



Village of Fredericktown, Ohio Zoning Code Audit

May 19, 2021

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Introduction

The purpose of this document is to provide an evaluation of the existing Fredericktown Zoning Ordinance. The Village embarked on this process to modernize its zoning regulations following the adoption of the Village of Fredericktown Strategic Plan. The update process is funded by the Knox County Foundation and is part of a joint effort by the Knox Area Development Foundation and the Villages of Centerburg, Fredericktown, and Gambier, to update the zoning codes of all three villages. The zoning code update is one of the steps the three villages are taking to implement various recommendations of their individual strategic plans. This report focuses solely on recommendations for change to the Fredericktown Zoning Ordinance (a.k.a., the zoning code) and was developed following a series of discussions with Village staff, elected officials, appointed planning officials, and local community leaders, as well as feedback from an online survey that was available to all members of the public. The recommendations in this document are also based on the consultant's experience with drafting regulations for communities across Ohio and the nation.

The Fredericktown code update is intended to be targeted in that it will not include a comprehensive rewrite of all major elements of the code but will focus on some key recommendations that are summarized below and then expanded upon in the rest of this report.

1. Reorganize and reformat the code to make it easier to locate applicable standards and understand requirements;
2. Focus on strategic revisions to certain districts, including:
 - Updates related to downtown to help implement the strategic plan and the downtown revitalization plan. For the purposes of this update, that focus includes evaluating changes to both the B-1 and B-2 Districts; and
 - Bringing the residential zoning into alignment with what has already been constructed to reduce nonconformities to make investment easier;
3. Update the accessory use regulations related to items such as outdoor dining, accessory buildings, recreational vehicle parking, etc. while incorporating basic temporary use provisions;
4. Update current development standards for landscaping, parking, and sign regulations to modernize the provisions related to the strategic plan while also bringing the sign regulations into conformance with federal law.

The intent of this report is to summarize the strengths and weaknesses of the existing regulations in terms of usability, organization, and substantive standards, and to provide options for improvement. This document also includes a proposed outline for the new regulations with a recommended approach that will ultimately result in a complete reorganization of the regulations into a code that will improve usability.

It is important to keep in mind that this audit does not necessarily identify every issue or individual problem with the existing regulations but tries to focus on broader issues that will need direction prior to the text amendments. Once the public and the Village of Fredericktown's Technical Review Committee (Planning Commission) have had an opportunity to review and provide feedback on this document, the consultant will begin work on drafting the updated text for review with the Technical Review Committee and presentation to the public. More information on the project can be found at www.knoxcovillagezoning.com

1. Reorganize and Reformat the Code

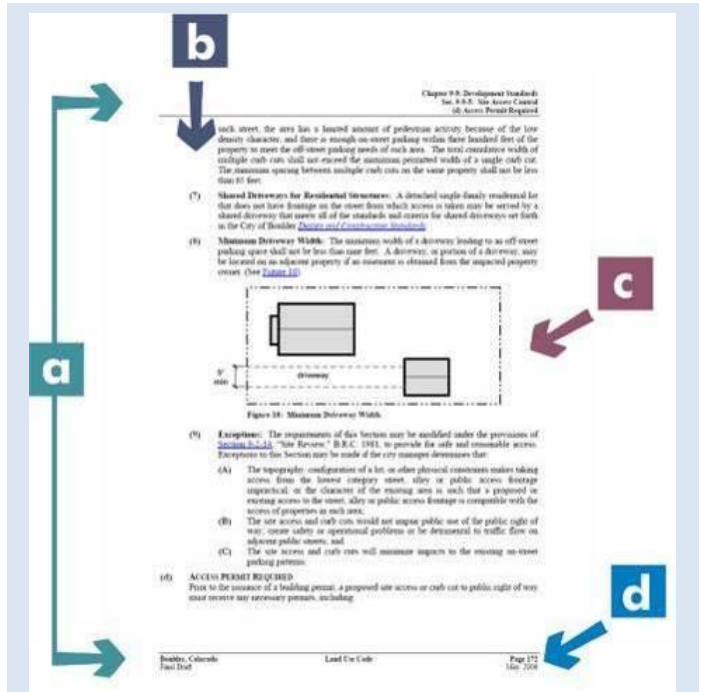
1(A) Reorganize the Major Sections

Stakeholders have noted that the current code is currently organized in a method that is challenging to navigate. While this update will focus on some targeted topics, as noted in the introduction, the overall code will be reorganized to assist with the usability of the code. To make the new code as efficient as possible, the Village should consider a complete reorganization of the code with sections and sections that are reordered based on function such as administration, development review procedures, zoning districts, and development standards (e.g., parking, buffering, lighting, etc.). The table to the right provides a brief summary of the proposed restructuring of the updated Fredericktown Zoning Ordinance. Most of the sections are self-explanatory (e.g., landscaping and signs), but the new Section 304.01 (General Provisions) will include multiple provisions, including a new overall purpose of the code, transitional regulations (described late), required compliance, etc.

