

ZONING ORDINANCE

**VILLAGE OF KILLBUCK
HOLMES COUNTY, OHIO**

FEBRUARY, 2014

VILLAGE OF KILLBUCK

OFFICIAL ZONING ORDINANCE

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PART ONE

AUTHORIZATION AND GENERAL PROVISIONS

ARTICLE I

PURPOSE AND AUTHORIZATION

Section 1.01 Title

This Ordinance shall be known and may be cited as the

ZONING ORDINANCE OF THE VILLAGE OF KILLBUCK, OHIO

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

Section 1.02 Purpose

This Ordinance is enacted for the general purpose of promoting and protecting the public health, safety, comfort, prosperity and general welfare of the residents of Killbuck by:

- A. regulating and limiting the use(s) of land and the erection, restoration and alteration of buildings and use thereof for residential, business and industrial purposes,
- B. regulating the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers.
- C. regulating and restricting the bulk, height, design, percent of lot occupancy and the location of buildings,
- D. protecting the character and value of the existing residential, business, industrial, and institutional areas,
- E. providing for the orderly growth and development of land within the Village, and
- F. providing for the division of the municipality into various districts as authorized by Chapter 713 of the Ohio Revised Code.

Section 1.03 Interpretation

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare. It is not intended that this Ordinance shall abrogate, annul or interfere with any easements, covenants, or other agreements between parties, unless they violate this Ordinance. When any provision of this Ordinance conflicts with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall apply.

Section 1.04 Applicability

The regulations set forth in this Ordinance shall be applicable to all buildings, structures, uses and lands owned or controlled by any individual, organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the Village of Killbuck, and any additional lands over which the Village may have future zoning or subdivision jurisdiction.

Section 1.05 Separability

The invalidation 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.

ARTICLE II

DEFINITIONS

Section 2.01 Interpretation

For the purpose of this Ordinance, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

Terms related to specific Articles or Sections may be defined within the specific portions of the Ordinance where those general requirements are found.

Section 2.02 Definitions

"Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

"Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.

"Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

"Alley" means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

"Building" means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

"Height of building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.

"Building line" means the front yard setback line established by this Ordinance, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

"Cemetery" means land used or intended to be used for the burial of human dead. A "pet cemetery" means a parcel of land that is principally used for the burial of more than five (5) domesticated animals considered as pets.

"Clinic, Human" means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

"Commission" or "Planning and Zoning Commission" means the Planning and Zoning Commission established in Article III of this Ordinance.

"Conditional use" means an uncommon or infrequent use, which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, as specified in Section 11.02.05 of this Ordinance.

"Development Plan" means a site plan for a property and the physical development that is proposed on such site, as specified in Section 11.02.07 of this Ordinance.

"Drive-through facility" means traffic lanes, drive-up windows and/or other physical accrements located on a business site, which enable that business to provide goods or services to customers without such customers leaving his/her automobile.

"Dwelling" or "residence" means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

- A. "Multiple-family dwelling" or "multiple-family residence" means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.
- B. "Single family dwelling" or "single family residence" means a building designed for or occupied exclusively by one family.
- C. "Two-family dwelling" or "two-family residence" means a building designed for or occupied exclusively by two families living independently.

"Essential Services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conducts, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

"Failure of delivery" means that a particular notice was not received, due to circumstances beyond the control of the Village, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from 1) the overflow of inland or tidal waters and/or 2) the unusual and rapid accumulation of runoff of surface waters from any source

"Floodplain" means an area of the Village, as determined by the Federal Emergency Management Agency (FEMA) as subject to flood or flooding

"Floor area" of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

"Frontage" or "lot frontage" means that portion of the lot that directly abuts the street, and has direct access thereto.

"Group Residential Facility" means a community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative services in a residential setting. There are two (2) classes of group residential facilities:

A. "Class I group residential facility" means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

B. "Class II group residential facility" means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

"Home occupation" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Article XXIII of this Ordinance.

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

completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined herein.

"Institution" means an organization providing social, cultural, educational or health services to member agencies, organizations, and individuals, or to the general public.

"Lot" means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel".

- A. "Corner lot" means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.
- B. "Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In the case of a lot where the side lot lines meet at the rear of the lot (i.e., a triangular lot), the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line for purposes of computing the front yard depth.
- C. "Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.
- D. "Lot of record" means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Holmes County, Ohio, as of the effective date of this Ordinance.
- E. "Minimum lot area" means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.
- F. "Lot width" is the width of a lot at the building setback line measured at right angles to its depth.

"Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974*, and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

"Manufactured home community" or "manufactured home park" means a development constructed primarily for manufactured homes, with continuing local management and special facilities for common use by residents. Typically, the lots upon which the manufactured homes are located are not owned by the resident of the individual manufactured home.

"Manufactured home subdivision" shall mean a development constructed primarily for manufactured homes, in which each lot in the development is independently owned by the respective owners of the dwelling units located on such lots.

"Manufacturing" means any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

"Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length, or, when erected on the site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit, as defined herein. Because mobile homes, as defined herein, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district within the Village of Killbuck.

"Modular home" means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

"Nonconforming use" means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.

"Nursery" or "day care center" means a facility which temporarily assumes responsibility for more than six (6) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

"Nursing home" includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

"Open space" means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

"Parking space (off-street)" means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot.

"Parking area" or "parking lot" means any area other than street, drive, or alley, used or intended to be used for the storage of motor vehicles, with or without a fee.

"Permanent foundation" means a permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

"Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

- (1) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- (2) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, and a length of at least twenty-two (22) feet at one point, and a living area of at least 900 square feet, excluding garages, porches, or attachments;
- (3) The structure has a minimum 4:12 roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- (4) The structure was manufactured after January 1, 1995;
- (5) The structure is not located in a manufactured home community or manufactured home park as defined herein.

"Person" means any individual, corporation, company, business, partnership, association or legal entity.

"Personal services" means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

"Professional office" means the business office of a person or persons engaged in providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

"Recreational facilities" means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

"Residence" - see "Dwelling".

"Restaurant" means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

"Retail store" means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

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

"Sidewalk" means a paved portion of a street lying outside the curb lines or edge of pavement of a roadway, intended for pedestrian use.

"Similar use" means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.04 of this Ordinance.

"Street" means the full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property. Streets shall be classified as follows:

"Use" means the purpose for which a building or land is arranged, designed, or intended, or for which such or building may be occupied or maintained.

"Variance" means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

"Village" means the Village of Killbuck, Ohio

"Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

- A. "Front yard" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.
- B. "Rear yard" means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.
- C. "Side yard" means that portion of a lot that is located between the side lot line and the nearest building or structure.

"Zoning Inspector" means the zoning enforcement official of the Village appointed pursuant to Article III, who is charged with the enforcement of this Ordinance.

"Zoning permit" means an official statement certifying that a proposed building or use complies with all the provisions of this Ordinance.

"Zoning Map" means the map of the Village showing the various zoning districts, as established by Article XII, together with all amendments subsequently adopted by Village Council.



PART TWO

ADMINISTRATION AND ENFORCEMENT

ARTICLE III

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 Planning and Zoning Commission

3.01.01 Planning and Zoning Commission Established

Pursuant to Section 713.01 of the Ohio Revised Code (ORC), there is hereby established a Planning and Zoning Commission for the Village of Killbuck. Pursuant to ORC Section 713.11, the Planning and Zoning Commission shall serve as, and is hereby granted the authority of both Village Planning Commission and Board of Zoning Appeals.

3.01.02 Membership and Terms

The Planning and Zoning Commission shall consist of five (5) members, consisting of the Mayor, one (1) member of Village Council, and three (3) residents of the Village, all to be appointed by the Mayor with the approval of Village Council for terms of six (6) years each, except for the term of one of the members of the first Commission shall be four (4) years and one for two (2) years. All vacancies shall be filled by the Mayor, with the approval of Council.

3.01.03 Quorum

Three (3) members of the Commission shall constitute a quorum. Any action by the Commission must be by a concurring vote of the majority of the total Commission membership.

3.01.04 Procedures

The meetings of the Commission shall be public. However, the Commission may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Commission shall organize annually and elect a Chairman. The Commission shall adopt, from time to time, such rules as it may deem necessary to implement the provisions of this Zoning Ordinance.

The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be a public record.

Powers and Duties

In addition to the powers and duties authorized in Sections 713.02 through 713.11 of the Ohio Revised Code, the Planning and Zoning Commission shall have the following powers and duties pursuant to this Ordinance:

- A. Review proposed amendments to this Zoning Ordinance or Official Zoning Map and make recommendations to Village Council, pursuant to Article V of this Ordinance.
- B. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article VI of this Ordinance.
- C. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Ordinance will result in unnecessary hardship in accordance with the provisions of Article VI of the Ordinance.
- D. Determine similarity of uses, pursuant to Section 11.02.04 of this Ordinance.
- E. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Ordinance.
- F. Authorize the substitution or extension of nonconformities, as specified in Article VIII of this Ordinance.
- G. Declare zoning permits void, pursuant to Section 4.08 of this Ordinance.
- H. Make a recommendation for the zoning of newly annexed areas to the Village, in accordance with Section 12.04 of this Ordinance.

In exercising its duties, the Commission may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Commission shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on variance in the application of this Ordinance, pursuant to Article VII.

Section 3.02

Zoning Inspector

3.02.01

Office of Zoning Inspector Established

The Zoning Inspector, who shall be appointed by the Mayor with the approval of Village Council, shall enforce the provisions of this Ordinance. In performance of his/her duties, the Zoning Inspector shall function as an employee of the Village.

