning Commission and Board of Zoning Appeals as provided in this Zoning Ordinance in the sections dealing with each type of application.
- (b) Public Notice The requirements for public notice herein shall be complied with for any zoning action that requires a hearing.
- (c) Notification to Petitioner by Objectors Any attorney employed by any objector to any petition requiring a hearing shall notify the petitioner that he or she has been so retained and shall file an objection at the hearing. Such notice shall be delivered no later than the four days before the scheduled date of the hearing. If such notice has not been given, and the petitioner so requests, the body conducting the hearing may reschedule the hearing.

(d) Public Hearing, Subpoenas and Witnesses

- 1) Upon receipt of a complete and accurate application for a zoning action requiring a hearing, the Zoning Inspector shall establish a date for a hearing and transmit the application to the Planning Commission, Board of Zoning Appeals or Council as provided herein, which shall hold a hearing on the application.
- 2) Applicants shall have the right to have subpoenas issued by the Village for persons or documents, to present witnesses and to cross-examine all witnesses testifying at the public hearing.
- 3) The Chairman, or Acting Chairman or President of Council, as appropriate, may compel the attendance of witnesses. All testimony by witnesses shall be given under oath administered by the Chairman, Acting Chairman or President of Council.

- (e) Planning Commission or Board of Zoning Appeals The Planning Commission or Board of Zoning Appeals may not defer voting on any petition for more than one (1) meeting unless the petitioner approves any further postponement.

3.04 Issuance of Permit

The Zoning Inspector shall issue a permit or certificate approved by the Board of Zoning Appeals, Planning Commission or Council within five business days after approval thereof unless the approving body directs otherwise. The permit or certificate shall specify any conditions or restrictions to which such body has made its approval subject. The Zoning Inspector shall advise the applicant in writing of any denial by such body and the reasons therefore within five business days of the decision.

3.05 Revocation of Permit or Certification

- (a) The Zoning Inspector may revoke any permit or certificate issued hereunder:
- 1) If the action taken after the permit or certificate is issued is not consistent with the plans and information submitted in support of the application; or
 - 2) If any applicable provisions of this Zoning Ordinance or any conditions or restrictions imposed in connection with approval of the permit or certificate are not complied with.
- (b) The Zoning Inspector shall give the permittee or certificate holder fifteen business days notice to answer any intended revocation and the reasons therefore and an opportunity within that period to answer any charges of noncompliance or to propose measures to bring the permitted action into compliance within a reasonable time.

3.06 Resubmission

Except as otherwise provided herein, no application that has been denied by Council or Board of Zoning Appeals shall be resubmitted within one year of the date of denial except on the grounds of new factual evidence or a change in conditions found to be valid by the Planning Commission or Board of Zoning Appeals, whichever has initial jurisdiction over the application.

3.07 Filing Fee and Technical Services Fees

A filing fee shall accompany all applications for the purpose of reviewing and processing of the application. An additional fee, above the required filing fee, shall also be paid to cover the costs of any technical services necessary for the review and processing of the application, such as engineering, planning, legal or court reporting services.

3.08 Schedule of Fees, Charges and Expenses

The Village Council shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning permits, certificates of occupancy, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any action or appeal.

3.09 Public Notice

(a) Public notice of a hearing for any action shall be required for applications involving any:

- 1) Variances;
- 2) Conditional Uses;
- 3) Appeals; and
- 4) Amendments (rezoning).

(b) The required notice shall consist of the following actions:

- 1) Sign Display Except in the case of application for appeals of comprehensive amendments of the Zoning Ordinance initiated by the Village, the Village shall post a sign at least ten (10) square feet in area in the front yard of the subject property, facing a public street. The sign shall contain the type of zoning action requested and the scheduled date, time and location of the public hearing.
- 2) Written Notification Except in the case of applications for appeals or comprehensive amendments to the Zoning Ordinance initiated by the Village, the Zoning Inspector shall provide a written notice of a public hearing to the owners of record of each parcel or real estate, located within the corporate limits of the Village, abutting or adjacent to the subject property. The owners of record for this purpose shall be considered those appearing on the records of Muskingum County or those who paid property taxes for the most recent year according to the County records. The written notice shall be delivered in person or by first class mail no later than ten (10) days prior to the scheduled hearing date. The written notice shall be provided by the Zoning Inspector and shall contain:
 - A. The name and address of the owner and the applicant, if different from the owner;
 - B. The street address and a simple description of the location of the subject property and shall enable the ordinary reader to accurately locate it;
 - C. The zoning action requested; and
 - D. The date, time and location of the public hearing.
- 3) Newspaper Publication The Village shall publish a notice for all zoning actions that require a public hearing. This requirement applies to all amendments, including comprehensive amendments initiated by the Village. The notice shall be published once in a newspaper of general circulation not less than ten (10) days prior to the scheduled hearing date and shall contain the same information as required for written notification herein.

3.10 Table 1: Required Contents of Application Filings

		Variance	Conditional Use	Temporary Use	Map Amendment
(1)	Name, address, and phone number of the applicant and name of development, if any;	X	X	X	X
(2)	Legal description of the subject property as a whole and each phase thereof;	X	X	X	X
(3)	A description of the action requested;	X	X	X	X
(4)	A nonrefundable filing fee;	X	X	X	X
(5)	A technical service fee;	X	X	-	X
(6)	Descriptions of the present and proposed uses;	X	X	X	X
(7)	A complete disclosure of interest as provided herein;	X	X	X	X
(8)	A site plan meeting the requirements of Table 2, Section 3.11	X	X	X	X

3.11 Table 2: Required Contents of Site Plan

		Variance	Conditional Use	Uses with Parking	Map Amendment
(1)	Scale: Number of feet to one inch;	100	100	100	100
(2)	Lot lines and dimensions of each lot, property as a whole and each phase thereof;	X	X	X	X
(3)	Easements and encroachments	X	X	X	X
(4)	Existing landscaping	X	X	X	X
(5)	Parking, loading and service location; shape, dimensions, and area of off-street parking; loading and refuse disposal and service areas, including aisles, surface type, driveways and curb cuts.	X	X	-	X
(6)	Proposed landscaping: Location and type of all existing and proposed landscaping	X	X	X	X
(7)	Structures: Location, type, shape, dimensions, orientation and number of stories of all existing and proposed structures, signs and fences;	X	X	X	X
(8)	Any other information the Zoning Inspector, Board of Zoning Appeals or Planning Commission deems necessary.	X	X	X	X

3.12 Table 3: Approval Procedure Steps

		Variance	Conditional Use	Uses with Parking	Map Amendment
(1)	Hearing before Board of Zoning Appeals	X	X	X	--
(2)	Board of Zoning Appeals action	X	X	X	--
(3)	Hearing before the Planning Commission	--	--	--	X
(4)	Planning Commission Action	--	--	--	X
(5)	Public hearing before Council	--	--	--	X
(6)	Council action	--	--	--	X
(7)	Issuance of permit or certificate by Zoning Inspector	X	X	X	X

Section 4 Variances

4.01 Purpose

As a result of special characteristics and existing conditions of particular properties within the Village, the literal application of the provisions of this Ordinance may create hardships not intended by the legislation. The Board of Zoning Appeals may grant variances to the provisions of this Ordinance based on the approval criteria set forth as provided in this chapter. Variances herein shall be considered the same as variations under the Ohio Revised Code.

4.02 Approval Process

Variances shall be approved, by the Board of Zoning Appeals, only in conformance with the approval process as provided in Section 3 and other applicable provisions of this Ordinance.

4.03 Use Variance

No variance shall be granted in whole or in part that would be the equivalent to a change in zoning classification or otherwise permit any use not otherwise allowed in the applicable district. If the Board of Zoning Appeals finds that a map amendment rather than a variance would grant the applicant relief, it shall so advise the applicant. The applicant may then file a subsequent application for a map amendment with the Planning Commission, notwithstanding the provision on resubmission in Section 3.06 of this Ordinance.

4.04 Existing Variance

Any lawful variance granted to any lawful use existing on the date of the adoption of this Ordinance, or any amendment thereto, shall be considered a lawful variance without the need for approval of a variance hereunder.

4.05 **Table 4: Approval Criteria for Variances**

If granting approval or conditional approval of a variance, the Board of Zoning Appeals shall prepare a “notice of decision” letter that all conditions listed below apply to the application:

- (a) Special Circumstances – Special Circumstances, fully described in the Board’s decision, exist that are unique to the land or building for which the variance is sought and that do not apply generally to other properties in the same zoning district. The circumstances are not of so general or recurrent a nature as to make it reasonably practical to provide, in the form of an amendment to this Ordinance, a general regulation to cover them.

- (b) Unnecessary Hardship – For reasons fully described by the Board’s decision, the literal application of the provisions of this Ordinance would result in the practical difficulty or unnecessary hardship, as distinguished from mere inconvenience.

- (c) Not Resulting from Applicant Action – The special circumstances and practical difficulties that are the basis for the request are not the result of any action by the applicant, after the adoption of this Ordinance or any amendment thereto, of the applicant or any party with an interest thereof, such as proceeding with development or construction activities requiring a variance, permit or approval, prior to obtaining such variance, permit, or approval.

- (d) Consistent with Ordinance and Plan – The granting of the variance shall be in harmony with the general purpose and intent of this Ordinance or any amendments thereto.

- (e) Minimum Variance Needed – The variance granted is the minimum required that will accomplish the reasonable use of the subject property or building.

- (f) Preserves the Rights Conferred by District – The variance is necessary for the applicant to enjoy property rights possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to other properties in the same zoning district.