Zoning Ordinance	
Section	Section Name
304.01	General Provisions
304.02	Zoning Districts and Principal Uses
304.03	Planned Neighborhood Districts
304.04	Accessory and Temporary Uses
304.05	Fences and Walls
304.06	Performance Standards
304.07	Landscaping and Screening
304.08	Parking, Access, and Connectivity
304.09	Signs
304.10	Administration and Enforcement
304.11	Nonconformities
304.12	Definitions

1(B) Improve Referencing

A detailed table of contents, page numbers, and enhanced use of headers and footers on each page will make for much easier navigation through the new code. The new code should include an expanded table of contents that breaks some of the sections down further so users can easily identify the locations of specific requirements such as zoning certificate or sign requirements. The Village should consider including a master table of contents at the beginning of the new code to make referencing topics simpler. In addition, an index by topics would be helpful in the back of the regulations for pinpointing the location of key topics within the text. The final step in the update process will be to review it for internal consistency and include hyperlinked cross-references among sections. Such hyperlinks should be active in any digital version of the codes so that users can easily click on the cross-reference and be taken to the appropriate section or graphic.



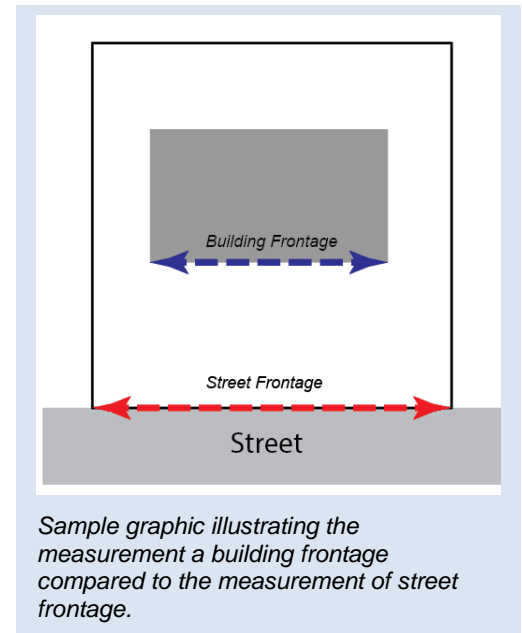
Today's modern codes use a variety of techniques to orient the reader including (a) headers and footers, (b) legible text with headings and hierarchy, (c) illustrations, and (d) page numbers that combine for a user-friendly code that is easy to use and navigate.

1(C) Illustrate Additional Key Concepts and Standards

Modern development codes explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and flow charts where possible. The current code does not appear to include any graphics. There are numerous standards, such as signage and parking, which would benefit from the inclusion of graphics for the purposes of clarity. Illustrations and photos can often describe the required or desired relationships among development standards, adjacent uses, or dimensions much more simply than words alone. Tables also can convey a wealth of information about uses and dimensional requirements in a few pages and vastly improve the readability of a code.

The revised regulations should utilize illustrations, graphics, photographs, and tables to explain complex concepts and to summarize detailed lists of information. Where appropriate, we recommend inserting additional tables, graphics, illustrations, and examples to help readers understand preferred forms of development.

All graphics, illustrations, and photographs used will be chosen or designed to allow for the easy reproduction of the new code. Additionally, language will be included in the new Section 304.01 (General Provisions) that will clearly establish that the text of the regulations rules in the case of a conflict.



1(D) Consolidate Procedures into One Section and Clarify Review Criteria

The trend in land-use regulations is to consolidate all procedural provisions into one main section. This enables the code user to locate, in one place, all procedures and the applicable review criteria governing each type of development review (e.g., zoning certificate, rezonings, conditional uses permits, variances, etc.). The Village comes close to this with the current code, but there will be some reorganization amongst various sections to ensure clarity for each procedure. This will be supplemented with suggested revisions to the review criteria to ensure they are reflective of modern standards and in line with case law.