3.02.02

Relief From Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his duties during enforcement of this Ordinance is relieved of personal liability, subject to the provisions of Chapter 2744 of the Ohio Revised Code

3.02.03

Duties of Zoning Inspector

- A. Issue zoning permits when the procedures and standards of this Ordinance have been followed.
- B. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning permits and receipt of complaints of violation of the Zoning Ordinance and
- C. Inspect any buildings or lands to determine whether any violations of the Zoning Ordinance have been committed or exist.
- D. Upon finding that any violations exist, he/she shall notify in writing the person responsible for such violation, ordering such action(s) as needed to correct such violations.
- E. Take all necessary steps to remedy conditions found in violation of this Ordinance by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the appropriate Village official(s) for action.
- F. Advise the Planning and Zoning Commission of matters pertaining to the enforcement the Zoning Ordinance.

Section 3.03

Powers of Zoning Inspector, Planning and Zoning Commission, and Village Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Planning and Zoning Commission only on appeal from the decision of the Zoning Inspector. It is further the intent of this Ordinance that the powers of Village Council in connection with this Ordinance shall not include

hearing and deciding questions of interpretation and enforcement that may arise. Village Council shall not have the authority to overrule the decisions of the Planning and Zoning Commission and/or the Zoning Inspector on such matters of appeal or variance. The procedure for deciding such questions shall be as stated in Article VII of this Ordinance.

ARTICLE IV

ZONING PERMIT PROCEDURES

Section 4.01 Zoning Permits

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a zoning permit issued by the Zoning Inspector. The zoning permit shall certify that the proposed action is in conformance with this Ordinance.

Section 4.02 Conditions Under Which a Zoning Permit is Required

A zoning permit is required for any of the following:

- A. Occupancy and/or use of vacant land.
- B. Construction or structural alteration of any building, including accessory buildings.
- C. Change in use of an existing building or accessory building to a use not listed as a permitted use in the zoning district where the building is located.

Section 4.03 Application for Zoning Permit

Applications for a zoning permit shall be obtained from the Zoning Inspector. The application shall contain the following information:

- A. Name, address, and telephone number of the applicant and location of the subject property.
- B. Existing and proposed use of the subject property.
- C. Zoning district in which property is located.
- D. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; and the dimensions and location of existing and/or proposed buildings or alterations.
- E. Number and dimensions of existing and proposed off-street parking or loading spaces, if applicable.
- F. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for applications, when the scope and scale of the proposed action warrants.

Section 4.04

Approval of Zoning Permits

Within 30 days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector. In taking action on a zoning permit application, the Zoning Inspector may bring the specific case to the Planning and Zoning Commission for input. All zoning permits shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent, on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector in the Village offices. The Zoning Inspector may issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alternation is in conformance with the provisions of this Ordinance.

Section 4.05

Record of Zoning Permit

A record of all zoning permits shall be kept on file in the office of the Zoning Inspector and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

Section 4.06

Expiration of Zoning Permits

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or an extension has been granted by the Planning and Zoning Commission.

Section 4.07

Certificate of Zoning Compliance

4.07.01

Certificate of Zoning Compliance Required

The Certificate of Zoning Compliance is the official document certifying completion of the project for which zoning approval was sought. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

4.07.02

Application for Certificate of Zoning Compliance

Certificates of Zoning Compliance shall be applied for by the applicant giving notice to the Zoning Inspector that the exterior erection or structural alteration of such building shall have been completed in conformance with the provisions of this Ordinance.

Section 4.08

Void Zoning Permits

A zoning permit shall be void if any of the following conditions exist:

- A. The zoning permit was issued by the Zoning Inspector contrary to the provisions of this Ordinance.
- B. The zoning permit was issued based upon a false statement by the applicant.
- C. The zoning permit has been assigned or transferred.

When a zoning permit has been declared void for any of the above reasons by the Planning and Zoning Commission, written notice of its revocation shall be given by first class mail to applicant, sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease, unless and until a new zoning permit has been issued.

ARTICLE V

AMENDMENTS

Section 5.01 Power of Village Council

Pursuant to Chapter 713 of the Ohio Revised Code, whenever the public necessity, convenience, or general welfare require, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning and Zoning Commission and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof.

Section 5.02 Initiation of Amendments

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

- A. By referral of a proposed amendment to the Planning and Zoning Commission by Village Council.
- B. By the adoption of a motion by the Planning and Zoning Commission submitting the proposed amendment to Village Council.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his designated agent, within the area proposed or affected by the said amendment.

Section 5.03 Application

An application for amendment shall be transmitted by the applicant to the Zoning Inspector and shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or, in cases where property is proposed to be placed in a different zoning district, a legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Holmes County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.

- G. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.
- H. A fee as established by the Village Council.

Section 5.04 Transmittal of Resolution to Planning and Zoning Commission

Upon referral of the proposed Ordinance by Village Council, or the filing of an application by at least one (1) owner or lessee of the property, or their designated agent, said proposed amendment or application shall be transmitted to the Planning and Zoning Commission.

Section 5.05 Recommendation by Planning and Zoning Commission

Within sixty (60) days after the first regular meeting of the Planning and Zoning Commission after the receipt of the proposed amendment, the Planning and Zoning Commission may recommend to the Village Council that the amendment be approved as requested, approved with modification, or it may recommend that the amendment be denied. A public hearing may be held by the Planning and Zoning Commission for consideration of the proposed amendment. If such a hearing is held, the Planning and Zoning Commission shall follow the same requirements for notification as specified in Section 5.06 below.

Section 5.06 Action by Village Council

5.06.01 Public Hearing

Before the proposed Ordinance may be passed, the Village Council shall hold a public hearing, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Village. If the proposed Ordinance intends to remove or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Zoning Inspector, by first-class mail, at least twenty (20) days before the date of the public hearing to the owners of property within 200 feet or contiguous to, and directly across the street from such parcel or parcels to be redistricted to the address of such owners appearing on the Holmes County Auditor's current tax list, as provided by the applicant. The failure of delivery of such notice shall not invalidate such proposed Ordinance.

5.06.02 Display of Relevant Materials

During such thirty (30) days, the text or copy of the text of the proposed Ordinance, together with maps, plans, and reports

submitted by the Planning and Zoning Commission shall be on file, for public examination, in the Village offices.

5.06.03

Action by Village Council

No such Ordinance which is in accordance with the recommendation submitted by the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the Village Council. No such Ordinance which violates, differs from, or departs from the recommendation submitted by the Planning and Zoning Commission shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the Village Council.

5.06.04

Criteria

In reviewing the proposed amendment and arriving at its decision, the Village Council shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with land use plans for the general area.
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, and the provision of public services in the general area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of the Village

Section 5.07

Effective Date and Referendum

Any such amendment adopted by Village Council shall become effective thirty (30) days after the date of Ordinance, subject to the provisions for referendum specified in the Ohio Revised Code. If the amendment as passed by Village Council pertains to a change in the Official Zoning Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and date of adoption.

ARTICLE VI

APPEALS AND VARIANCES

Section 6.01

Appeals

6.01.01

Taking of Appeals

Appeals to the Planning and Zoning Commission concerning interpretation or administration of this Ordinance by Zoning Inspector or may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, or board. Such appeal shall be taken within thirty (30) days after the date of the decision, by filing with the Fiscal Officer of the Village, or with the Planning and Zoning Commission, a notice of appeal specifying the decision of the Zoning Inspector which the appeal is being taken.

6.01.02

Imminent Peril

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Planning and Zoning Commission, after notice of appeal shall have been filed, that by reason of facts stated in the application a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Planning and Zoning Commission after notice to the Zoning Inspector, or by judicial proceedings.

Section 6.02

Powers of the Planning and Zoning Commission

The Planning and Zoning Commission shall have the power to authorize, upon appeal in specific cases, as hereinafter provided, such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest. Such variances shall be granted only in cases of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, whereby strict application of such requirements would result in *practical difficulty* and *unnecessary hardship* that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Ordinance shall be granted by the Commission unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical

- conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That such necessary hardship has not been created by the applicant.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public health, safety and/or welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Section 6.03

Application for Variance and Appeals

Any person owning or having an interest in property, after being denied a zoning permit, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector, with the Fiscal Officer, on a form as specified for that purpose. The Fiscal Officer shall forward a copy of the application to the Planning and Zoning Commission.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Holmes County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Holmes County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance which apply.
- F. A narrative statement explaining the following:
 - 1. The use for which variance or appeal is sought.
 - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - 3. The specific reasons why the variance or appeal is justified, according to Section 6.02 A-E above.

Section 6.04**Supplementary Conditions and Safeguards**

In granting any appeal or variance, the Planning and Zoning Commission may prescribe appropriate and reasonable conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 7.02 of this Ordinance. Under no circumstances shall the Planning and Zoning Commission grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 6.05**Public Hearing by the Commission**

The Planning and Zoning Commission shall hold a public hearing within thirty (30) days after receipt of an application for an appeal from decision of the Zoning Inspector. In cases of variance, the Planning and Zoning Commission may hold such hearing.

Section 6.06**Notice of Public Hearing**

Before holding any public hearing pursuant to Section 6.05, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. In addition, written notice of such hearing shall be mailed by the Village Administrator, by first-class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notice published in newspapers as specified above. Parties of interest shall include at a minimum, owners and occupants of property within 200 feet from, contiguous to, and directly across the street from the property being considered. Failure of delivery of such notice shall not invalidate the actions of the Planning and Zoning Commission.

Section 6.07**Action by Planning and Zoning Commission**

Within thirty (30) days after the public hearing pursuant to Section 6.05, the Planning and Zoning Commission shall either approve, approve with supplementary conditions as specified in Section 6.04, or disapprove the request for appeal or variance. The Planning and Zoning Commission shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the application is approved, or approved with supplementary conditions, the Planning and Zoning Commission shall make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

ARTICLE VII

FEES AND VIOLATIONS

Section 7.01 Schedule of Fees, Charges and Expenses

The Village Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, subdivision plats, 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 the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Section 7.02 Violation

7.02.01 Violation and Remedies

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

7.02.02 Failure to Obtain a Required Permit or Approval

Failure to obtain a zoning permit or other approval as required by this Ordinance shall be a violation of this Ordinance and punishable under Section 7.02.05.