- (g) Not Alter Local Character – The granting of the variance will not be injurious to the surrounding area nor substantially impair environmental quality, property values, or public safety and welfare in the vicinity.

Section 5 Map Amendments

5.01 Purpose

In order to adapt to changing conditions and provide for phase implementation of the Community Plan, the Planning Commission may recommend, and Council may adopt, amendments to the provisions of the text of this Ordinance, or the zoning district map, as provided in the Ohio Revised Code.

5.02 Approval Process

Amendments shall be approved only in accordance with the approval process provided in Section 3 of this Ordinance. Map amendments shall be approved only in conformance with applicable approval criteria in Table 5, Section 5.03.

5.03 Table 5: Approval Criteria for Zoning Map Amendments

In recommending approval of a map amendment to Council, the Planning Commission shall transmit a notice of decision letter that all of the conditions listed below apply to the application. In granting approval or conditional approval, Council shall similarly find that all the following conditions apply:

- (a) Compatible with Use or Zoning of Environs – The proposed use or uses permitted under the proposed zoning classification are compatible with the existing uses or zoning of the environs.
- (b) Supported by Trend of Development – The trend of development in the area of the affected property, since the adoption of this Ordinance was established, supports the proposed use or zoning classification.
- (c) Consistent with Community Plan Objectives – The use or zoning classification proposed is in harmony with the Community Plan of the Village as viewed in light of any changes since its adoption.
- (d) Furtheres Public Interest – The proposed use or zoning classification would further the interest of the public as a whole, and not solely the interest of the applicant.

5.04 **Table 6: Approval Criteria for Street/Alley Closure**

In recommending approval or conditional approval of closing a street or alley, the Planning Commission shall transmit to Council written findings of fact that all conditions listed below apply to the application. In granting approval or conditional approval, Council shall similarly find that all the following conditions apply:

- (a) Recent Trend of Development – Is the request supported by or will it serve the recent trend of development in the immediate area?
- (b) Access to Adjacent Properties – Does the street/alley provide access to other properties that abut the street/alley? If so, do these properties have other means of access?
- (c) Future Development Plans – Is the street/alley closure necessary for future development plans?
- (d) Public Utilities – Will future development plans allow for public utility easements if and/or when needed by the Village?

Section 6 Conditional Uses

6.01 Purpose

As a result of the special character or impact a use may create on the surrounding area, certain uses cannot be allowed generally in a particular zoning district. Certain uses may be allowed under special conditions and shall be referred to as conditional uses.

6.02 Approval Process

Conditional uses shall be approved, by the Board of Zoning Appeals, only in conformance with the approval process as provided in Section 3 and other applicable provisions of this Ordinance.

6.03 Existing Uses

Any lawful use existing on the date of the adoption of this ordinance, or any amendment thereto shall be considered a lawful use without the need for approval of a conditional use permit hereunder. It shall be the responsibility of the property owner to provide evidence of the existence of such a use prior to such date.

Any change of, expansion of, or addition to, of such a use shall require the approval of a conditional use permit.

6.04 Table 6: Approval Criteria for Conditional Uses

If granting approval or conditional approval of a variance, the Board of Zoning Appeals shall prepare a notice of decision letter that the proposed use is compatible with the existing uses in the area and that all conditions listed below apply to the application:

- (a) Traffic – Any adverse impact of traffic flow, including types and volume not typical to the particular zoning district has been minimized.
- (b) Environmental Nuisance – Any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects, not generally associated with permitted uses within the particular zoning district, have been minimized.
- (c) Neighborhood Character – The proposed use shall fit harmoniously with the existing and man-made character of its surrounding and with permitted uses in the zoning district. The use shall not cause undue harmful effects on the environmental quality, property values or neighborhood character present in the area.
- (d) Public Services and Facilities – The proposed use shall not require public services and facilities greater than normally associated with permitted or existing uses present in the area.

- (e) Public Safety and Health – The proposed use shall not be detrimental to the health or safety of the employees, patrons or visitors associated with the use nor of the general public in the area.
- (f) Other Factors – The proposed use is compatible with any other elements of compatibility relating to the particular conditional use or its particular location.

6.05 Table 7: Approval standards for Manufactured Homes and Subdivisions

Manufactured home parks and subdivisions shall conform to the following standards, as well as criteria applicable to conditional uses generally. Manufactured home parks and subdivisions are only permitted, as a conditional use, in MH-1 Districts.

Standards for Park or Subdivision

Minimum Size:	
Parks	5 acres
Subdivisions	25 lots
Minimum yard depth or width:	
Front/corner side	30 feet
Interior side	20 feet
Minimum common recreation space per dwelling unit:	
Parks	100 square feet
Subdivisions	None
Minimum interior street pavement width:	
One-way, parking on 1 side	20 feet
Two-way:	
No-Parking	20 feet
Parking on 1 side	26 feet

Standards for Individual Units Within Parks or Subdivisions

Dwelling types permitted	
Parks	Manufactured home, single family detached (a)
Subdivisions	HUD Code Manufactured home, single family detached (a)
Minimum site area per dwelling unit	4,356 square feet
Minimum site width	30 feet
Minimum spacing between dwelling units	20 feet

Notes for Table 7

- (a) Dwellings shall be properly connected to utilities and shall be installed on site according to manufacturer specifications. In manufactured home parks, dwellings shall be anchored in a manner approved by the manufacturer. In manufactured home subdivisions, dwellings shall be set on a permanent foundation.

Section 7

Zoning Districts and Map

7.01 Establishments of Districts

For the purposes of this Ordinance, the Village of Frazeytsburg is hereby divided into zoning districts, which shall be designated as follows:

(a) Residential Districts

- R-1 Low-Density Single-Family Residential District
- R-2 Medium-Density Single-Family Residential District
- R-3 High-Density Single-Family Residential District
- MR-1 Two-Family Residential District
- MR-2 Low-Density Apartment Residential District
- MH-1 Manufactured Housing District

(b) Business Districts

- C-1 Community Commercial District
- C-2 Highway Commercial District
- O-1 Community Office District
- O-2 Office Park District
- I-1 Industrial District

(c) Special Districts

- AE Agriculture and Estate District
- See Section 16 for Special District Requirements

7.02 Zoning District Map

The boundaries of these districts are hereby established as shown on the Zoning Map of the Village of Frazeytsburg, Muskingum County, Ohio. Said map and all notations and references and other matters shown thereon shall be and are hereby made a part of this Ordinance. A copy of the Zoning Map shall remain on file in the Village Municipal Office and with the Zoning Inspector.

7.03 Interpretation of District Boundaries

Except where referenced and noted on the Zoning Map by a designated line and or dimensions, the district boundary lines are intended to follow property lines, lot lines, on centerline of streets, alleys, streams or railroads as they extend at the time of the passage of this Ordinance, or the extension of such lines.

The Zoning Inspector shall interpret the boundary lines, which are on the Zoning Maps. When the Zoning Inspector's interpretation is disputed, the Board of Zoning Appeals shall determine the boundary lines.

7.04 Zoning of Annexed Land

Any land or parcel thereof annexed to the Village shall be assigned a zoning classification as provided herein. An application for zoning designation shall be initiated by the property owner within thirty (30) days of an authorized annexation agreement. The Planning Commission of the Village of Frazeytsburg shall conduct a hearing and recommend to Council either approval, conditional approval, or denial of the proposed zoning designation. The Planning Commission shall not unreasonably deny the applicant the ability to obtain a zoning designation for developmental purposes.

Section 8 Residential Districts

8.01 Single-Family Districts

The following districts are intended to recognize the existing single-family neighborhoods and provide for the development of new neighborhoods.

- a) R-1 Single-Family Residential District
 - Purpose – This district is intended to provide areas for single-family detached dwellings characterized by large individual lots.
 - Regulations – As provided in Table 8,9,10, and 11, Sections 8.04 to 8.07.

- b) R-2 Medium Density Single-Family Residential District
 - Purpose – This district is intended to provide areas for single-family detached dwellings characterized by medium-sized individual lots.
 - Regulations – As provided in Tables 8,9,10, and 11, Sections 8.04 to 8.07.

- c) R-3 High-Density Single-Family Residential District
 - Purpose – This district is intended to provide areas for single-family detached dwellings characterized by small-sized individual lots.
 - Regulations – As provided in Tables 8,9,10, and 11, Sections 8.04 to 8.07.

8.02 Multi-Family Districts

The following districts are intended to provide areas for a variety of housing densities so as to most effectively control the environment and public services created by higher population densities.

- a) MR-1 Two-Family District
 - Purpose – This district is intended to provide areas for single and two-family dwellings units characterized by small lots adjacent to urban areas where sewer and water are available.
 - Regulations – As provided in Tables 8,9,10, and 11, Sections 8.04 to 8.07.

- b) MR-2 Low Density Apartment District
 - Purpose – This district is intended to provide areas for low-density multi-family dwelling units where sewer and water are available.
 - Regulations - As provided in Tables 8,9,10, and 11, Sections 8.04 to 8.07.

8.03 Manufactured Home Park District

This district is intended to provide areas for manufactured housing units so as to more effectively control the environment and public service created by high population densities.

- a) MH-1 Manufactured Housing District
 - Purpose – This district is intended to provide areas for high-density single-family manufactured dwellings units where sewer and water are available.
 - Regulations - As provided in Tables 8,9,10, and 11, Sections 8.04 to 8.07.