1(E) Clearly Define and Reorganize Permitted and Conditional Uses

We recommend that the updated regulations include use tables to illustrate where and how uses are permitted within each zoning district. The Village currently lists out each use and how it is permitted in the individual sections related to the applicable district. There is also a table in the back of the code that summarizes uses in the form of a table. The approach the Village currently uses, however, makes it almost impossible to compare how and where a particular use is permitted in different zoning districts at the same time. Utilizing tables to illustrate allowed uses (See example on the following page.) within each district is an effective method of illustrating uses both in a single district and in district-to-district comparisons. Additionally, this approach helps ensure consistency in the name of uses. For the purposes of this update, we will not be overhauling how uses are permitted in various districts, with the exception of potential changes in the B-1 and B-2 Districts, as part of the update to those districts.

1. Reorganize and Reformat the Code

TABLE 1216-3: PRINCIPAL USES													
Land Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	R-1A	R-1B	R-1C	R-1D	R-2	R-3	B-1	B-2	B-3	I-1	I-2	P-1 ²¹	Use-Specific Standards See Section:
	Agricultural Uses												
Agricultural	C	C											1216.06(a)
Residential Uses													
Bed and Breakfast Establishments	C												1216.06(b)
Dwellings, Multi-Family ²²					P	P							
Dwelling, Single-Family	P	P	P	P									
Group Homes	PS	PS	PS	PS	C	C							1216.06(c)
Skilled Nursing or Personal Care Facilities					C	C	C	PS	C			PS	1216.06(d)
Public, Institutional, and Recreational Uses													
Active Recreational Facilities	C	C	C	C	C	C	C	C	C	C	C	PS	1216.06(e)
Cemeteries	C	C	C	C	C	C						P	
Cultural Facilities	C	C	C	C	C	C	P	P	P			P	
Educational Institutions (Higher Education)								P				P	
Educational Institutions (Preschool and K-12)	C	C	C	C	C	C				C		P	1216.06(f)
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	
Fraternal, Charitable, and Service Oriented Clubs							C	C	C			PS	1216.06(g)
Government Offices and Buildings (No Outdoor Activities)	C	C	C	C	C	C	P	P	P	P	P	P	
Hospitals							C	C					1216.06(h)

Above is an example of a permitted use table from another community that shows the list of permitted uses in the left-hand column and all of the zoning districts across the top row. The districts are color-coded to illustrate residential districts (yellow), business districts (red), industrial districts (purple), and public districts (blue).

1(F) Add Transitional Regulations

The current regulations do not fully address what happens to applications that are under review at the time the code is amended and the updated regulations become effective. We recommend incorporating a new section called “transitional regulations” within the new Section 304.01 (General Provisions) that will help resolve the status of properties with pending applications, recent approvals, and properties with outstanding violations at the time the new code or future amendments are adopted. The provisions will allow an application, in general, to be processed under the rules in place at the time a complete application is submitted. Additionally, the transitional regulations section will include language stating that violations prior to the enactment of the revised code shall remain violations after the effective date of the regulation.

2. Focus on Key District Updates

2(A) Revise the B-1 and B-2 Districts

As noted in the introduction, the scope of this project is on targeted updates, and one of the major goals is to revamp the regulations for the downtown to help implement change. To do this, the code update will focus on specific changes to both the B-1 (Central Business District) and the B-2 (General Business District) as they serve as both the main downtown area and as a gateway area, respectively. The revisions will focus on a number of core items including, but not limited to:

- Incorporating building and site design requirements, particularly in the B-1 District. Currently, the B-1 District allows buildings to be constructed to the back of the sidewalk, but they also can be set back however much the lot allows. This could result in the creation of a building that is set back much farther from the sidewalk than envisioned in the plans. The revised B-1 District should be more prescriptive on building location.
- Additionally, while there doesn't seem to be support for creating an extra level of review with a historic preservation approach, the updated regulations can include some basic building design requirements to ensure that new construction reflects the desired aesthetic of downtown Fredericktown with façade massing, window and door opening requirements, etc.
- The permitted uses allowed in the two districts should be adjusted, as needed, to discourage heavy auto-oriented uses and focus on those uses that will be served primarily from people walking into the building rather than drive-throughs.
- In addition to the principal uses allowed, the accessory use regulations should be expanded to ensure that signage, outdoor streetscapes, and outdoor dining are allowed in these districts.