7.02.03 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits or other approvals issued on the basis of plans, plats and/or applications authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 7.02.05 below.

7.02.04

Complaints Regarding Violations

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

7.02.05

Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$250 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from such other lawful action as is necessary to prevent or remedy any violations.

Penalties as above shall apply unless penalties are defined for specific Sections of this Ordinance, in which case the penalties so defined in those sections shall apply.

ARTICLE VIII

NONCONFORMITIES

Section 8.01 Intent

Within the districts established by PART THREE of this Ordinance, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structure which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit such nonconformities to continue until such time that they may be removed and to allow reasonable expansion and/or substitution.

Section 8.02 When Permitted

8.02.01 Existing Land or Buildings

Any use of land or buildings existing on the effective date of this Ordinance may be continued, even though such use does not conform to the provisions herein, so long as such building or use was legally existing prior to the establishment of this Ordinance. No non-conforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as provided in this Ordinance.

8.02.0 2 Construction Commenced

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Ordinance, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Ordinance, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within two (2) years from the date of adoption of this Ordinance or amendment thereto making said use nonconforming.

Section 8.03 Substitution

The Planning and Zoning Commission may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made.

Section 8.04

Extension

No nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Planning and Zoning Commission may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to extent so the resulting building shall be not more than one-hundred-twenty-five percent (125%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Ordinance. The Commission shall not authorize an enlargement which would result in a violation of the provision of this Ordinance with respect to a yard or setback affecting any adjoining premises.
- B. Notwithstanding the above, no enlargement, extension or expansion of a nonconforming mobile home, as defined in Article II, shall be permitted within the Village of Killbuck.
- C. The expansion or extension of the nonconforming use of land shall be limited to an area consisting of one-hundred-twenty-five percent (125%) of the area enclosing the nonconforming use at the time of enactment of this Ordinance, provided such expansion does not encroach on any yard or setback required for the district in which the nonconforming use is located.
- D. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- E. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.
- F. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered, provided it meets the requirements of the most proximate R-District.

Section 8.05

Discontinuance

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever either of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

Section 8.06 Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use or location of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the following conditions are met:

- A. the restoration or rebuilding is commenced within six (6) months of the time of damage, and construction is completed within one (1) year, and
- B. the damaged or destroyed building was not located in such a manner so as to encroach or intrude on adjacent property, and
- C. such restoration or rebuilding would not extend or expand the existing use.

If any part of the damaged or destroyed building encroaches or intrudes on adjacent property, the location of the restored or rebuilt structure is subject to approval by the Planning and Zoning Commission. If the restoration or rebuilding of the structure involves extension or expansion of the use, then the provisions of Section 8.04 shall apply.

Section 8.07 Maintenance and Repair

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use when at least one of the following conditions exist:

- A. When required by law.
- B. To convert to a conforming use.
- C. A building or structure containing residential nonconforming uses may be so altered as to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

Section 8.08 Nonconforming Lots of Record

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of this Ordinance, even though such lot does not comply with the lot area and width requirements of the

district in which it is located, provided said lot has a minimum of thirty (30) feet frontage on a public right-of-way; and further provided the following conditions are complied with:

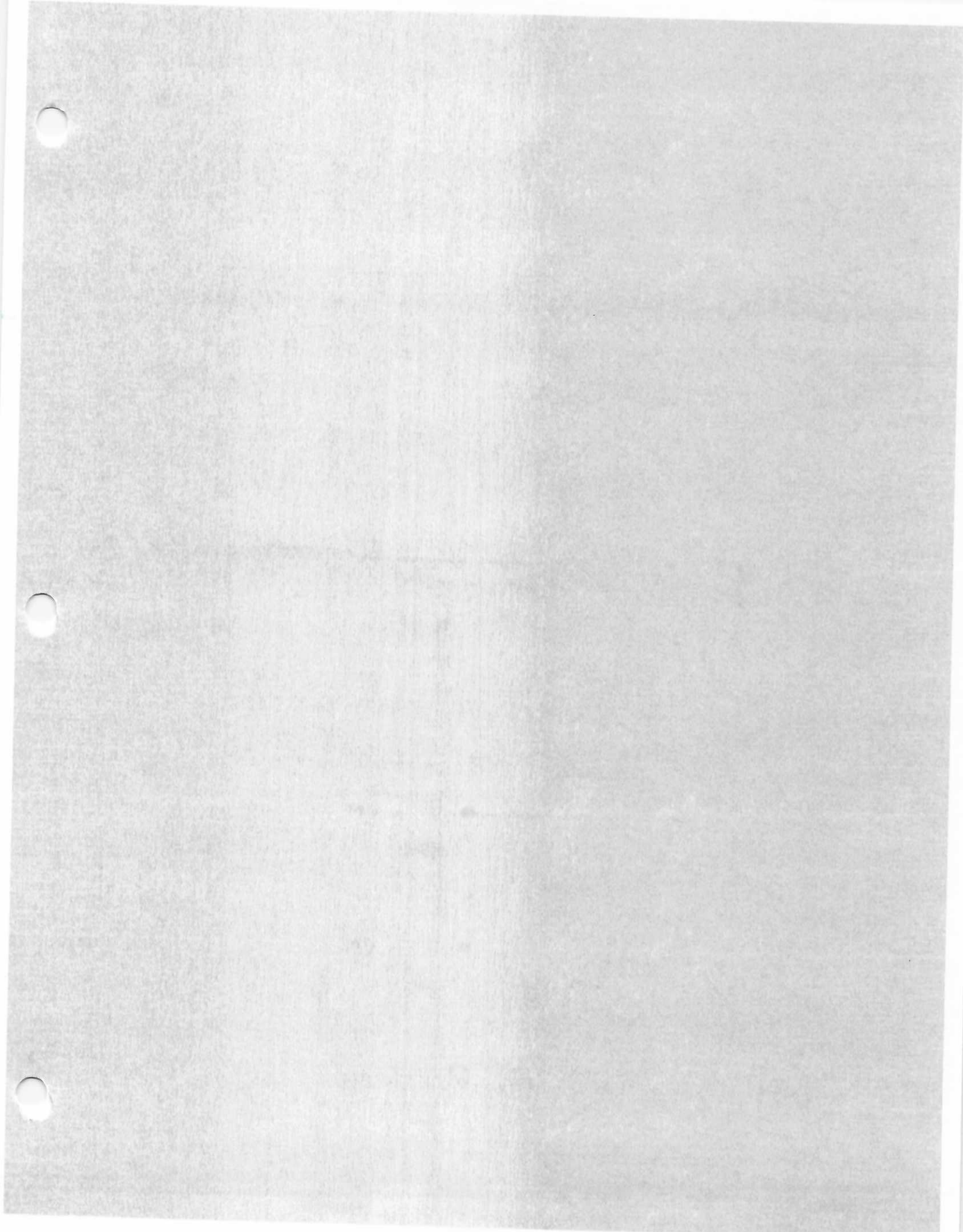
- A. If the owner of such lot does not own adjacent property and did not own such property at the time this Ordinance became effective, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required sum of minimum widths of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than four (4) feet.
- B. If the owner of such lot owns two (2) or more adjacent lots, or other adjacent property, such owner shall redivide the property in such a manner that they conform to the minimum width of such lots in the most proximate single-family district. However, if such redivision would result in lots that *exceed* width requirement of lots in the most proximate district, such redivision shall provide for one (1) more building lot than would otherwise be allowed.

ARTICLE IX

RESERVED FOR FUTURE USE

ARTICLE X

RESERVED FOR FUTURE USE



PART THREE

ZONING DISTRICTS

ARTICLE XI
STANDARD ZONING DISTRICT REGULATIONS

Section 11.01 Regulation of the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts as established in Article XII, are hereby established and adopted.

Section 11.02 Rules of Application

11.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Ordinance.

11.02.02 Permitted Uses

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:
 - 1. A new permitted use may be added to a zoning district by formal amendment, in conformance with Article V of this Ordinance.
 - 2. An unlisted use may be determined by the Planning and Zoning Commission to be a similar use, in accordance with Sections 11.02.04 of this Article. If so approved, such use shall be subsequently considered as a permitted use in that district.
- B. No more than one (1) permitted use shall exist on any one zoning lot.

11.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations, and the requirements of Article 23.01 of this Ordinance.

11.02.04 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

An application for a zoning permit for a use not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Planning and Zoning Commission.

Within thirty (30) days after such submittal, the Planning and Zoning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning and Zoning Commission shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.

11.02.05 Conditional Uses

Under some unusual circumstances, a proposed use which more intensely affects an area than those uses permitted in the zoning district in which it is located, may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as *conditional uses* within the description of the respective zoning districts. The Planning and Zoning Commission may allow such a use to be established as a conditional use where these unusual circumstances exist and where the proposed use will be consistent with the general purpose and intent of this Planning and Zoning Code.

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Planning and Zoning Commission shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity.

11.02.06 Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

11.02.07 Development Plan

For particular uses in specific districts, a Development Plan will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time of the application for a zoning permit, or at such time when the property is rezoned into that district. The Development Plan shall contain a site plan for the property, drawn to approximate scale, showing all property lines, existing buildings, access drives, parking areas, and other notable physical features. The Development Plan should also show the location and size of all proposed structures including the design of all improvements including drainage, utilities, and parking areas. The Development Plan shall also contain a narrative description of the proposed use, and an evaluation of how such use may impact adjacent property

The Development Plan shall be reviewed by the Planning and Zoning Commission and must be approved as a condition for the issuance of a zoning permit. In approving a Development Plan, the Planning and Zoning Commission shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas as may be required in this Ordinance.
- B. The proposed use and structures, as proposed, can be adequately and efficiently served by public streets and utilities.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods, and/or the Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate such adverse impacts and protect the character of such adjacent residential areas.

12.02.08 Essential Services

Essential Services, as defined and specified in Article II of this Ordinance, shall be permitted in any and all zoning districts within the municipality.