8.04 Table 8: Residential District Requirements

	R-1	R-2	R-3	MR-1	MR-2	MH-1
Minimum lot area in square feet per dwelling unit	15,000	8,700	6,000			①
Unit Size (1 Bedroom)	15,000	8,700	6,000	1,625	558	
Unit Size (2 Bedroom)	15,000	8,700	6,000	2,725	947	
Unit Size (3 Bedroom or larger)	15,000	8,700	6,000	3,950	1,360	
Minimum front yard depth in feet	30	20	20	20	20	
Minimum corner side yard width in feet	15	10	10	10	10	
Minimum interior side yard width in feet	10*	10*	6	15	15	
Minimum rear yard depth in feet	40	25	25	25	25	

Notes for Table 8

* Or ten percent (10%) of the width of the lot, whichever is less

① See Section 6.05 Table 7: Approval Standards for Manufactured Home Parks and Subdivisions

8.05 Table 9: Permitted and Conditional Uses Per District

	R-1	R-2	R-3	MR-1	MR-2
Permitted use groups	A	A	A	A,C,D	A,C,D
Conditional use groups	B	B	B	B,D	B,D
Parking and Loading	As provided in Section 14				
Landscaping and Screening	As provided in Section 15				
Signs	As provided in Section 13				
Accessory Uses	As provided in section 10				

8.06 Permitted and Conditional Uses in Residential Districts

(a) Permitted uses in All Residential Districts

- 1) Single-family detached site built dwellings conforming to the standards in Table 10, Section 8.07;
- 2) Home Occupations conforming to the standards in Section 10.02;
- 3) Parks, playgrounds, golf courses, wildlife sanctuaries and other publicly owned open space;
- 4) Temporary buildings or trailers for construction purposes not to exceed the period of construction;
- 5) Accessory uses, buildings and structures to all permitted uses in the district, including off-street parking, loading and signs as provided herein;
- 6) HUD Code manufactured homes, single-family detached, on individual lots, conforming to the standards in table 10, Section 8.07;
- 7) Gardening
- 8) Permitted public uses.

(b) Conditional Uses in All Residential Districts

- 1) Cemeteries;
- 2) Conditional public uses;
- 3) Educational institutions
- 4) Golf courses and country clubs, private;
- 5) Hospitals, clinics, medical and dental offices, nursing and group homes, mental health centers;
- 6) Religious institutions;
- 7) Accessory uses, buildings and structures to all conditional uses in the district, including off-street parking, loading and signs as provided herein.

(c) Prohibited Uses in All Residential Districts

- 1) Keeping and harboring livestock, as defined herein;
- 2) Keeping and harboring poultry, as defined herein;
- 3) Installing livestock or poultry structures, including, but not limited to barns, brooders, coops, cowshed, dairies, piggeries, pigpens, stables, stockyards and sties.

(d) Permitted Uses in MR and MH Residential Districts

- 1) Single-family detached dwellings;
- 2) Single-family attached dwellings (two-family).

(e) Conditional Uses in MR and MH Residential Districts

- 1) Manufactured home parks as defined in this Ordinance conforming to the standards in Section 6.05;
- 2) Manufactured home subdivisions as defined in this Ordinance conforming to the standards in Section 6.05.

(f) Prohibited Uses in MR and MH Residential Districts

- 1) Keeping and harboring livestock, as defined herein;
- 2) Keeping and harboring poultry, as defined herein;
- 3) Installing livestock or poultry structures, including, but not limited to barns, brooders, coops, cowshed, dairies, piggeries, pigpens, stables, stockyards and sties.

8.07 Table 10: Approval Standards for Single-Family Detached Dwellings on Individual Lots

All single-family dwellings on individual lots outside of Manufactured Home Parks shall conform to the requirements in this Table.

- a) Foundation – The dwelling shall be set on a permanent foundation that forms a complete enclosure under the exterior walls
- b) Roof – The roof pitch shall not be less than a 1:4 ratio except over porches, garages and carports.
- c) Minimum width – The narrowest portion of the main part of the dwelling shall be no less than fourteen (14) feet in width.
- d) Exterior Walls – The exterior covering of the dwelling unit(s) shall be similar in appearance to materials commonly found on site built dwellings.
- e) Faces Street – The longest dimension of the dwelling shall be parallel to the street; unless site built dwellings are common in the surrounding area or unless granted by variance procedures contained herein.
- f) Installations – The dwelling(s) shall be properly connected to utilities and, if manufactured off-site, shall be installed on site according to manufacturer's specifications.

Section 9 Business Districts

9.01 Commercial Districts

Purpose – The following districts are intended to provide appropriate locations for a variety of commercial goods and services with minimal impact on the surrounding environment.

- (a) C-1 Community Commercial District
 - Purpose – This district is intended to provide areas for a variety of convenience and comparison shopper's goods and limited services in centralized and highly accessible locations that serve the entire Village.
 - Regulations – As provided in Tables 11 and 13, Sections 9.04 to 9.06.
- (b) C-2 Regional Commercial District
 - Purpose – This district is intended to provide areas along major arterial streets for commercial uses, businesses requiring large size lots and other establishments offering goods and services less frequently purchased that serve the entire Village and surrounding areas.
 - Regulations – As provided in Tables 11 and 13, Sections 9.04 to 9.06.

9.02 Office Districts

Purpose – The following districts are intended to provide areas for a variety of office uses in the Village:

- (a) O-1 Community Office District
 - Purpose – This district is intended to provide areas for small office buildings and uses characterized by small lots, that do not generate large traffic volumes, and that serve as a buffer between residential and commercial uses.
 - Regulations – As provided in Tables 11 and 13, Sections 9.04 to 9.06.
- (b) O-2 Office Park District
 - Purpose – This district is intended to provide areas for large office buildings and office parks including office related retail and service uses.
 - Regulations – As provided in Tables 11 and 13, Sections 9.04 to 9.06.

9.03 Industrial District

Purpose – This district is intended to provide areas for light and heavy industrial uses requiring large lots so as to regulate the adverse environmental effects on the surrounding area.

- (a) I-1 Industrial District
 - Purpose – This district is intended to provide areas for light and heavy industrial uses that meet State and Federal environmental standards.
 - Regulations – As provided in Tables 11 and 13, Sections 9.04 to 9.06.

9.04 Table 11: Business District Requirements

Zoning District					
	C-1	C-2	O-1	O-2	I-1
Minimum lot area in square feet per, dwelling unit	-	-	5,000	40,000	15,000
Minimum front yard depth in feet	20	30	20	20	40
Minimum corner side yard width in feet	10	15	10	10	10
Minimum interior side yard width in feet	10/20*	10/25*	10/25*	10/35*	10/50*
Minimum rear yard depth in feet	15/30*	15/30*	15/25*	15/35*	15/50*

Notes for Table 11

* Adjacent to a Residential District.

9.05 Table 12: Permitted and Conditional Uses Per District

	C-1	C-2	O-1	O-2	I-1
Permitted use groups	A	A,C	E	E,G	I
Conditional use groups	B	B,D	F	F,H	J
Parking and Loading	As provided in Section 14				
Landscaping and Screening	As provided in Section 15				
Accessory uses	As provided in Section 10				
Signs	As provided in Section 13				

9.06 Table 13: Permitted, Conditional and Prohibited Uses in Business Districts

(A) Permitted Uses in All Commercial Districts

- 1) Accessory uses, buildings and structures to all conditional uses in the district, including off-street parking, loading and signs as provided herein;
- 2) Appliance repair shops;
- 3) Automated teller machines;
- 4) Beauty shops, barber shops and hair styling salons;
- 5) Candy and ice cream stores;
- 6) Card and gift stores;
- 7) Educational institutions;
- 8) Financial institutions;
- 9) Indoor theatre or assembly hall;
- 10) Mortuary;
- 11) Motel;
- 12) Outdoor advertising signs and billboards in accordance with the provisions contained herein;
- 13) Restaurants eat in or carry out, including cafes and soda fountains; but not including the serving of alcoholic beverages, live entertainment or dancing.

(B) Conditional Uses in All Commercial Districts

- 1) Accessory uses, buildings and structures to all conditional uses in the district, including off-street parking, loading and signs as provided herein;
- 2) Automobile service stations and commercial parking lots;
- 3) Bar and taverns without live entertainment or dancing;
- 4) Cemeteries;
- 5) Conditional public uses;
- 6) Funeral parlor;
- 7) Golf courses and country clubs, private;
- 8) Hospitals, clinics, medical and dental offices, nursing and group homes, mental health centers;
- 9) Offices of business, professional or industrial firms, not including the manufacture or storage of goods on the premises;
- 10) Religious institutions;
- 11) Restaurants service alcoholic beverages, or any business/restaurant with live entertainment or dancing.

(C) Permitted Uses in the C-2 Commercial District

- 1) Automobile wash either automatic or self-serve;
- 2) Building materials and products sales;
- 3) Contractors and construction offices;
- 4) Electrical showrooms and shops;
- 5) Equipment rental;
- 6) Greenhouses and nurseries;
- 7) Laundry plants, commercial;
- 8) Manufactured home sales (open sales lot);
- 9) Motor vehicle sales (open sales lot).

(D) Conditional Uses in the C-2 Commercial District

- 1) Auction rooms;
- 2) Mini-warehouses;
- 3) Motor vehicle, trailer and mobile home repair shops;
- 4) Motor vehicle body shops;
- 5) Truck stops;
- 6) Warehouses and distribution centers.

(E) Permitted Uses in All Office Districts

- 1) Insurance offices;
- 2) Medical, dental and optometry offices and clinics;
- 3) Offices, business and professional;
- 4) Offices, government, institutional, and political;
- 5) Tax preparation offices;
- 6) Transportation ticket offices;
- 7) Travel agencies;

(F) Conditional Uses in All Office Districts

- 1) Cemeteries
- 2) Child day care centers, as defined herein;
- 3) Educational institutions;
- 4) Financial institutions;
- 5) Golf courses and private country clubs;
- 6) Hospitals, clinics, medical and dental offices, nursing and group homes, mental health centers;
- 7) Mortuary.