Simple building design requirements can ensure that any new construction blends into the character of the existing B-1 District without placing a barrier up toward future redevelopment.

2(B) Align the R-1 Residential Districts with Current Platted Lots

The initial review of the existing code and zoning map led to the realization that the R-1 Single-Family Residence District has requirements that seem to work for much of the newer subdivisions in Fredericktown but are out of line with the older neighborhoods around downtown. In these areas, the lots are much smaller, often between 6,000 and 8,000 square feet in lot area, and have smaller setbacks. Additionally, accessory buildings on these lots will have different issues than other, larger lots. Instead of continuing on with one single-family district to serve most residential uses in the Village, we recommend that the Village consider a new residential zoning district that we suggest would be called the R-1A District. This district would be designed to specifically address how lots are

2. Focus on Key District Updates

developed in the older neighborhoods so that it will make many of the existing lots conforming with zoning, allowing for easier investment in the property. The permitted uses in this district would remain the same as the existing R-1 District. Only the site and building requirements would be adjusted to align with current development. If this is acceptable, the following table illustrates the zoning districts that would be included in the updated code.

Proposed Zoning Districts	
Abbreviation	Name
<i>Residential Districts</i>	
R-1	Single-Family Residence District
R-1A	Single-Family Residence District (New)
R-2	Two-Family Residence District
R-3	Multi-Family Residence District
MHP	Mobile Home Park District
<i>Business Districts</i>	
B-1	Central Business District
B-2	General Business District
B-3	Bypass Business District
M-1	Manufacturing District
<i>Special Districts</i>	
C-1	Conservation District
AG	Agricultural District
P-1	Public/Semi-Public District
PND	Planned Neighborhood District

3. Clarify Accessory and Temporary Use Standards

The existing code contains some regulations for some accessory uses, but not many for temporary uses, and those regulations that exist are scattered throughout the existing document. As noted in the section-by-section analysis, home occupations and swimming pools are common accessory uses that have separate regulations located in individual sections. The updated code should consolidate all of these regulations within a single section because it is easy for residents to go to one section to find all the applicable requirements. In updating the regulations, the Village should consider the following:

- All of the regulations need to be reorganized to clarify where and how each individual accessory use is permitted within each zoning district. This will be accomplished through the creation of a use table for accessory uses similar to the type proposed for principal uses, as discussed earlier. This approach will ensure consistency in the use of terms and standards regardless of the zoning district.
- The Village should consider allowing up to two accessory buildings versus the one that is currently allowed. That allowance could include limitations on the size so that a person could not have two large accessory garages on the same property.
- The standards should more clearly establish rules for the most common accessory uses such as satellite dishes, swimming pools, and detached structures. Additionally, the standards will be updated to reflect current state and federal laws, where applicable—for example, exempting small satellite dishes that are under one meter in diameter.
- The Village does not have any standards for accessory uses such as solar panels, wind turbines, or urban agriculture. These uses are becoming more popular and should be addressed within the new regulations based on further discussions with the Village.
- The new section should also include updated standards for modern accessory uses such as community gardens, clothing drop-boxes, outdoor dining, outdoor storage, and outdoor sales areas.
- The new code should address common temporary uses, including, but not limited to, seasonal sales, food trucks, temporary gravel parking (for development under construction), construction structures, and temporary events.



New technology is allowing for smaller scale turbines and solar panels that help promote energy efficiency.

4. Update Key Substantive Standards

As part of the code update, there are a number of development standards that should be enhanced to modernize the code as well as address federal case law.

4(A) Improved Parking and Access Standards

The current regulations are typical of most communities with a minimum number of spaces required and minimum design standards for parking areas. In the section-by-section analysis section, there is an overall analysis of the major issues with the current parking and loading standards, including significantly high parking requirements and a lack of drive-through waiting standards. The Village can opt to simply move forward with adjustments to the current ratios with, perhaps, the addition of a “cap” on the maximum amount of parking that can be provided, or the Village might evaluate alternatives. For example, some communities are moving away from parking ratios and either eliminating the minimum number of parking spaces completely or, alternatively, simply eliminating the parking ratios and allowing the applicant to demonstrate that they have sufficient parking. Both of these approaches are based on the idea that developers want to be able to serve their own uses with parking and therefore will provide a reasonable amount, especially outside of the downtown area where parking should be waived. In addition to changes to the parking standards, the updated code can incorporate better maneuverability standards to ensure safe paths for pedestrians.