ARTICLE XII

ZONING DISTRICTS AND ZONING DISTRICT MAP

Section 12.01 Zoning Districts Established

The following zoning districts are hereby established for the Village of Killbuck:

<i>(SR)</i>	<i>Suburban Residential District</i>
<i>(VR)</i>	<i>Village Residential District</i>
<i>(UR)</i>	<i>Urban Residential District</i>
<i>(TC)</i>	<i>Town Center District</i>
<i>(KCM)</i>	<i>Killbuck Corridor Maintenance District</i>
<i>(I)</i>	<i>Industrial District</i>
<i>(SU)</i>	<i>Special Use District</i>

Section 12.02 Official Zoning Map

The districts established in Section 12.01 above are shown on the Official Zoning Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Ordinance. The Official Zoning Map shall be identified by the signatures of the Mayor and Fiscal Officer, and shall be on file in the Village offices.

Section 12.03 Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Ordinance. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final authority shall rest with the Planning and Zoning Commission.

Section 12.04 Newly Annexed Areas

Subject to the conditions stated below, territory which is annexed into the Village of Killbuck subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the SR District. Prior to or within three (3) months from the date of annexation, the Planning and Zoning Commission shall present a zoning plan for the annexed territory to Village Council. Village Council may hold a public hearing on the proposed zoning plan as recommended by the Commission. Within thirty (30) days after such hearing, Village Council shall approve, or approve with modification, the zoning plan. If such zoning plan is

approved by Village Council prior to the effective date of annexation, the annexed property shall be considered to be zoned as specified in such plan on such date.

Nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment following the procedures specified in Article V of this Ordinance.

ARTICLE XIII
(SR) SUBURBAN RESIDENTIAL DISTRICT

Section 13.01 Purpose

The Suburban Residential District is established to provide for new single-family residential development at densities typical of contemporary suburban environments. The SR District is to be utilized in areas on the periphery of the Village that are capable of being served by public water and sewer.

Section 13.02 Permitted Uses

- A. One-family detached dwellings.
- B. Public parks, playfields and open space
- C. Elementary schools and customary accessory facilities (e.g., playgrounds, parking facilities, etc.)

Section 13.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 23.02 of this Ordinance.

Section 13.04 Development Standards

13.04.01 Minimum Lot Area

9,000 square feet

13.04.02 Minimum Lot Width

For each principal use, there shall be lot width of not less than 80 feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on curved street shall be fifty (50) feet.

13.04.03 Minimum Front Yard Depth

Twenty-five (25) feet from the street right-of-way

- 13.04.04 Minimum Side Yard Width
Ten (10) feet.
- 13.04.05 Minimum Rear Yard Depth
Twenty (20) feet.
- 13.04.06 Minimum Area of Principal Building
1,200 square feet of total living area shall be required for a single family dwelling having one story; 1,400 square feet shall be required for single family dwellings with one-and-one-half (1 1/2) or two (2) stories.
- 13.04.07 Maximum Percent of Lot Coverage
Thirty-five Percent (35%)
- 13.04.08 Maximum Building Height
Thirty-five (35) feet.

ARTICLE XV
(VR) VILLAGE RESIDENTIAL DISTRICT

Section 14.01 Purpose

The VR District is established to provide for the continuance and improvement of single-family housing within the older portions of the Village of Killbuck. Property in the VR District is located in the older areas of the Village, and such areas are likely to be characterized by patterns of mixed land use. Many of these mixed uses are the result of past development practices and might not be allowed under the current provisions of this Ordinance. It is the intent of this Ordinance, and this district in particular, to protect and preserve the basic property rights of such existing nonconforming uses. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article VIII of this Ordinance and Section 713.15 of the Ohio Revised Code.

The VR district can also be used to allow for new development in appropriate outlying areas of the Village with adequate standards to promote the neighborhood character of such new development.

Section 14.02 Permitted Uses

- A. One-family detached dwellings, not including the conversion of single-family dwellings into multiple family use.
- B. Public parks, playgrounds and open space.
- C. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons, including day-care centers and/or schools associated with permitted churches
- D. Libraries, museums and similar areas of public assembly
- E. Public elementary and/or middle schools

Section 14.03 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 23.02 of this Ordinance.

Section 14.04 Conditional Uses

- A. Business and/or commercial uses in existing buildings designed for commercial use, provided evidence is provided to the Planning and

Zoning Commission that use of the building for residential purposes is not practical or feasible.

Section 14.045

Development Standards

14.05.0 1

Minimum Lot Area

5,000 square feet.

14.05.02

Minimum Lot Width

Fifty (50) feet of lot width with frontage on a publicly dedicated, improved street or highway.

14.05.03

Minimum Front Yard Depth

Twenty (20) feet, or the distance of the most proximate existing principal structures on the same side of the street and facing thereon within the same block, whichever is less.

14.05.04

Minimum Side Yard Depth

Five (5) feet.

14.05.05

Minimum Rear Yard Depth

Fifteen percent (15%) of lot depth, but not less than twenty (20) feet.

14.05.06

Minimum Area of Principal Building

1,200 square feet of total living area shall be required for a dwelling having one story; 1,400 square feet shall be required for dwellings with one-and-one-half (1 1/2) or two (2) stories.

14.05.07

Lot Coverage

All structures, including accessory structures, shall cover not more than 45% of the area of the lot.

14.05.08

Maximum Building Height

Thirty-five (35) feet.

14.05.09

Additional Requirements for New Lots Developed in the VR District

Presently undeveloped areas outside the older portion of the Village may be developed in the VR District, subject to the following regulations:

A. Development Plan

A Development Plan shall be required for all new residential development within the VR District, containing more than five (5) dwelling units. Such Development Plan shall show the proposed layout of all streets, lots and buildings, as well as the location of all public spaces.

B. Garages

All garages shall be located within the rear yard.

C. Sidewalks

Sidewalks of not less than four (4) feet in width shall be required for both sides of all new streets developed within the VR District.

D. Required Open Space

Not less than 20% of the total net developable area of the proposed development shall be dedicated to permanent open space parks, and/or public spaces.

ARTICLE XV
(UR) URBAN RESIDENTIAL DISTRICT

Section 15.01 Purpose

The Village of Killbuck desires to promote a diverse range of housing opportunities, within the Village. Promoting housing diversity includes providing for particular areas at higher residential density typically associated with more urban areas. Apartments, condominiums and manufactured home developments are uses typically associated with such areas. These higher density areas of have unique development characteristics that require special treatment in regard to standards, placement and land use compatibility.

The UR District is established to provide for such areas of higher residential density while encouraging a desirable residential environment, protected from adverse influences, with adequate access for vehicular traffic and circulation. These residential communities shall provide overall desirability equivalent to that for other forms of residential development.

Section 15.02 Permitted Uses

- A. One-family detached dwellings, subject to the standards of the VR District.
- B. Individual manufactured homes on individual lots, subject to the standards of the VR District.
- C. Manufactured home communities, as defined in Article II and subject to approval of a Development Plan as cited in Section 11.02.07 of this Ordinance.
- D. Manufactured home subdivisions, as defined by Article II and subject to approval of a Development Plan as cited in Section 11.02.07 of this Ordinance.
- E. Multiple family structures having two or more dwellings per structure
- F. Senior citizen housing and residential care facilities.
- G. Class I Type B group residential facilities, as defined in Article II, subject to the requirements of Section 23.03 of this Ordinance.
- H. Nursery schools and day care centers.
- I. Public or private parks.

Section 15.03 Accessory Uses

- A. Uses incidental and accessory to permitted uses for exclusive use of the residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.

- B. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.
- C. Home occupations, subject to the requirements of Section 23.02 of this Ordinance.

Section 15.04 Conditional Uses

- A. Class I Type A group residential facilities, as defined in Article II, subject to the requirements of Section 23.03 of this Ordinance

Section 15.05 Development Standards

15.05.01 Manufactured Home Communities and/or Manufactured Home Subdivisions

- A. Water and Sewer

Any development shall be provided with a water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a public water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency.

- B. Minimum Lot Area

The minimum lot area for any single project shall be five (5) acres; however, the Planning and Zoning Commission may allow a smaller lot area on a case-by-case basis, following the procedures for a variance. Individual lots within a manufactured home community shall be not less than 4,000 square feet in area. The maximum gross density shall not exceed six (6) dwelling units per acre.

- C. Minimum Lot Width

The minimum lot width for any single project shall be not less than 300 feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than thirty (30) feet.

- D. Minimum Front Yard

The minimum front yard depth for any single project shall be not less than thirty-five (35) feet.

E. Minimum Side Yard / Rear Yard Width

The minimum side and rear yard width for any single project shall be not less than fifty (50) feet from any adjacent property line. The minimum internal spacing of individual units shall be as required by the Ohio Department of Health (ODH)

F. Minimum Rear Yard Depth

The minimum rear yard depth for any project shall be not less than fifty (50) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.

G. Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community or multiple-family project shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall be subject to approval by the Planning and Zoning Commission, and shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

H. Off-Street Parking

Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

I. Access

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage effective and efficient traffic flow. No individual lot within the community shall have direct vehicular access to a street bordering the development.

J. Streets and Street Layout

All streets or drives providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with current Holmes County *STANDARD*

PLANS AND SPECIFICATIONS, as cited current Holmes County Subdivision Regulations. The proposed layout of such streets shall be approved by the Planning and Zoning Commission.

K. Storm Drainage

All areas shall be graded and drained so as to minimize standing water and surface runoff. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Planning and Zoning Commission.

L. Underground Utilities

All utility lines, including electricity, telephone, and cable television shall be located underground.

M. Consultation and Assistance

In determining the compliance of any development proposal with the above standards, the Planning and Zoning Commission may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant

15.05.02 Other Permitted Uses

A. Minimum Lot Area

3,500 square feet per dwelling unit for two-family dwellings.
3,000 square feet per dwelling unit for all other multiple-family dwellings.