(G) Additional Permitted Uses in O-2 Office Districts

- 1) Automated teller machines;
- 2) Commercial schools for business, trade, electronics or data processing;
- 3) Employment agencies;
- 4) Graphics and drafting services;
- 5) Laboratories, medical, dental, research and testing;
- 6) Newspaper distribution agencies for home delivery and retail trade;
- 7) Post offices;
- 8) Printing and publishing establishments;
- 9) Radio and television stations and studios;
- 10) Research and development facilities;
- 11) Union halls.

(H) Additional Conditional Uses in O-2 Office Districts

- 1) Auditoriums and convention and exhibit halls;
- 2) Automobile and truck rental establishments;
- 3) Blueprinting and photo stating establishments;
- 4) Business machine sales, rental and service;
- 5) Computer machine sales, rental and service;
- 6) Donut shops;
- 7) Office, stationary or art supply stores;

- 8) Radio and television towers;
- 9) Restaurants serving alcoholic beverages, but without live entertainment or dancing;
- 10) Warehousing, storage and distribution facilities.

(I) Permitted Uses in Industrial Districts

- 1) Bakery plants;
- 2) Commercial schools for business, trade, electronics or data processing;
- 3) Contractors and construction offices;
- 4) Electrical showrooms and shops;
- 5) Equipment rental;
- 6) Greenhouses and nurseries;
- 7) Laundry plants, commercial;
- 8) Printing and publishing establishments;
- 9) Radio and television stations and studios;
- 10) Research and development facilities;
- 11) Warehousing, storage, and distribution facilities.

(J) Conditional Uses in Industrial Districts

- 1) Any manufacturing, fabricating, processing, cleaning, servicing, testing, repair or assembly facilities that are not listed as either permitted or conditional uses in this or any other district that are similar in judgment to permitted or conditional uses for this district by the Board of Zoning Appeals;
- 2) Airports;
- 3) Automobile service stations;
- 4) Cemeteries;
- 5) Feed, flour and grain storage;
- 6) Fuel storage, bulk;
- 7) Junkyards;
- 8) Landfills, dumps and incinerators;
- 9) Off-street parking lots, public garages or storage garages;
- 10) Outdoor storage associated with any permitted or conditional use in the district;
- 11) Recycling centers;
- 12) Sand and gravel extraction;
- 13) Wrecking yards.

Section 10 Additional Zoning Standards

10.01 Accessory Uses and Structures

- a) Compatibility – Accessory uses and structures shall be compatible with the principle use of the lot and shall not be established prior to the establishment to the principle use or structure, unless otherwise authorized by a conditional use from the Board of Zoning Appeals.
- b) Location – Accessory uses and structures shall be located in the required yards only as provided in Table 14, Section 10.05.
- c) Standards – Accessory uses and structures shall conform to the standards in Table 15, Section 10.06.

10.02 Home Occupations

Home occupations shall be accessory uses and governed by the following regulations:

- a) Employment – Home occupations shall not employ more than one individual who is not a member of the family living on the premises.
- b) Enclosed Structures – All activities associated with the home occupation shall be conducted entirely within enclosed structures, with no exterior storage of equipment and materials.
- c) No Exterior Evidence – There shall be no exterior evidence of the home occupation other than a nameplate sign as provided in Section 13.
- d) Parking – Any additional parking associated with the home occupation shall be off-street and located in the side or rear yards only.
- e) Electrical and Fire – No home occupation shall involve the use of electrical or mechanical equipment that results in interference to normal services or change the fire rating of the structure.
- f) Permitted Occupations – Home occupations may include, among others, the following uses provided they conform to all other requirements herein:
 - 1) Arts or craft studio;
 - 2) Dressmaking, sewing and tailoring;
 - 3) Teaching or tutoring;
 - 4) Writing, editing, composing, painting or sculpting;
 - 5) Offices of a professional individual such as attorney, architect, engineer or accountant;
 - 6) Telephone answering;
 - 7) Home crafts;
 - 8) Home cooking and preserving;
 - 9) Computer programming;
 - 10) Typing and word processing;
 - 11) Laundry and ironing;
 - 12) Offices of sales people that normally meet clients outside of the salespersons home.

g) Prohibited Occupations

- 1) Any activity that creates excess noise, odors, dust, electrical interference or pedestrian or vehicular traffic greater than normally associated with uses allowed in the district;
- 2) Adult Uses
- 3) Automobile body shops, Automobile laundry, Automobile service stations or Automobile repair shops
- 4) Barber shops or beauty parlors;
- 5) Child day care centers, as defined herein; Boarding houses, Educational institutions, Hotels, Motels or Tourist homes
- 6) Clinics or hospitals;
- 7) Dance studios;
- 8) Junk yards
- 9) Livestock
- 10) Mortuary
- 11) Poultry
- 12) Stables, kennels, or animal hospitals.

10.03 Private Swimming Pools

- a) Zoning Permit Required – No private swimming pool shall be located, constructed, installed or altered without a zoning permit from the Zoning Inspector and that complies with the provisions contained herein except as authorized by a variance.
- b) Drainage – Provisions for pool drainage shall be subject to the approval by the Village Administrator.
- c) Setbacks – The minimum setbacks from the property lines shall be as follows:

Pool	10-feet
Pump and Filter	15-feet
- d) Fencing – All pools or lots containing a pool, with a depth of at least 18 inches of water shall be surrounded by a fence or wall with a height of at least 48 inches in such a manner as to prevent uncontrolled access by children. Each gate in the fence or wall shall be provided with a secure lock when the water depth of the pool exceeds 18 inches and is not under the supervision of a responsible person at least 12 years of age.
- e) Any pool or lot containing a pool, with a height of at least 48 inches shall not be required to have such a fence so long as there is no ladder, steps or other access to the pool installed when it is not under the supervision of a responsible person. No property owner, tenant shall fail to ensure the removal of the ladder when the pool is not supervised by a responsible person at least 12 years of age.

10.04 Patios

Patios may be located in side or rear yards provided they are no closer than two and one-half (2 ½) feet from the nearest property line.

10.05 Table 14: Location for Accessory Uses and Structures

Accessory Use or Structure	All Yards	Rear Yard	Interior Side Yard	Corner Side Yard
Arbors and trellises	X			
Awnings and canopies	X			
Decks, open or enclosed		X	X	X
Dog runs		X		
Driveway	X			
Fences	X			
Flagpoles	X			
Garages or carports		X	X	X
Greenhouses		X	X	
Loading, off-street		X	X	
Parking, off-street	X			
Patios		X	X	
Porches	X			
Recreational Equipment		X	X	
Sheds and storage buildings		X		
Swimming pool, private		X		
Tennis courts		X		
Other accessory uses		X		

10.06 Table 15: Standards for Accessory Structures

Maximum height in Residential Districts	In feet:	17
	In stories:	1
Maximum coverage of required rear yard (a)		35%
Minimum setback from any lot line in feet (b)		3
Minimum setback from principle building or other accessory structure in feet (c):		10
Maximum floor area (cumulative) of detached garages in square feet (d):		1,400

Notes for Table 15

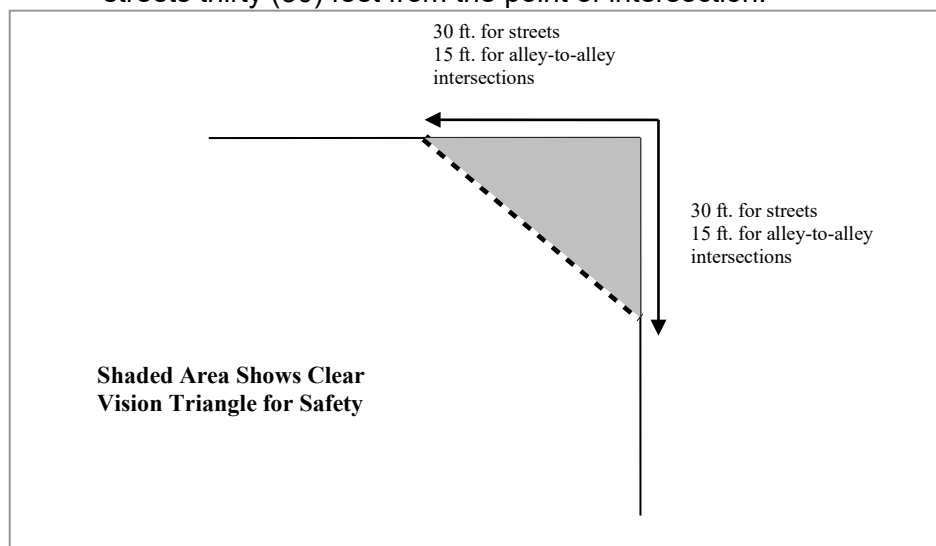
- (a) Cumulative for all accessory structures in rear yard. Excludes areas occupied by open decks, patios and swimming pools.
- (b) Except enclosed decks, patios, and accessory uses that are structurally a part of the principle building.

10.07 Table 16: Maximum Fence Height

	Maximum fence height in feet	
	Solid Fence	Open Fence
Within Clear Vision Triangle	2.5	3.5
All other locations:		
In Industrial Districts	15.0	15.0
In Other Districts		
In front or corner side yard	4.0	4.0
In interior side or rear yard	6.0	6.0

10.08 Clear Vision Triangle

On a corner lot in any district, nothing shall be erected placed, planted or allowed to grow in such a manner as to materially impede vision between the height of two and a half (2 ½) feet, in the case of a solid fence and three and a half (3 ½) feet in the case of an open fence, at the point of intersection of two streets and a line joining two points along said streets thirty (30) feet from the point of intersection.