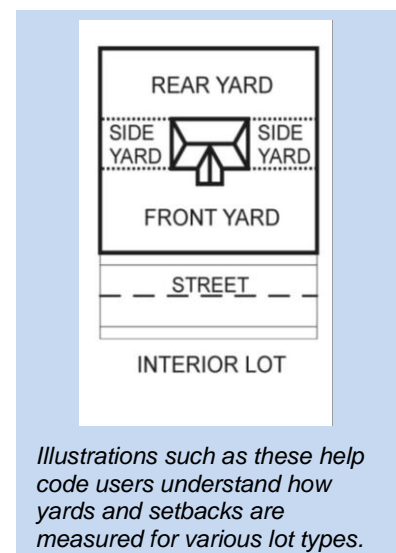
4(B) Signage

The section-by-section analysis provides a more detailed discussion about potential changes to the sign regulations to clarify the rules and bring the code into compliance with federal laws, which mandate a certain level of content neutrality. Content-neutral sign regulations are those that do not require you to read the message to determine how to regulate the sign. For example, communities can no longer regulate real estate signs differently than, for example, construction signs or other temporary commercial message signs where the only difference is the message. While the Village’s regulations avoid a lot of regulation by content, there are still a number of areas where there needs to be some improvement to bring the regulations in line with case law.



4(D) Clarify Rules of Measurement

As suggested in previous sections, the revised code should clearly list all dimensional requirements in a summary table (e.g., density requirements, building heights, setbacks). In addition, the code should contain a section devoted to rules for measuring dimensions. Such rules should be explicit (e.g., to measure a setback, the rules might state, “measure from the furthestmost projection of structure and any abutting right of way line”), and exceptions and permitted encroachments should be clearly defined. There is currently minimal guidance in how the Village measures certain requirements.



Section-by-Section Analysis of the Existing Code

This portion of the report sets forth a section-by-section review of the current planning and zoning code and identifies any proposed changes in either organization or substance based on our initial discussions with the Village and its stakeholders. The intent of this section is not to provide line-by-line edits but to identify key issues that should be addressed in the code update process. While all of the text will be reviewed and updated, as appropriate, the purpose of this part of the document is to outline significant changes, additions, and deletions.

Section 304.01 – Purpose and Authority

This section includes basic language on the title of the code, interpretation, separability, and repeal. This language will be carried forward into the new General Provision section of the updated code with the suggested addition of some additional basic language that is useful for most communities, including:

- A purpose statement to outline the legislative intent of having zoning in the Village;
- Compliance requirements that establish, upfront, that all new construction and development is subject to the code;
- The transitional regulations described in the first part of the report; and
- An expansion of the basic rules for interpretation within the code.

Section 304.02 – Definitions

This section includes definitions for some of the most commonly used terms in the zoning code. The definitions within this section, as with all definitions, will be updated and moved to the end of the code to serve more as a glossary of terms. The entire section will be updated to define new terms that may be added to the code but also revise existing terms, where needed.

Section 304.03 – Districts and General Provisions

This section establishes the zoning districts that are located in the zoning code and rules for the zoning map, as well as a series of supplemental regulations. The language related to the establishment of zoning districts and the zoning map will be carried forward into the new section on zoning districts, while the remaining provisions will be reorganized into different sections based on their function. For example, the subsection on rear dwellings will be moved to a new section on accessory uses, while the language on parking and trailers will be moved to the new section on parking and accessibility.

Section 304.04 – Nonconforming Uses or Buildings

This section contains the nonconforming use language, sometimes referred to as the grandfathering clauses. It addresses what happens to use that was legally established at one point in history but no longer comply with zoning due to amendments. The Village appears to have a relatively modern set of standards, making clear distinctions between a nonconforming use (the actual use is not permitted) versus nonconforming structures or sites (the use is okay, but the building or site conditions do not comply with zoning) and nonconforming lots. We do recommend that the Village consider adding a provision that would allow for the reconstruction of any nonconforming residential use, regardless of the level of destruction. Banks and other financial institutions have made significant changes in how they finance uses and are often denying financing for nonconforming residential homes. This new

provision would allow for the use to be rebuilt. Additionally, most communities do not want to tell someone they cannot rebuild their homes.