B. Minimum Lot Width

Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.

C. Minimum Front Yard Depth

Thirty (30) feet.

D. Minimum Side Yard Width

Twenty-five (25) feet.

E. Minimum Rear Yard Depth

Forty (40) feet.

F. Maximum Building Height

Thirty-five (35) feet.

G. Minimum Distance between Buildings

If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet.

H. Storm Drainage

A plan for accommodating storm drainage, showing storm drainage runoff collection points and methods proposed for transport of storm runoff to a suitable outlet must be submitted to and approved by the Planning and Zoning Commission.

I. Landscaping

If side or rear yards are located adjacent to an SR or VR District, landscaping and screening of those yards shall be required. Such landscaping and/or screening shall consist of walls, fencing, mounding, natural vegetation or a combination of these elements, constructed so as to achieve a minimum 75% opacity at full foliage within five (5) years of planting.

ARTICLE XVI

RESERVED FOR FUTURE USE

ARTICLE XVII
(TC) TOWN CENTER DISTRICT

Section 17.01 Purpose

The purpose of the Town Center District is to promote and foster the economic and physical vitality of Killbuck's historic downtown. The standards and requirements of the Town Center District are based on the following principles:

- A. The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- B. The maintenance and improvement of the downtown physical environment is important in promoting an active and vital business environment.
- C. Development standards and regulations should encourage the adaptive use of older structures.
- D. The upper stories of older structures should be reserved for productive uses that contribute to the business vitality of the area.
- E. The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- F. Housing - and particularly owner-occupied housing - should be an integral component of the physical fabric of areas adjacent to and around the downtown.

Section 17.02 Permitted Uses

- A. Administrative, business or professional offices of not more than 10,000 square feet of gross floor area, including:
 - 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - 2. Insurance agents and brokers and associated services.
 - 3. Real estate sales and associated services.
 - 4. Medical and medical-related activities.
 - 5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - 6. Accounting, auditing and other bookkeeping services.
 - 7. Professional, fraternal and membership associations
- B. Retail Stores of not more than 10,000 square feet of gross floor area, primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure.
- C. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal

property. All structures shall have a gross floor area of not more than 10,000 square feet. Examples include:

1. Restaurants, including restaurants with drive-through facilities and/or outside dining areas.
2. Banks, savings and loans, and similar financial institutions.
3. Barber and beauty shops.
4. Funeral services.
5. Human medical and/or dental clinics.
- D. Facilities for the administration and meetings of fraternal, veterans and similar member organizations.
- E. Nursery schools and day care facilities.
- F. Community facilities such as governmental offices, post office, libraries, museums, private schools, public parks and similar uses.
- G. Churches and places of public assembly.
- H. Off-street parking areas accessory to a permitted or conditional use.

Section 17.03

Conditional Uses

- A. Two or more family residences, provided the development standards of the UR District are met, and a Development Plan, pursuant to the requirements of Section 11.02.07 is submitted by the applicant. Such Development Plan shall include an explanation of how the specific residential use(s) will be developed so as to be consistent with the purposes of the Town Center District. Such Development Plan shall be subject to approval by the Planning and Zoning Commission. Such residential uses may be allowed as an accessory use to a permitted use in an existing building, provided such uses are limited to the upper stories of those buildings and specific approval is obtained from the Planning and Zoning Commission.
- B. One-family detached dwellings.
- C. Processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building, such operations do not produce levels of noise or odors perceptible outside the building, and such use promotes the purposes of the TC District as stated in Section 17.01 above.
- D. Single buildings containing not more than three (3) separate permitted or conditional uses.
- E. Similar Uses, which conform to the purpose of the TC District, as determined by the Planning and Zoning Commission in accordance with the provisions of Section 11.02.04 of this Ordinance.

Section 17.04

Development Standards

17.04.01

Lot Area

No minimum lot area is required.

17.04.02

Lot Width

No minimum lot width is required.

17.04.03

Setbacks

The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to any R District, in which case the setback shall be twenty (20) feet.

17.04.04

Maximum Building Size

Individual uses within the TC District shall have a ground floor area of not more than 10,000 square feet, unless the use is located in a building existing as of the effective date of this Ordinance, in which case such restriction shall not apply.

17.04.05

Manufactured/Modular Buildings

The use of manufactured and/or modular buildings for business purposes shall be prohibited.

17.04.06

Property Maintenance

No owner of a property or structure in the TC District shall fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure. For the purposes of this Section, maintenance and upkeep shall include keeping exterior surfaces free from debris, garbage, noxious weeds, or free from hazardous objects or conditions such as holes, broken concrete, broken glass, loose walls, roofing materials and dead or dying trees or vegetation.

ARTICLE XVIII
(KCM) KILLBUCK CORRIDOR MAINTENANCE DISTRICT

Section 18.01 Findings of Fact

Killbuck Creek forms the western boundary of the Village of Killbuck. Substantial portions of the Village are within the designated 100 Year Flood Hazard Area of the stream and subject to inundation. The epic flood of July, 1969, did substantial damage and is well remembered by many Village residents.

Areas closest to the stream are within the *floodway*, i.e., that portion of the floodplain where floodwaters are discharged and subject to strong currents. Obstructions in these areas significantly impede and hinder the movement of floodwaters and may increase the potential for flood damage in other parts of the Village. It is therefore critical to keep areas in and around the floodway clear of such obstructions.

In recognition of these facts, the Village of Killbuck declares that the prohibition of new structures and - when feasible - the removal of existing structures in areas closest to the Killbuck Creek corridor to be in the public interest:

Section 18.02 Purpose

It is the purpose of the Killbuck Corridor Maintenance (KCM) District to limit inappropriate land uses in areas adjacent to the Killbuck Creek, thereby promoting the free flowing condition of the stream, preventing stream bank erosion and siltation, limiting the physical damage of future flood events, and generally maintaining the environmental character of the Killbuck Creek stream corridor.

Section 18.03 Boundaries

The Killbuck Corridor Maintenance (KCM) District shall consist of the area two-hundred feet (200') from and parallel to the ordinary high water mark along the eastern bank of the Killbuck Creek, and extending from the creek landward. For the purposes of this Ordinance, the "*ordinary high water mark*" is defined as the line between upland and bottomland which persists through successive changes in water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland, and is apparent in the soil itself and/or the configuration of the surface of the soil and vegetation.

The KCM District may also include smaller areas outside this 200 ' boundary when marked by man-made boundaries such as street or property lines, as designated on the Official Zoning District Map.

Section 18.04 Permitted Uses

18.04.01 KCM Areas Within 200' from Killbuck Creek

- A. Passive private or public recreational uses such as fishing, walking, gardening, bird watching, etc.
- B. No new structural or surficial (pavement) construction of any kind is permitted.
- C. Selective harvesting of trees is permitted, provided not more than twenty-five percent (25%) of the tree crown cover within the portion of the land owner's property within the KCM District.

18.04.02 KCM Areas More Than 200' from Killbuck Creek

- A. Passive private or public recreational uses such as fishing, walking, gardening, bird watching, etc.
- B. Non-habitable non-commercial structures not more than 200 square feet in building area, provided such structures are not permanently attached to the ground and are elevated to a level at least two feet (2') higher than the Base Flood Elevation for that specific location as established by a Professional Engineer (PE). In addition, such structures shall be located not less than fifty feet (50') from the right-of-way of any adjacent street or roadway.

Section 18.05 Additional Requirements

- A. No drilling, dredging or dumping of soil, spoil, liquid or solid material shall be allowed.
- B. The natural vegetation of the property shall remain undisturbed except for periodic maintenance (e.g., mowing) and removal of noxious weeds as otherwise permitted under the Ohio Revised Code (ORC)
- C. In addition to the above, any applicant for a zoning permit within the KCM District shall provide specific evidence that local Holmes County requirements for floodplain development have been met.

ARTICLE XIX

(I) INDUSTRIAL DISTRICT

Section 19.01 Purpose

The purpose of the Industrial (I) District is to provide for the development and expansion of a range of industrial activities, particularly on the periphery of the older Village, while protecting the character of nearby residential and commercial areas. Permitted uses within the Industrial District shall operate:

- A. primarily within enclosed structures.
- B. in compliance with the performance standards cited in Section 19.03 below.
- C. without imposing unusual burdens upon utility or governmental services.

Section 19.02 Permitted Uses

- A. General office activities, consisting of facilities where activities are conducted in an office setting and generally focus on business services.
- B. Personal services, consisting of firms providing personal services or entertainment to the general public, including restaurants, banks and/or savings and loans, credit unions, hotels or motels, medical and related offices, and similar establishments.
- C. Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products.
- D. Warehousing and distribution, consisting of firms involved with the storage and/or movement of goods.
- E. Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.
- F. Similar uses, as determined by the Planning and Zoning Commission in accordance with the provisions of Section 11.02.04 of this Ordinance, and the purpose of the Industrial District.

Section 19.03 Performance Standards for Permitted Uses

Permitted uses within the I District shall comply with the following standards. The applicant for a zoning permit for a permitted use within the I District shall, upon request by the Zoning Inspector, provide statements as to how these standards will be met.

A. Fire and Explosion Standards

All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshall. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency (OEPA)

B. Air Pollution

No emission of air pollutants shall be permitted which violates the Clean Air Act as enforced by the OEPA.

C. Glare, Heat and Exterior Light

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within and enclosed building and not be visible beyond the lot line bounding the property whereon the use is conducted.

D. Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

E. Vibration and Noise

No uses shall be located and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration or noise levels which are discernable without instruments at or beyond the property line of the subject premises.

F. Odors

The applicable standards of the OEPA shall be adhered to.

G. Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted uses shall be permitted, provided the area used for open storage shall be effectively screened from all adjoining properties in any residential district by means of walls, fences or plantings.