10.09 Conformity to Existing Front Yards

(a) The purpose of this section is to protect view lines in single-family residential neighborhoods except where the view line from a home has been voluntarily sacrificed by building with a setback that is greater than that required in this Zoning Ordinance.

(b) In any R-Residential District, where one or more lot lines of a lot abut one or more residential lots with a nonconforming front or corner side yard, the minimum front and corner side yards on such lot shall be less than the zoning district regulations require.

10.10 Storm Water Permit Required

For any multi-family residential, commercial, office, or industrial application that involves a change to the land surface, changes to drainage patterns or causes an increase in the runoff from the proposed changes, must first obtain storm water approval from the Village prior to the issuance of any approval by the Zoning Inspector.

Section 11 Nonconformities

11.01 Purpose

The intent of this Section is to provide for the continuation and, under appropriate circumstances, elimination of existing uses of properties that do not conform to the requirements of this Zoning Ordinance or that may not conform to future amendments thereto.

11.02 Changes in Nonconforming Uses

A nonconforming use may be changed to another nonconforming use only after review and approval or conditional approval by the Board of Zoning Appeals, or to a conforming use to the zone in which it is located. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

11.03 Discontinuance of Nonconforming Use

When a nonconforming use of a structure or property is discontinued for a period in excess of ninety (90) days, the structure or property shall then only be used in conformance with the zone in which it is located.

11.04 Nonconforming Signs

(a) Temporary and Portable Signs

All temporary and portable signs shall be removed or brought into compliance with the provisions of this Ordinance within sixty (60) days of its adoption of any amendments thereto.

(b) Other Signs

- (1) Nonconforming signs shall be subject to all requirements governing the continuation of nonconforming structures as provided in the regulation governing nonconformities in this Ordinance.
- (2) Copy on changeable copy signs, faces on billboards and face changes on other types of signs, provided there has been no structural alteration to the support structure or change in dimensions, shall not require the issuance of a sign permit.

11.05 Restoration of Nonconforming Building or Structure

A nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, to an extent not greater than eighty (80) percent of the total market value, contained in the records of the Muskingum County Auditor, may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed, provided that the restoration is commenced within one (1) year and completed in an expeditious manner.

The repair and maintenance of a nonconforming building or structure, required to keep it in sound condition, may be made provided no structural alterations shall be made, except as required by law, or authorized by the Board of Zoning Appeals.

11.06 Nonconforming Agricultural Use in Residential Districts

Nonconforming Agricultural use in residential districts, multifamily districts and manufactured home park districts shall be brought into compliance with the provisions of this Ordinance within thirty (30) days of its adoption.

Section 12 Definitions

12.01 General

For purposes of this Zoning Ordinance, certain terms are defined as indicated in this section. These definitions and all other provisions of this Ordinance are subject to the following rules of interpretation:

- (1) The present tense includes the past and future tenses and the future tense the present;
- (2) The singular number includes the plural number and vice-versa;
- (3) The word "shall" is mandatory;
- (4) The term "person" shall refer to any person, firm, partnership, association, corporation or organization of any kind; and
- (5) Any term not defined herein shall be defined in Black's Law Dictionary, or, if not defined therein, as defined in Webster's New Collegiate Dictionary.

Definitions

- (1) Accessory Use or Structure – A use or structure subordinate to the principle use of a building on the same lot and serving a purpose customarily incidental to the use of the principle building or use.
- (2) Adult Use – Any commercial or recreational establishment from which minors are at all times excluded from admittance by virtue of their age, including adult book stores, adult motion pictures theaters, adult mini-motion picture theaters, adult drive-in theaters, adult massage parlors, adult modeling studios and eating and drinking establishments with sexually oriented entertainment that is obscene or harmful to juveniles as defined by the Ohio Revised Code 2907.01 (E) and (F), are not considered to be adult uses.
- (3) Agriculture – The use of land for agriculture purposes, including farming, dairying, pasturage, agriculture, horticulture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- (4) Alley – A local right-of-way publicly owned primarily for service access to the back or sides of property.
- (5) Apartment – Two (2) or more rooms designed and arranged for or occupied as a residence by one family with facilities for cooking, sleeping and toilet facilities.
- (6) Automobile body shop – A business establishment where collision service such as body, frame or fender straightening or repair, painting of more than ten percent (10%) of the surface of a vehicle, or upholstery is conducted wholly within an enclosed building.

- (7) Automobile laundry – A permanent commercial facility where motor vehicles are washed, by hand, by mechanical devices, or both, excluding temporary car washes organized by civic or charitable purposes.
- (8) Automobile service station – A facility or premises primarily used for retail sales of fuels or oils for automobiles, trucks or boats and which may include as a secondary activity retail sale of tires, batteries and similar accessories and the making of repairs to vehicles or parts thereof that do not normally require storing such vehicles on the premises overnight.
- (9) Automobile repair shop – A premises primarily used for the commercial repair, rebuilding or reconditioning of motor vehicles or parts thereof, wholly within enclosed buildings, including repairs that normally require vehicles being stored on the premises overnight. Automobile repair shops include transmission shops, muffler shops, brake shops, auto glass shops and the like.
- (10) Awning – A roof-like cover of any material, whether illuminated or not, that can be projected and retracted on a temporary or noncontiguous basis from the wall of a building.
- (11) Basement – That portion of a structure located partly underground but having less than half its clear floor-to-ceiling height below the mean average grade of the adjoining grade.
- (12) Billboard – see “sign, Billboard”, (#86) hereof.
- (13) Boarding house – A building or part thereof that is not a hotel, motel or tourist home and that provides lodging rooms to three or more paying guests who are not members of the keeper’s family and mainly to non-transients.
- (14) Building – Any structure permanently affixed to the land and constructed or used for the shelter, enclosure or protection of persons, animals or property.
- (15) Building, accessory – A building that is an accessory use.
- (16) Building, detached – A principle building surrounded by open space.
- (17) Building, frontage – The linear length of the front wall of a building for which the property is addressed.
- (18) Building, height – The vertical distance from the average contact ground level at the front wall of the building to the highest point of:
- The underside of the ceiling beams of a flat roof or;
 - The deck line of a mansard roof or;
 - The mean height between the eaves and ridge for gable, hip or gambrel roofs.
- (19) Building, line – The line parallel to a lot line that separates all parts of a building from the open space adjacent thereto on the same lot.

- (20) Building, principle – A non-accessory building in which is conducted the principle us of the lot on which it is located.
- (21) Cellar – That portion of a building located partially or wholly underground and having more than half of its clear floor-to-ceiling height below the mean average grade of the adjoining ground.
- (22) Certificate of Occupancy – A document is issued by the Zoning Inspector, which indicates that buildings, structures, or uses are consistent with this Ordinance.
- (23) Child day care center – A facility that receives more than seven (7) children at any one time for daytime care and that provides personal care, protection, supervision, training and other programs. Child day care centers exclude:
- Kindergartens and other programs run by public or private schools or churches;
 - Centers conducted on federal, state, or local government premises;
 - Facilities operated in connection with a shopping center or other facility where children are cared for while their parents or custodians are in the vicinity and readily available;
 - Special activities conducted periodically by civic charitable and government organizations.
- (24) Conditional use – A use that because of its special character cannot be allowed generally in a particular zoning district but which may be allowed under special conditions and is which therefore subject to the prior approval of a conditional use permit.
- (25) Conditional public use – The use of property other than as permitted public uses as defined herein by a public utility, railroad or governmental body for the provision of public utilities or services, including sewage, water supply, electricity, gas, public safety, government administration, transportation, and communications.
- (26) Conditional use permit – A permit required for the use of land, water or buildings as a conditional use received only after approval by the Board of Zoning Appeals of an application for a conditional use.
- (27) Corner lot – A lot located at the intersection of two or more streets or a lot located at the point where the alignment of a single street curves or changes; provided that an interior angle of not more than 135 degrees is created by the right-of-way lines of the abutting street or streets.
- (28) Corner side lot line – Any street line that is not a front lot line.
- (29) Corner side yard – A yard extending between a corner side lot line and a line drawn parallel thereto at a distance there from equal to that established by the corner side yard requirements of this Ordinance and also extending the full depth of the lot but excluding any area included in a front yard.

- (30) Court – Any open space other than a yard bounded on two sides by the walls of one or more buildings.
- (31) Density – The number of dwelling units per acre of land.
- (32) Dwelling – Any building or portion thereof designed or used as a residence of one or more persons, but excluding boarding or lodging houses, nursing homes, motels, hotels, tourist homes, cabins, tents and recreational vehicles.
- (33) Dwelling, Two Family – A building consisting of two dwelling units.
- (34) Dwelling, Multi-family – A building consisting of three or more dwelling units.
- (35) Dwelling Unit – A space within a building designed or used exclusively as living quarters for one family, its household employees, and not more than two boarders or roomers, and which includes cooking, bathing and toilet facilities.
- (36) Educational Institution – A public or private school, college, university, seminary, museum, library or similar educational or cultural establishment.
- (37) Easement – A right of way granted for limited use of land for public or quasi-public purpose.
- (38) Family – A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit.
- (39) Fence – An artificially constructed barrier of any material or materials erected to enclose, screen or decorate areas of land. Fences include walls, hedges, and earth berms meeting this definition.
- (40) Fence Height – The height of a fence, wall or hedge measured from the ground level at the lowest grade within three (3) feet on either side thereof.
- (41) Floor Area – The sum of the gross horizontal area of space contained on all floors measured in square feet from the exterior faces of the exterior walls of each building, or from the center line of party walls separating two buildings.
- (42) Floor Area, Gross – A measure of floor area, as defined herein, used for the purposes of calculating floor area ratio, conversion of existing structures and maximum size of business establishments. The gross floor area excludes:
- Areas devoted to off-street parking;
 - Attic or half-story space with a ceiling height of less than seven (7) feet;
 - Exterior balconies and roofs.