Section 19.04

Conditional Uses

Conditional uses may be appropriate as permitted uses within the I District, but require more detailed evaluation with respect to location, design, size, method and hours of operation, intensity of use, traffic generation and potential impact on surrounding uses. It is the responsibility of the Planning and Zoning Commission to perform this evaluation and to attach such necessary conditions and/or safeguards. Conditional uses within the I District include the following:

- A. Retail sales and service, consisting of firms involved with the sale, lease or rent of products or goods to the general public and/or providing on-site product repair or services for such goods.
- B. Vehicle sales and/or service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats and/or recreational vehicles.
- C. Motor vehicle storage and salvage yards, provided those uses meet applicable state requirements related to fencing and other standards, and a Development Plan is approved pursuant to Section 11.02.07 of this Ordinance.
- D. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- E. Quarrying or mining operations, provided that all County, State and federal regulations are met and licenses are obtained and a Development Plan is approved pursuant to Section 11.02.07 of this Ordinance. The Planning and Zoning Commission may impose additional requirements as may be reasonable and appropriate.
- F. Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained and a Development Plan is approved pursuant to Section 11.02.07 of this Ordinance.. The Planning and Zoning Commission may impose additional requirements as may be reasonable and appropriate..
- G. Similar business uses meeting the objectives and standards of the I District, as determined by the Planning and Zoning Commission

Section 19.05

Minimum Development Standards

19.05.01

Minimum Lot Area

Five (5) acres, provided adequate space is allowed for building and parking setbacks, circulation and landscaping. In addition, all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than 300 feet from any district where residences are a permitted use, and not less than fifty (50) feet from any other zoning district.

19.05.02 Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

19.05.03 Side Yards

When abutting a non-residential zoning district, fifty (50) feet for structures, twenty-five (25) feet for paved areas:

When abutting a residential zoning district, 150 feet for structures, fifty (50) feet for paved areas, subject to the requirements of Section 19.05.01 above.

19.05.04 Front Yard Depth

Any new structure or parking area must be located not less than 100 feet from the centerline of the road or highway on which the use has frontage.

19.05.05 Minimum Rear Yard Depth

Minimum rear yard depth shall be required so as to meet the spacing requirements of Section 19.05.01 of this Ordinance.

19.05.06 Fencing and Screening

Any area used for open storage related to a permitted or conditional use shall be effectively fenced from all adjoining properties. Walls or fences shall be a minimum of six (6) feet in height, and shall contain gates, locks and/or other appurtenances so as to prevent illegitimate access.

19.05.07 Trash and Garbage Control

All trash and garbage shall be stored in container systems located and enclosed so as to effectively screen them from view.

ARTICLE XX

RESERVED FOR FUTURE USE

ARTICLE XXI

(SU) SPECIAL USE DISTRICT

Section 21.01 Purpose

"Special use" as used throughout this Ordinance, means facilities classified as main and accessory uses as listed in Section 21.02. The SU District and regulations are established to regulate the location and standards for such uses and structures so as to ensure their proper functioning in consideration of traffic, access, and general compatibility adjacent areas

Section 21.02 Permitted Uses

Buildings and land within the SU District shall be utilized only for one (1) of the uses set forth in the following schedule:

MAIN BUILDINGS / USES

Specific Commercial Uses:

Commercial uses not compatible with the development standards of the TC District, including adult entertainment facilities, subject to the requirements of Article XXVI of this Ordinance.

Educational: Primary and secondary public, private or parochial schools, nursery schools.

Health Care: General and special hospital and clinics, convalescent centers, institutions for care of children or senior citizens.

Class II Type A or B group residential facilities

Senior Citizen Housing: Retirement centers, extended care facilities.

Large Public Assembly Areas: Churches, synagogues, arenas or stadiums, commercial venues having a seating capacity of over 300 persons

Commercial Recreational Facilities: Private parks, golf courses, swim clubs, recreation fields and playgrounds, and similar facilities, not including such

ACCESSORY BUILDINGS / USES

Parking areas, signs

Parking areas, playgrounds, signs.

Parking areas, signs.

Parking areas, signs.

Parking areas, signs.

Parking areas, signs

Parking areas, clubhouses, administrative and maintenance structures, signs.

facilities developed for private use by occupants or residents of the premises.

Billboards:

As defined and regulated on Section 25.03 of this Ordinance.

Cemeteries:

Signs, maintenance facilities, mausoleums

Mixed Use Developments: Single parcels of land on which a variety of housing types and densities - perhaps with subordinate commercial facilities - are accommodated in a planned environment

Parking areas, signs

Section 21.03 Development Standards

- A. The area or parcel of land for a special use shall not be less than that required to adequately provide for the main building, accessory buildings and uses, off-street parking, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The suitability of the area or parcel of land for a permitted special use shall be approved by the Planning and Zoning Commission through review of the Development Plan, pursuant to Section 21.05 below.
- B. In mixed use developments, the overall residential density of the development shall not exceed four (4) dwelling units per acre. The calculation of such density shall be based on the total number of dwelling units divided by the area proposed for residential use.

Section 21.04 Yard Regulations

A. Front Yards

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

B. Side and Rear Yards

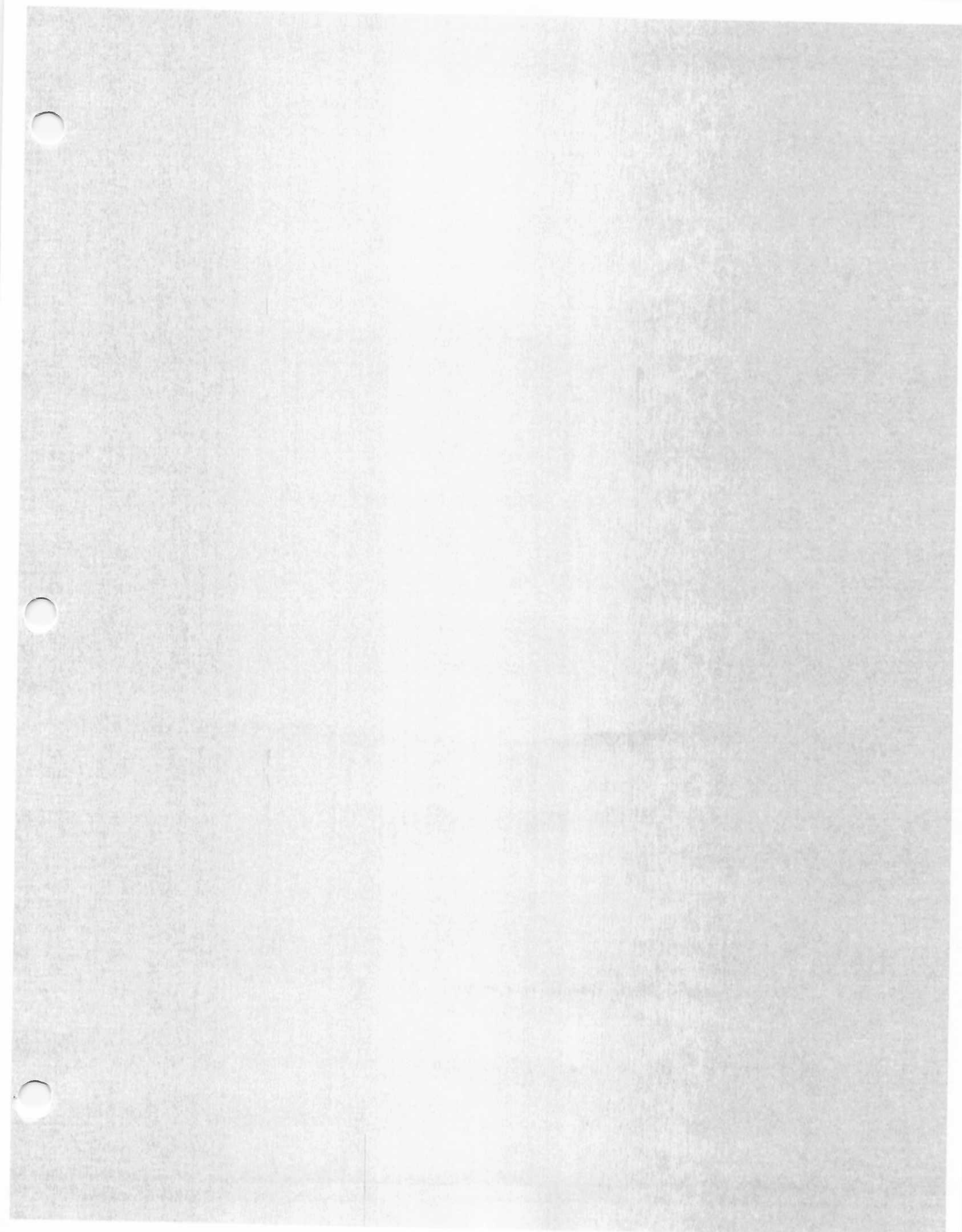
The yards for each building or structure in the SU District shall be specified in the required Development Plan. If the proposed special use is located adjacent to a non-residential zoning district, then the side and rear yards shall be not less than the largest yard required in that district. If side or rear yards are adjacent to a district where single-family residential uses are a permitted use, the side and rear yards shall be not less than seventy-five (75) feet.

Section 21.05**Approval By Planning and Zoning Commission**

In addition to the material required for the application for a zoning amendment, as specified in Section 4.03 of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include all the information and material required pursuant to Section 11.02.07 of this Ordinance. In making its recommendation to the Village Council on the proposed placement of land into the SU District, the Planning and Zoning Commission may propose modification to the Development Plan as submitted. The construction of all buildings and development of the site within the SU District shall be in conformity and compliance with the Development Plan as approved by the Planning and Zoning Commission.

Section 21.06**Action by Village Council**

In approving the redistricting of land into the SU District, the Village Council may specify appropriate conditions and safeguards applying to the specific proposed facility.



PART FOUR

ADDITIONAL ZONING REQUIREMENTS

ARTICLE XXII

GENERAL DEVELOPMENT STANDARDS

Section 22.01

Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved street or thoroughfare within the Village.