- (43) Floor Area, Net – A measure of floor area, as defined herein, used for the purposes of calculating off-street parking or off-street loading, requirements. The net floor area excludes:
- Areas devoted to off-street parking or off-street loading, including aisles and ramps;
 - Washrooms;
 - Areas not accessible to the public.
- (44) Floor Area Ratio – The total floor area, as defined herein, of all buildings on a lot divided by the area of the lot.
- (45) Garage, Private – A detached accessory structure or portion of the principle structure used only for the storage of motor vehicles and incidental residential storage.
- (46) Garage, Public – A building or portion thereof, designed or used for the storage of motor vehicles for compensation.
- (47) Home Occupation – A gainful pursuit conducted by one or more members of a family within their place of residence and that is subject to the provisions herein concerning home occupations.
- (48) Hospital – An institution providing health and services primarily for in-patient medical and surgical care of the sick and injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. The term “Hospital” shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or nursing homes.
- (49) Hotel – A building occupied as primarily temporary abiding places of individuals are lodged with or without meals, and in which there are more than twenty (20) sleeping rooms or apartments.
- (50) Junk Yard – A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including wrecking yards, house wrecking yards, used lumber yards for storage of salvaged materials and equipment; but not including such places where such uses are conducted entirely within a enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars inoperable condition or salvaged materials incidental manufacturing operations.
- (51) Kennel – Any lot or premises on which four or more animals commonly used as household pets that are more than four months of age are bred, groomed, boarded, trained or sold for commercial or humane purposes and which offers provisions for minor medical treatment, including animal shelters.
- (52) Livestock – Animals consisting of cattle, horses, donkeys, mules, hinnies, sheep, swine and other suidae, goats and other bovidaie, lambs, alpacas, llamas and deer not in the wild.

- (53) Lot – A parcel of land intended for transfer of ownership, development, improvement and/or dedication.
- (54) Lot area – The area contained within the property lines of the individual parcels of land as shown on a plat, excluding space within any street or right of way, but including the area of any easement.
- (55) Lot, corner – A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, forming an interior of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.
- (56) Lot, depth – The mean horizontal distance between the front and rear lot lines.
- (57) Lot, interior – A lot other than a corner lot.
- (58) Lot lines – The property lines bounding the lot.
- (59) Lot line, front – means the only street line bordering a lot or otherwise, if the lot is a corner lot then the front shall be with the shortest street line.
- (60) Lot line, rear – The lot line opposite the front lot line, at its most distant point.
- (61) Lot line, side – A lot line other than a front or rear lot line.
- (62) Lot of record – A lot of which is part of a subdivision, or a lot described by its metes and bounds, the map and/or description of which has been recorded in the office of the County Recorder of Muskingum County, Ohio.
- (63) Lot, through – Any interior having frontage on more than one street.
- (64) Lot width – The mean width of a lot measured at its right angles to its depth.
- (65) Manufactured home – A factory-produced dwelling unit designed and used exclusively for long-term residential occupancy that is built on a permanent chassis, is transportable in one or more sections, and is ready for occupancy at the building site except for minor and incidental unpacking, assembly and connection operations. This term shall not include units using prefabricated sub-elements requiring major on-site combination or installation that do not otherwise meet the requirements of this definition.
- (66) Manufactured home, HUD Code – A manufactured home fabricated after June 14, 1976, and certified by the U.S. Department of Housing and Urban Development as conforming to regulations authorized by Title IV of the National Manufactured Housing Construction and Safety Standards of 1974 (42 U.S.C. sec. 5401-5426).
- (67) Manufactured home park – Any lot or tract of land other than a manufactured home subdivision or manufactured home sales or storage lot upon which three or more manufactured homes are used for long-term residential occupancy are located.

- (68) Manufactured home subdivision – A subdivision of three or more lots designed and intended for residential use exclusively by manufactured homes on permanent foundations with wheels, tongue, lug bolts, and hitch, if any, permanently removed and wherein each lot occupied by a manufactured home is owned by the owner of the manufactured home situated thereupon.
- (69) Mortuary – An undertaking establishment or funeral parlor, which may include a single residence as an accessory use.
- (70) Motel – A building or group of buildings comprising of individual sleeping or living units primarily for the accommodation of transient guests.
- (71) Nonconformity – Any characteristic of a use, building, structure or lot that was lawful prior to the effective date of this Ordinance or of any amendment thereto allowed by the permitted and conditional uses of the zoning district in which the premises are located.
- (72) Nonconformity, activity – Any activity or function lawfully carried on at the premises at the time of the enactment of this Ordinance but that is not thereafter allowed by the permitted and conditional uses of the zoning district in which it is located.
- (73) Nonconformity, design – The design or intended use of all or substantially all of a premises for any use not allowed by the permitted and conditional uses of the zoning district in which it is located, irrespective of the nature of the activities carried on at that premises.
- (74) Nonconformity, standards – Any nonconformity other than an activities or design standard.
- (75) Off-street loading space – A completely off-street space or berth located on the same lot, except as otherwise permitted herein, for the loading and unloading of freight carrier, having adequate ingress and egress to a public street or alley.
- (76) Off-street parking space – An area outside of any public street or alley right-of-way that is adequate for parking an automobile with room for opening doors on both sides together with maneuvering room and properly related access to a public street or alley.
- (77) Owner – Owner of record according to records contained on the County Offices.
- (78) Parking Area – An open area, other than a street or other public right-of-way, used for the parking of motor vehicles.
- (79) Patio – An uncovered area, other than a parking space, surfaced or constructed, the use of which is customarily incidental to that of the main use of the land.

- (80) Permitted public uses – Means poles, towers, tunnels, conduits, wires, cables, vaults, laterals, pipes, drains, mains, valves, hydrants and similar distribution equipment for public service or utilities; fire alarms and police call boxes; traffic signals; and pay telephones.
- (81) Poultry – Domesticated fowl, including but not limited to chickens, turkeys, pheasants, peacocks, partridges, quail, ducks and geese.
- (82) Religious institutions – A church, synagogue, temple, convent, monastery or other premises devoted to religious or church-connected activities.
- (83) Sign, area of – The area shall be the exterior surface computed in square feet. A sign projecting from a building, which has two (2) or more readable surfaces, shall be deemed as having two (2) or more exterior surfaces.
- (84) Sign – Any visual or graphic device designed through the use of words, numbers, characters or symbols to inform or attract attention and which is designed to be visible from outside any building or structure, either attached to or located on the premises of the use in which it serves.
- (85) Sign area – The total exposed surface on each facing excluding any supporting structure that does not form part of the sign proper. The area of a awning, canopy sign or a sign consisting of individual lettering or symbols against a wall shall be the sum of the areas within rectangular envelopes completely enclosing each separate letter or symbol or attached group thereof.
- (86) Sign, announcement board – An on-premises changeable copy sign displayed by a church, school or other institutional use to provide such noncommercial information to the public concerning the institution as to the hours of operation, functions and special events.
- (87) Sign, awning – A sign painted on or attached to any part of an awning.
- (88) Sign, billboard – A sign that directs attention to a business, profession, commodity, service, entertainment, person, cause, event or organization conducted, sold, offered, operating or having premises elsewhere than on the lot on which the sign is located, and only incidentally, if at all on such lot.
- (89) Sign, canopy – A sign, other than an under canopy sign, attached to or constructed in or on a canopy.
- (90) Sign, changeable copy – A sign designed for frequent changes of message copy that may include removable letters, electronically displayed messages or poster panels.
- (91) Sign, directional – a sign that serves solely to direct pedestrian or vehicular traffic or parking within a premises or to provide related instructions or facility information but that contains no advertising content other than the name and logo of the business on the premises.

- (92) Sign, face – The surface of a sign upon which, against or through which the message is displayed or illustrated.
- (93) Sign, free-standing – A sign supported by one or more poles, uprights, pylons or braces on the ground and not attached to a building.
- (94) Sign, government mandated – Any sign or exterior display required to be displayed by government order or regulation including construction signs for government assisted projects.
- (95) Sign, government or utility – An informational sign or display maintained by a government body or public utility, including traffic or parking regulating devices, legal notice, warnings of hazards and similar displays.
- (96) Sign, height – The vertical distance measured from the curb level of the closest public street from which the sign is intended to be viewed to the highest point of the sign.
- (97) Sign, illuminated – A sign illuminated by a source of artificial light having the principle purpose of furnishing illumination for the sign whether or not such source is part of the structure of the sign.
- (98) Sign, message board – A sign other than a changing sign on which letters are changeable and that is attached to another sign for the purpose of displaying advertising or other notices.
- (99) Sign, name plate – A non-illuminated sign that states only the names, addresses and profession(s) of the businesses or occupants of the lot where the sign is placed.
- (100) Sign, on-premise – A sign directing attention to a business, profession, commodity, service, entertainment, person, cause, event or organization conducted, sold, offered, operation or having premises upon the same lot.
- (101) Sign, outdoor advertising – A sign that directs attention to a business, profession, commodity, service, entertainment, person, cause, event, or organization conducted, sold, offered, operation or having premises elsewhere than on the lot on which the sign is located, and only incidentally, if at all, on such lot.
- (102) Sign, real estate – A non-illuminated sign used to offer for sale, lease or rent the property upon which or within which the sign is placed or to announce an open house or that the property has been sold.
- (103) Sign, trailer – A portable sign mounted on a trailer designed for support and movement of the sign.