B. Lot Width

Lot width shall be measured along the minimum building setback line for the district within which such lot is located.

Section 22.02

Front Yards

A. Front Yard Requirements

All front yard space shall be maintained in a neat and orderly state.

B. Front Yard Measurements

Front yard depth shall be measured from the right-of-way line of the street or highway to the building line.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required front yard not more than ten (10) feet.

D. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front yard.

C. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets.

Section 22.03

Side Yards

A. Measurement

Side yard width shall be measured from the nearest side lot line to the building line.

B. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if a minimum of five (5) feet is maintained to any adjoining lot line.

C. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a side yard so long as the minimum side yard is maintained..

D. Accessory Structures

Accessory structures are allowed in the side yard space, subject to the requirements of Section 23.01

Section 22.04

Rear Yards

A. Measurement

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Section 23.01 of this Ordinance.

Section 22.05

Height

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, or similar structures attached to a structure.

ARTICLE XXIII

ACCESSORY USES AND STRUCTURES

Section 23.01

Accessory Buildings and/or Structures

"Accessory building or structure" shall mean a structure and/or use which is subordinate, secondary, and incidental to the principal building or use and is located on the same property as the principal building or use. Residential accessory structures include detached garages, tool and garden sheds, tennis courts, swimming pools and similar facilities. Such accessory structures are subject to the following additional requirements:

- A. An unattached accessory structure shall be located within any side or rear yard. Such accessory structure shall be constructed not closer to the side lot line than the side yard requirement of the district where it is located, and not less than ten (10) feet from the rear lot line, unless such lot backs unto a dedicated right-of-way or alley, in which case such setback shall not be less than five (5) feet from such right-of-way or alley.
- B. An accessory use or structure shall not exceed eighteen (18) feet in height.
- C. In the SR, VR and UR Districts, no separate accessory structure shall be erected on a vacant lot, or any lot where there is no principal residential structure, without the specific approval of the Planning and Zoning Commission. Such approval, if granted, shall specify the conditions under which such accessory building can be erected. This provision shall not apply if adjacent developed property is owned by the same person or entity.
- D. Not more than one (1) moveable storage building shall be allowed on any single residential property, and such structure shall comply with the location requirements of Section 23.01 A above,
- E. The use of all accessory structures shall conform to the definition above, and no accessory structure shall be used for human habitation.
- F. All accessory buildings shall comply with applicable Holmes County floodplain requirements.
- G. All accessory buildings shall be maintained in good repair in a safe and sanitary condition so as not to pose a threat to

public health, safety and welfare. All structural members shall be maintained free from deterioration and shall be capable of safely supporting imposed dead and live loads. Upon receipt of a signed written complaint by a citizen of the Village, the Zoning Inspector shall have the authority to investigate the complaint and the subject property, and shall report his/her findings to the Planning and Zoning Commission. If the Commission determines that such conditions constitute a violation of these requirements, the procedures and penalties pursuant to Article VII may be invoked.

Section 23.02

Home Occupations

Home occupations shall be considered as an accessory or conditional use as specified in the respective zoning districts. In addition, all home occupations shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area may be devoted to the home occupation.
- B. The home occupation shall not generate greater vehicular traffic volume than is normal for a residential neighborhood.
- C. The home occupation shall be performed by the occupant of the premises. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- D. External indication of such home occupation shall be limited to one non-illuminated sign, not more than eight (8) square feet in area.
- E. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot, particularly during non-daylight hours.
- F. No home occupation shall involve the uncovered exterior storage of equipment or inventory.
- G. No home occupation shall be conducted from any accessory building on the lot, unless specific approval is granted by the Planning and Zoning Commission.

Generally, home occupations shall be regulated not by the specific activity performed, but rather by the presence of external impacts that may affect the residential character of the surrounding area. In particular, a home occupation shall

consist primarily of rendering specific personal services. Examples would include a salesperson, member of the clergy, lawyer, engineer, architect, real estate consultant, accountant, artist, computer or telecommunications worker or private teacher.

Section 23.03 Group Residential Facilities

"Group residential facilities" shall be defined and classified in Article II of this Ordinance. A Class I Type B group residential facility, as defined in Article II, is permitted by right in the UR zoning district. A Class I Type A group residential facility shall be considered as a conditional use in the UR District, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the SU District subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure, other than those mandated by the American Disabilities Act (ADA) or other applicable laws, shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- G. Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- H. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

ARTICLE XXIV

OFF-STREET PARKING REQUIREMENTS

Section 24.01 Purpose

The purpose of these requirements is to encourage the orderly development of parking and loading areas within the Village and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 24.02 Provision for Parking Required

In all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking spaces in accordance with the provisions of this Article. Independent off-street parking areas are considered accessory uses to the permitted or conditional uses they serve.

Section 24.03 General Requirements

A. Access

All off-street parking and loading areas provided in accordance with this Section shall have direct access to a publicly dedicated and improved street or alley.

B. Surfacing

All off-street parking areas shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

C. Lighting

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

D. Location of Parking Spaces

1. Proximity to Street Right-of-Way

In all districts, a five (5) foot clear zone shall be

maintained between the street right-of-way line, and any parking space. Parking areas shall be so designed and arranged as to not allow the protruding of any vehicle (or portion thereof) over the clear zone.

2. Proximity to Use

In the TC District, any required parking and loading spaces shall be provided either on the same lot, or within 200 feet of the principal use which they serve. In all other districts, required parking and loading spaces shall be provided on the same lot as the principal use which they serve.

E. Joint Provision of Parking Facilities

Two or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities.

F. Parking Requirements for Residential Uses

Off-street parking for all residential uses shall be provided according to the following schedule:

Single or multiple family residences
Two (2) per dwelling unit

Institutional housing
One (1) per occupant plus one (1) for each employee during main work shift.

G. Parking Limitations in Residential Districts

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment and/or inoperable vehicles shall not be parked on streets or alleys in any district where residences are a permitted use.

H. Fire and Emergency Access

Off street parking areas shall be designed so as to allow efficient and effective access by fire and emergency vehicles to buildings.

ARTICLE XXV

SIGNS

Section 25.01 Purpose

The purpose of these regulations is to prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic, to prevent signs from having an adverse impact on adjacent properties or uses, to encourage the development of signage systems that promote an active economic and business environment, and thereby protect the general health, safety, and welfare of the citizens of the Village of Killbuck.

Section 25.02 Definitions

For the purposes of these regulations, “**sign**” means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Unless otherwise indicated, the term “sign” shall include any support structure(s).

Section 25.03 General Requirements

- A. The following signs are specifically prohibited and shall be subject to immediate removal by the Village, with the costs associated with such removal being assessed to the owner of the property.
1. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display
 2. Flashing or high intensity lights mounted on a sign
 3. Digital display signs, defined as sign which uses digital technology to produce a bright clear image that automatically changes on a programmed interval.
 4. Any sign containing text or imagery judged to be obscene or profane.
 5. Any sign that obstructs any part of a doorway, exit or fire escape.
 6. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
 7. Any sign affixed to any utility pole or otherwise located within the street right-of-way, except as specifically exempted herein.

8. Any sign located so as to obscure the clear vision within a twenty foot (20') triangle from any street and/or alley intersection.
- B. Freestanding signs which are mounted to the ground and are wholly independent of any building for support shall not exceed twenty feet (20') in height. No portions of such sign shall extend over the street right of way.
- C. An off-premises sign means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located. Not more than one (1) off-premises sign is permitted on any single lot. All off-premises signs shall conform to all yard, setback and height restrictions in the zoning district where they are located.
- D. Billboards are off-premises signs in which the display face of the sign exceeds two hundred square feet (200 S.F.) in area. Billboards shall be considered as a special use, subject to the requirements of the Special Use (SU) District. Such signs shall require specific approval of the Planning and Zoning Commission following the procedures outlined in Article XXI.
- E. Temporary portable freestanding changeable copy signs and other portable signs shall be permitted in nonresidential districts, provided such signs are not displayed for a period exceeding thirty (30) days during any consecutive twelve (12) month period.
- F. A sign within the TC District may extend into the right-of-way, provided that, due to the location of the building or other physical characteristics of the lot, the erection of an alternative sign outside the right-of-way is not feasible. In addition, such sign shall be subject to subsequent removal at the owner's expense, if so required by the Ohio Department of Transportation (ODOT) and/or the Village for purposes of public safety.

Section 25.04 Nonconforming Signs

A. Continuance of Existing Signs

Except as otherwise provided below, nothing in this Article shall require the removal or discontinuance of an existing sign.

B. Abandonment

The continuance of an existing sign which does not meet the requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign, together with all supports, braces, guys and anchors is not maintained in a proper state of repair and/or the immediately surrounding premises is not maintained by the owner, or his agent, in a clean, sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

C. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be subject to removal.

D. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming, and a permit is obtained. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

D. Inspection and Removal

If any existing sign is found, upon inspection by the Zoning Inspector, to constitute a hazard to public safety, such sign shall be subject to immediate removal by order of the Village, with the costs associated with such removal assessed to the owner of the property.

Section 25.11

Variances and Appeals

Variances and/or appeals to this Article may be granted pursuant to the procedures and policies set forth in Article VI of this Ordinance.

ARTICLE XXVI

ADULT ENTERTAINMENT FACILITIES

Section 26.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this section to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the Village.

Section 26.02 Definitions

- A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.
1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below.
 2. "Adult Motion Picture" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 3. "Adult Entertainment Business" means any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
- B. "Specified Sexual Activities" means any of the following:
1. Human genitals in a state of sexual stimulation or arousal.