- (104) Sign, vehicle – A sign on or within a parked motor vehicle, boat, recreational vehicle, manufactured home or similar vehicle designed to be conspicuously visible for advertising or information purposes from outside the vehicle, other than trailer signs as defined herein; informational, identification or advertising lettering permanently painted on or attached to trucks or other commercial vehicles; transit advertising on buses or taxi cabs; election campaign signs; signs identifying trailer housed offices or displays on construction sites; and bumper stickers.
- (105) Sign, wall – A sign erected upon or parallel to an outside building wall which does not exceed more than twelve (12) inches from the face of the wall or higher than the highest point of the roof.
- (106) Story – That portion of a building, included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- (107) Story, first – The lowest story or the ground floor of any building the floor which is not more than two (2) feet below the average contact ground level at the exterior walls of the building except that any basement or cellar used for residence purposes, other than for a janitor or caretaker, shall be deemed the first story.
- (108) Story, half – A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.
- (109) Street – A public right-of-way designated for the purpose of moving people and goods or for the provision of access to private property.
- (110) Structure – Anything constructed, the use of which required permanent location on the ground, or attached to something having a permanent location on the ground.
- (111) Structural alteration – Any change in the structural members of a building, such as walls, floors, columns, beams and girders.
- (112) Swimming pool, private – A private swimming pool, as regulated herein, shall be any pool enclosed or unenclosed, and containing or normally capable of containing water to a depth at any point greater than three (3) feet.
- (113) Tourist home – A building or part thereof, other than a hotel, boarding house or motel, where lodging is provided by a resident family in its home for compensation, primarily for transients.
- (114) Thoroughfare Plan – The official Thoroughfare Plan as adopted and amended from time to time by the Village Planning Commission establishing the general location and official right-of-way widths of the major and secondary highways and thoroughfares.

- (115) Use, transitional – A use of a land or building located or permitted to be located on certain lots abutting a zoning boundary line in the more restricted of the two different zoning districts in accordance with the provisions of this Ordinance.
- (116) Village – The Village of Frazeytsburg, Muskingum County, Ohio and its inhabitants.
- (117) Yard, front – An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as hereafter specified.
- (118) Yard, front-minimum depth – The shortest distance, measured horizontally, between any part of a principle building, other than such parts hereinafter excepted, and the front lot line.
- (119) Yard, rear – An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward as hereafter specified.
- (120) Yard, rear-minimum depth – The shortest distance, measured horizontally, between any part of a principle building, other than such parts hereinafter expected, and the rear lot line.
- (121) Yard, side – An open space extending from the front yard to the rear yard between a principle building and the nearest lot line, unoccupied and unobstructed from the ground upward as hereafter specified.
- (122) Yard, side-minimum depth – The shortest distance, measured horizontally, between any part of a principle building, other than such parts hereinafter expected, and the nearest side lot line.
- (123) Zoning Certificate – A document issued by the Zoning Inspector authorizing the construction or alteration of buildings, structures or uses consistent with the terms of this Ordinance.
- (124) Zoning Inspector – The Zoning Inspector or his or her authorized representative, appointed by the Mayor.
- (125) Zoning Map – The Zoning Maps of the Village of Frazeytsburg, Muskingum County, Ohio, dated as of the Ordinance date together with all amendments subsequently adopted.

Section 13 Signs

13.01 Purpose

The purpose of this Section is to regulate commercial and noncommercial outdoor advertising signs of all types in order to facilitate a pleasant communication between the people and their environment.

13.02 Applicability

- (a) No sign as defined herein shall be located, erected, moved, enlarged or altered except in conformance with the provisions of this Section and after the issuance of a sign permit by the County Building Department, except as exempted herein.
- (b) The signs listed as Exempt in Table 17 of this Section shall not require the issuance of a sign permit.

13.03 Location and Placement

- (a) Public Right-of-Way – No sign shall be located within, project into or overhang a public right-of-way, except as otherwise permitted herein.
- (b) Traffic Hazards – No on-premise sign shall be erected to obstruct free and clear vision of an intersection and/or traffic signals.
- (c) Vision Clearance – Any sign located within a clear vision triangle shall have minimum clearance of eight (8) feet, unless the sign height is less than two and one half feet.
- (d) Conformity to Existing Sign Setback The required setback for any nonexempt free-standing sign for commercial use or outdoor advertising sign shall be modified if there exists another free-standing, outdoor advertising sign or principle building with a lesser setback located on the same side of the street within one hundred (100) feet of the face of the sign measured along the right-of-way line to the face of the proposed sign. In such case, the required setback shall be the smallest actual setback of any such existing sign or building, or five (5) feet, whichever is less.

13.04 Permits

- a) The Chief Building Official of the County Building Department shall issue a sign permit only after review and approval by the Zoning Inspector. No approval shall be given that is not in compliance with the provisions herein or unless authorized by the Board of Zoning Appeals by means of the issuance of a variance certificate.
- b) No sign permit shall be required for any sign that requires the replacement of the faces, provided that there is no structural alteration or change in any dimension of the sign.

13.05 Table 17: Standards For Exempt Signs

	Number Permitted Per Lot	Maximum Area (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)	Other Requirements
<u>Permanent Signs</u>					
Directional Signs	--	8	6	--	a,b
Flags and Institutional Insignias	--	--	--	--	c
Announcement Boards	1	16	--	--	--
Name Plate Signs	1	4	--	--	d
No Trespassing Signs	2	2	--	--	e
<u>Temporary Signs</u>					
Election Campaign Signs	--	32	6	--	f
Help Wanted Signs	1	8	--	--	--
Real Estate Signs	--	8	--	5	--
Window Signs	--	--	--	--	--
Yard Sale Signs	--	4	--	--	g

Notes for Table 17

-- No restriction except as specified in definitions or footnotes

- (a) Information on location of entrances and exits, parking, traffic movement and the like. No advertising content other than name and logo of establishment.
- (b) Commercial, office, and industrial use only.
- (c) The flag, pennant, or insignia of any governmental, religious, civic or educational institution.
- (d) Per home occupation or business establishment.
- (e) Includes no hunting, dumping, or similar uses.
- (f) Must be removed within forty-eight (48) hours after date of election.
- (g) Displayed on the premises of the yard sale. Shall not be displayed more than two (2) days prior to the event.

13.06 Table 18: Standards for Nonexempt Signs

	Number Permitted Per Lot	Maximum Area (sq. ft.)	Maximum Height (feet)	Minimum Setback (feet)	Other Requirements
General					
Real Estate Signs	1	32	12	5	a
Outdoor Advertising Signs	1	375	40	☆	b
Residential Uses					
Development Entrance Sign	1	32	6	5	--
Institutional Uses					
	1	32	6	5	--
Commercial, Office & Industrial Uses:					
<u>Wall/awning/canopy signs</u>					
Front	1	100	c	--	c
Side/rear entrance	1	32	12	--	d
Commercial, Office & Industrial uses:					
<u>Freestanding Signs</u>					
Message Board	1(e)	#	--	--	f
Service Station Rate Sign	1	20	15	15	g
All other signs	1-2	100	15	15	e
Shopping Center Sign	1	100	20	15	h

Notes for Table 18

- No restriction except as specified in definitions or footnotes.
- ☆ Required setback in applicable district.
- (a) Shall not be illuminated.
- (b) Allowed only in C-3 and I districts. Shall have a minimum spacing of one hundred (100) feet from any residential zoning boundary and a spacing of six hundred (600) feet from any other outdoor advertising sign. No internal illumination permitted.
- (c) Shall not extend beyond the perimeter of wall, fascia or face of canopy or awning to which it is attached. Maximum height is roofline, top of canopy or awning or twenty (20) feet, whichever is less.
- (d) Permitted only for building entrances on walls without street frontage, such as adjacent to alleys or off-street parking lots.
- (e) Per street frontage per lot.
- (f) Shall be permitted only as part of a freestanding or wall sign and subject to the height and area requirements herein.
- (g) Permitted at automobile service stations in addition to other signs permitted herein.
- (h) Shall be the only freestanding sign in the shopping center and may include a message board or directory sign.

Section 14 Off-Street Parking and Loading

14.01 Purpose

The purpose of this chapter is to provide for appropriate off-street parking and loading areas in conformance with the provisions herein.

14.02 Applicability

The requirements of this chapter shall apply to any building or structure that is erected, enlarged or increased in capacity. Open sales lots for the sale of motor vehicles shall not be considered as parking spaces for purposes of this chapter. No additional spaces are required for an expansion or change of an existing use if the requirements would require an increase of less than fifteen percent (15%) of the existing spaces provided.

14.03 Exemption for Properties in Downtown

In order to maintain the existing character and pedestrian orientation of the Village center, the requirements of this Section shall not apply to any use located within the Downtown area.

14.04 Access

Each off-street parking or loading space shall open directly to an aisle or driveway of such width as determined in Table 18, Section 14.11, and shall have access to a public right-of-way that shall least interfere with traffic movement thereupon.

14.05 Grading and Drainage

All parking and loading areas shall be graded for proper drainage and discharged in a manner approved by the Village Administrator.

14.06 Landscaping and Screening

All open off-street parking and loading areas shall be screened as provided in Section 15.

14.07 Use of Parking and Loading Spaces

Required off-street and loading spaces shall be used for the patrons, guests, visitors or employees of the same lot for which the use serves. No space shall serve as the required space for more than one use except as provided in Section 14.08.

14.08 Shared Parking

Off-street parking spaces for one use may be credited towards the requirement of another use that normally operates during different hours, by the Zoning Inspector.

14.09 Small Car Parking Spaces

Parking spaces intended for the use of small cars only that are clearly identified by signs and/or pavement marking, may be used for up to twenty-five percent (25%) of the required spaces. The dimensions for such spaces shall conform to the requirements in Table 18, Section 14.11.

14.10 Location of Parking Spaces

(a) On Same Lot

Required off-street parking for single-family detached, attached and manufactured homes on individual lots shall be located on the same lot as the use served.

(b) Separate Lot

Required off-street parking for other uses may be provided on a separate lot that is in the same possession by deed or lease provided that the separate lot is not separated from the use by a residentially zoned district.

14.11 Handicapped Parking

Uses providing over twenty-five (25) parking spaces shall reserve at least one (1) space for the handicapped. One (1) space shall be marked for the first fifty (50) spaces and one additional for every one hundred (100) spaces thereafter. Such spaces shall provide barrier free access and located as close to the building as possible. Sufficient width shall be provided to allow for the loading and unloading of wheelchairs.

14.12 Table 18: Parking and Loading Dimensions

	Parking Space		Loading Space	
	Small Cars (a)	Other Cars	Tractor Trailers	Other Trucks
Minimum Depth in feet	15 (b)	18 (b)	60	25
Minimum Width in feet	7.5	9	14	10
Minimum Aisle Width in feet				
Angle of spaces:				
0 degrees (c)	13	13	--	--
30 degrees	12	12	--	--
45 degrees	13	13	--	--
60 degrees	18	18	--	--
90 degrees*	24	24	--	--

Driveway width in feet:	Residential Districts	Other Districts
Minimum	12	--
Maximum	24	36

Notes for Table 18

- * Allows for two-way traffic
- (a) Small cars may account for twenty-five percent (25%) of the required spaces.
- (b) Parallel spaces shall be twenty-two (22) feet deep.
- (c) Zero degree refers to parallel parking.

14.13 Table 19: Required Parking for Nonresidential and Nonloading uses.

	Minimum Number of Spaces Required (a)		
	Per Employee (b)	Per 1,000 Square feet Floor Area	Per Person Design Capacity (c)
Schools			
Elementary	1	--	--
Jr. High	1	--	--
High School	1	--	0.25 (d)
Recreational			
Indoor Theatre	--	--	0.25
Bowling Alley	--	--	(e)
Auditorium	--	--	0.25
Skating Rink	--	--	0.25
Dance/Meeting Hall or Community Center	--	--	0.25
Institutional			
Church	--	--	0.25
Library	--	2.5	--
Nursing Home	1	--	(f)
Day Care	--	2	--
Medical			
Hospital	1	--	(g)
Clinic	--	6.5	--
Animal Hospital	--	2.5	--
Commercial			
Bank/Financial Institution	--	5	(i)
Car Wash	1	--	(h)
Department Store	--	5	--
Furniture/Appliance Store	--	1.5	--
Office Building	--	3.5	--
Restaurant	--	20	--
Service Station	1	--	(j)
Shopping Center *	--	5	--
Supermarket/Food Store	--	5	--
Tavern	--	10	--
Vehicle Sales	--	2.5	--
Industrial			
Warehousing/Wholesaling	1	0.5	(k)
Manufacturing	1	1.5	(k)

Notes for Table 19

- No restriction except as specified in definitions or footnotes.
 - * For shopping centers under 600,000 square feet.
 - Parking requirements for uses not listed shall be for the most similar use listed.
 - Requirements in this table shall not apply to Village center district.
 - Requirement for determining floor area shall be net floor area as defined herein.
- (a) One space for each business vehicle shall be provided in excess of the requirements specified in this table.
 - (b) Number of full or part-time employees on duty at the premises at one time.
 - (c) Per person design capacity of the facility or per seat in main auditorium. Where individual seats are not establishes, eighteen (18) inches shall constitute a seat for the purposes of this requirement.
 - (d) Design capacity of students.
 - (e) Four (4) spaces per lane.
 - (f) Plus one (1) space for every four (4) beds.
 - (g) Plus one (1) space for every two (2) beds.
 - (h) Plus two (2) stacking spaces for every bay.
 - (i) Plus five (5) stacking spaces for drive-in window.
 - (j) Plus two (2) spaces per service bay.
 - (k) Use employment or floor space standard, whichever is greater.

Section 15 Landscaping and Screening

15.01 Purpose

The purpose of this Section is to provide for appropriate landscaping and screening of parking and other outdoor areas that shall:

- (a) Reduce adverse effects on public streets and adjoining properties from noise, blowing debris and headlight glare.
- (b) Reduce adverse effects of parking areas from wind, glare and temperature extremes.
- (c) Improve community appearance and maintain property values.
- (d) Protect residential neighborhoods from other adjacent land uses.

15.02 Types of Landscaping and Screening Required

(a) Residential Screening Strip

A landscape strip located along the length of all lot lines that abut a residentially zoned property on a property devoted to a commercial or industrial land use.

(b) Parking Screening Strip

A landscape strip located along the length of front or corner side lot lines in front of corner side yards that accommodate parking areas.

(c) Screen

A solid fence, wall or landscape screen of sufficient height to conceal a use from view from the surrounding properties.

15.03 Ground Cover in Landscape Strips

All landscape strips shall be covered by either grass or other non-living landscape materials so as to give a finished appearance and reduce soil erosion. All landscape material shall be maintained in good condition at all times so as to present a neat and orderly appearance.

15.04 Table 20: Uses Requiring Landscaping or Screening

Use	Parking Screening Strip	Residential Screening Strip	Screen
New uses requiring over 5 open off-street parking spaces	X	--	--
Outdoor Storage	--	--	X
Refuse Disposal Areas	--	--	X
Commercial/Industrial Sites Abutting a Residential Property	--	X	--

15.05 Table 21: Landscape Strip Requirements

	Parking Screen Strip	Residential Screening Strip	Screen
Minimum Strip Width in Feet	5	5	--
Height of Screening in Feet:			
Minimum	3.5	5	--
Maximum	--	7	7
Minimum Opacity	50%	50%	50%

**Section 16
Special Districts**

16.01 Agriculture and Estate District (AE) Purpose

(a) Purpose This district is intended:

- To provide land outside of the intensely developed portions of the Village for agriculture and low-density estate single-family residences prior to the time such land is needed for urban development;
- Discourage premature urban growth on land best suited for agricultural purposes;
- Preserve the natural beauty and open space character of the rural countryside;
- Minimize urban-type development in rural areas and discourage the premature and uneconomic extension of public facilities and services.

(b) Regulations As provided in Tables 22, 23 and 24, Sections 16.02 thru 16.04

16.02 Table 22: AE District Requirements

		<u>AE</u>
Minimum lot area in acres	--	2.5
Minimum lot width in feet	--	200
Minimum front yard depth or corner side yard width in feet (a)	--	30
Minimum interior side yard width in feet (a)	--	20
Minimum rear yard depth in feet (a)	--	40

Notes for Table 22

(a) Plus two-feet for every one-foot of building height over thirty-five feet.

16.03 Table 23: Permitted and Conditional Uses in AE District

	<u>AE</u>
Permitted use groups	A
Conditional use groups	B
Parking and Loading	As provided in Section 14
Landscaping and Screening	As provided in Section 15
Signs	As provided in Section 13
Accessory uses	As provided in Section 10

16.04 Table 24: AE Permitted and Conditional Uses

(A) Permitted Uses in AE District

- 1) Accessory uses, buildings and structures to all permitted uses in the district, including:
 - Off-Street parking, loading and signs as provided herein;
 - Private non-commercial stables;
 - Individual sewage disposal units.
- 2) Agriculture, as defined herein, including greenhouses and plan nurseries, customary agriculture buildings and structures including commercial animal farms;
- 3) Forestry and orchards;
- 4) Home occupations conforming to the standards in Section 10.02;
- 5) HUD code manufactured homes, single-family detached, on individual lots, conforming to the standards in Table 10, Section 8.07;
- 6) Parks, playgrounds, golf courses, wildlife sanctuaries and other publicly owned open space;
- 7) Permitted public uses, as defined herein;
- 8) Single-family detached site built dwellings conforming to the standards in Table 10, Section 8.07;
- 9) Temporary building or trailers for construction purposes not to exceed the period of construction.

(B) Conditional Uses in AE District

- 1) Airports;
- 2) Cemeteries, crematories, mausoleums and animal burial grounds;
- 3) Commercial stables;
- 4) Conditional public uses;
- 5) Dumps, landfills and other disposal areas;
- 6) Educational institutions;
- 7) Golf courses and country clubs, private;
- 8) Kennels;
- 9) Religious institutions
- 10) Sportsmen's farms, including gun clubs, archer, skeet shooting ranges, and rifle ranges;
- 11) Accessory uses, buildings and structures to all conditional uses in the district including off-street parking, loading and signs as provided herein.

Village of Frazeytsburg, Ohio
Fee Schedule for Zoning Activities
Approved by Village Council on 7/14/08

Application Fee

Plan Review/Inspection	<u>\$ 25.00</u>
Variance/Conditional Use Change to Nonconforming Uses	<u>\$150.00</u>
Street/Alley Vacations	<u>\$250.00</u>
Rezoning	<u>\$500.00</u>
Technical Service Fee	See page 12 & 13