2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- C. "Specified Anatomical Areas" mean any of the following:
 1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 2. Human male genitals in a discernible turgid state.
- D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- E. "Sexually explicit nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- F. "Sadomasochistic sexual abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
- G. "Visibly displayed" means the material is visible on a billboard viewing screen marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

Section 26.03 Exceptions

Nothing in this Article shall be construed to pertain to:

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

Section 26.04 Location

Adult Entertainment Facilities shall be considered a special use, subject to the requirements of the Special Use (SU) District. Such signs shall require specific approval of the Planning and Zoning Commission, following the procedures outlined in Article XXI and the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

ARTICLE XXVI

RESERVED FOR FUTURE USE

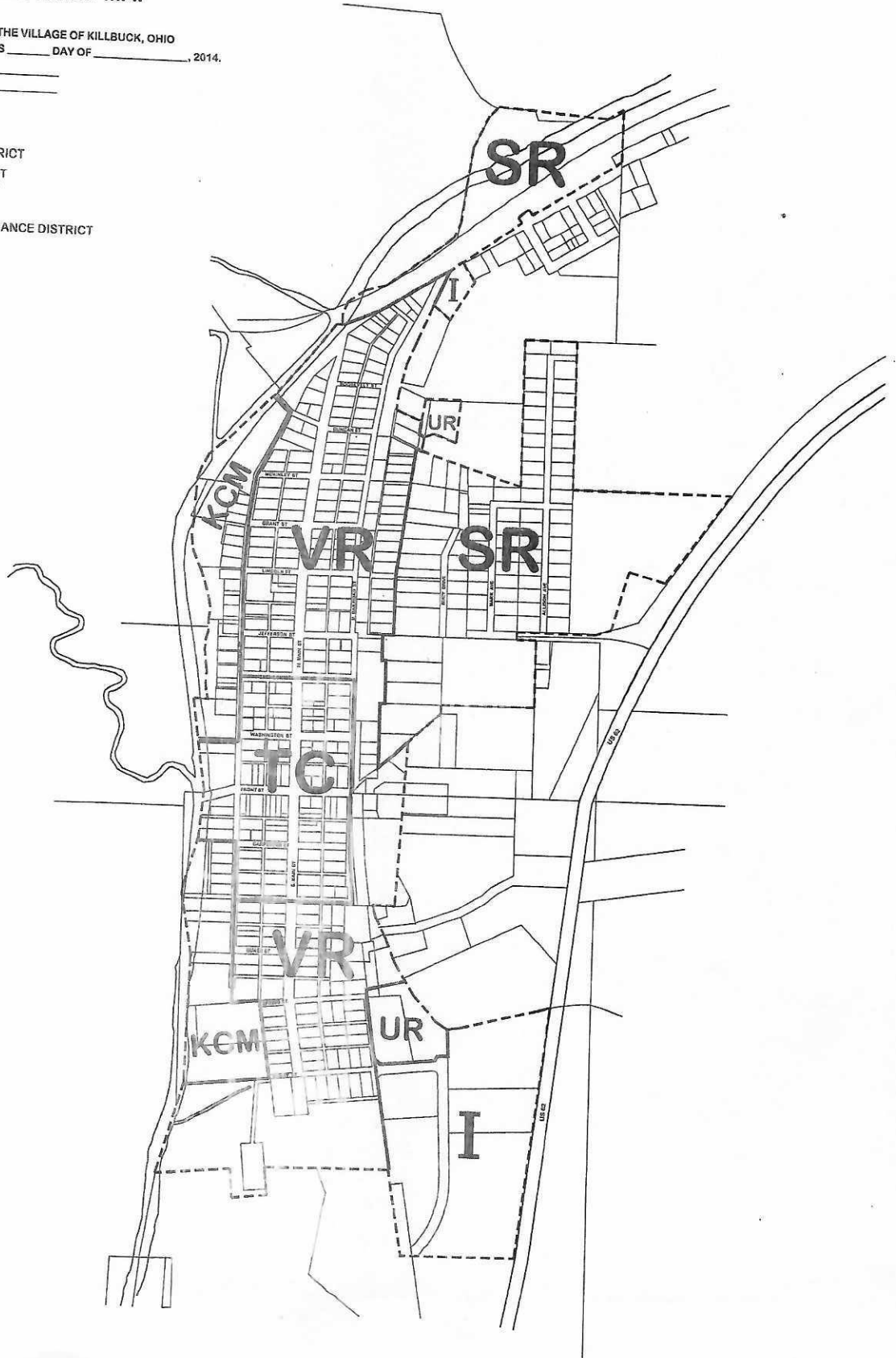
VILLAGE OF KILLBUCK

OFFICIAL ZONING DISTRICT MAP

ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KILLBUCK, OHIO
 AS ORDINANCE _____ PASSED THIS _____ DAY OF _____, 2014.
 MAYOR _____
 FISCAL OFFICER _____

SR	SUBURBAN RESIDENTIAL DISTRICT
VR	VILLAGE RESIDENTIAL DISTRICT
UR	URBAN RESIDENTIAL DISTRICT
TC	TOWN CENTER DISTRICT
KCM	KILLBUCK CORRIDOR MAINTENANCE DISTRICT
I	INDUSTRIAL DISTRICT
SU	SPECIAL USE DISTRICT

AMENDMENTS
 ORDINANCE #



INSTRUCTIONS FOR
APPLICATION FOR VARIANCE
VILLAGE OF KILLBUCK

The Village of Killbuck Board of Zoning Appeals has the authority to grant variances from the provisions of the Zoning Ordinance, but **ONLY** if the specific case meets the criteria as specified in Section 7.02 of the Ordinance, as follows:

Section 6.02 Powers of the Planning and Zoning Commission

The Planning and Zoning Commission shall have the power to authorize, upon appeal in specific cases, as hereinafter provided, such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest. Such variances shall be granted only in cases of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, whereby strict application of such requirements would result in *practical difficulty* and *unnecessary hardship* that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Ordinance shall be granted by the Commission unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such necessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public health, safety and/or welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

If the variance is to be approved, the Planning and Zoning Commission MUST FIND that these criteria are met. The applicant for a variance must supply a narrative statement explaining why the specific proposed project meets the criteria as stated above. THIS NARRATIVE STATEMENT IS PERHAPS THE MOST IMPORTANT PART OF THE APPLICATION, SINCE IT PROVIDES THE BASIS FOR THE BOARD'S DECISION.

APPLICATION FOR VARIANCE

VILLAGE OF KILLBUCK

Three (3) copies of this application must be filed with the Zoning Inspector.

Application # _____

Date _____

Name of Property Owner _____

Address _____

Telephone (day) _____ (evening) _____

Applicant (if different from property owner) _____

Address _____

Telephone (day) _____ (evening) _____

Location of Property _____

Existing Zoning District _____

Specific Provisions of the Zoning Ordinance from which Variance is Sought

ATTACHMENTS

The following material must be attached to each copy of this form.

1. A map or drawing of the property, showing dimensions of the lot (including frontage), the location of all structures (existing and proposed), distances to property lines, and other information which would illustrate the facts related to the requested variance.
2. Legal description of the property (a survey may be required)
3. Names of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Holmes County Auditor's current tax list.
4. A narrative statement, explaining the reasons why the variance should be granted, according to the criteria stated in Section 7.02 of the Village of Killbuck Zoning Ordinance.

I certify that all information provided in this application is true and correct

Applicant _____

Date _____

APPLICATION FOR ZONING AMENDMENT

VILLAGE OF KILLBUCK

Three (3) copies of this application must be filed with the Zoning Inspector.

Application # _____

_____, _____
Date

Name of Property Owner _____

Address _____

Telephone (day) _____ (evening) _____

Applicant (if different from property owner) _____

Address _____

Telephone (day) _____ (evening) _____

Location of Property _____

Existing Zoning District _____

Proposed Zoning District _____

Describe the Specific Proposal for the Property that Necessitates a Zoning Amendment

ATTACHMENTS

The following material must be attached to each copy of this form.

1. A map or drawing of the property, showing dimensions of the lot (including frontage), the location of all structures (existing and proposed), distances to property lines, and other information which would illustrate the facts related to the proposed project.
2. Legal description of the property (a survey may be required)
3. Names of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Holmes County Auditor's current tax list. This information must be provided for consideration of the amendment.
4. A narrative statement, explaining how the proposed zoning amendment will affect adjacent and proximate properties.

I certify that all information provided in this application is true and correct

Applicant _____

Date

APPLICATION FOR APPEAL
FROM DECISION OF ZONING INSPECTOR
VILLAGE OF KILLBUCK

This application for appeal must be filed in triplicate with the Village Administrator within twenty (20) days from the date of the decision. The application must be accompanied by a copy of the certification or notice of violation for which the appeal is requested. You will be notified as to the date when the Board of Zoning Appeals will consider the appeal. **The Board will consider the appeal primarily on the basis of justification provided by the applicant as to why the appeal should be granted.**

Name of Applicant _____

Address _____

Address of Property in Question _____

I certify that all information provided in this application is true and correct

Applicant

Date

JUSTIFICATION

(Why was the decision of the Zoning Inspector in error, according to the provisions of the Killbuck Zoning Ordinance? BE SPECIFIC!!! Use additional sheets as necessary)

**Village of Killbuck
Property Inspection Report**

Date of Initial Investigation:
Property Address:
Property Owner:
Property Resident:
Inspector/Investigator:

Investigation Report

--

Formal Action

Date of Preliminary Citation:	Date of Follow-up Inspection:
Hand Delivered <input type="checkbox"/> Certified Mail <input type="checkbox"/>	Date to Village Solicitor:

Violation of Ordinance No.:	
------------------------------------	--

NOTICE OF ZONING VIOLATION

TO: _____

DATE _____

You are hereby advised that you are in violation of the Village of Killbuck Zoning Ordinance. The nature of this violation is as follows:

You are further informed that unless this violation is corrected or otherwise brought into compliance by _____, you shall be subject to penalties as specified in Article VII of the Village of Killbuck Zoning Ordinance and Chapter 713 of the Ohio Revised Code. If you believe this notice of violation is in error, you may appeal this decision within twenty (20) days from the date of this notice by filing an Application for Appeal with the Zoning Inspector.

Zoning Inspector