Section 304.05 – C-1 Conservation District

The C-1 District is an example of one of the districts that are not the focus of the update, so the district will be carried forward with the following enhancements that are being undertaken to improve the usability of the code:

- The list of permitted and conditionally permitted uses will be carried forward and incorporated into a permitted use table as described earlier in this report.
- Any language related to accessory uses will be updated and consolidated into the new section on accessory uses.
- The development standards (lot area, lot width, building height, etc.) will be grouped together with other development standards with little to no change. However, the reformatting will include simplification of the materials into tables with the addition of graphics to illustrate measurements.

Section 304.06 – AG Agricultural District

The AG District is an example of one of the districts that are not the focus of the update, so the district will be carried forward with the same enhancements as proposed for the C-1 District in Section 304.05.

Section 304.07 – R-1 Single-Family Residence District

The R-1 District is an example of one of the districts that are not the focus of the update, so the district will be carried forward with the same enhancements as proposed for the C-1 District in Section 304.05. However, as outlined in the first part of the report, we do recommend some adjustments to the development standards related to lot area and setbacks to better align the district with the size and setbacks of existing neighborhoods.

Section 304.08 – R-2 Agricultural District

The R-2 District is an example of one of the districts that are not the focus of the update, so the district will be carried forward with the same enhancements as proposed for the C-1 District in Section 304.05.

Section 304.09 – R-3 Agricultural District

The R-3 District is an example of one of the districts that are not the focus of the update, so the district will be carried forward with the same enhancements as proposed for the C-1 District in Section 304.05.

Section 304.10 – P-1 Public Semi-Public District

The P-1 District is an example of one of the districts that are not the focus of the update, so the district will be carried forward with the same enhancements as proposed for the C-1 District in Section 304.05.

Section 304.11 – B-1 Central Business District

The B-1 District is one of the districts that will be completely revised to help implement the strategic plan and the downtown revitalization plan, as described in the first section of this report.

Section 304.12 – B-2 General Business District

The B-1 District is one of the districts that will be completely revised to help implement the strategic plan, as described in the first section of this report.

Section 304.13 – B-4 Bypass Business District

The B-4 District is an example of one of the districts that are not the focus of the update, so the district will be carried forward with the same enhancements as proposed for the C-1 District in Section 304.05. Additionally, the use-specific standards for various uses will be carried forward and applied in a similar manner. The landscaping and screening requirements will be expanded a little, as described in the first part of this report.

Section 304.14 – M-1 Manufacturing District

The M-1 District is an example of one of the districts that are not the focus of the update, so the district will be carried forward with the same enhancements as proposed for the C-1 District in Section 304.05 as well as the recommendations included for the B-4 District in Section 304.13.

Section 304.15 – Planned Neighborhood District

The Village does not have any PND Districts as of yet, but the recommendation is to maintain the district for future use. The District should be updated with some improvements, including:

- Clarify the procedure to note that the approval will require a subsequent zone change from the existing district to the PND. This would usually be accomplished as part of the approval of the development plan.
- Establish what steps or reviews are required after the approvals (e.g., zoning certificate, subdivision, etc.).
- Allow the applicant to propose additional uses including, but not limited to, commercial, office, public, recreational, etc. This will allow for more flexible options and a broader mix of development that could include both residential and commercial activities.
- Broaden the binding approval requirements to include approval of the types of uses allowed. If the Village is approving the uses as part of the development plan, there is no need for uses to be conditionally permitted as both the Planning Commission and Council would be approving them.
- The district could be supplemented with some additional design standards for open space, landscaping between uses, and other standards to enhance the quality of any developments.

Section 304.16 – Mobile Home Parks

The MPH District is a district that is important to maintain to allow for the continuance of existing mobile home parks without making them a nonconforming use. We recommend that the Village consider maintaining the district but adding a provision that would prevent the rezoning of additional land to this district after the effective date of the code. Manufactured housing is still allowed in all of Ohio, provided it is permanently sited on a foundation and meets certain construction standards as

Section-by-Section Analysis of the Existing Code

well as the same requirements as any other single-family home in the Village (e.g., lot area, setbacks, etc.)

Section 304.17 – Special Provisions

This section only includes performance standards for most uses in the Village and will be carried forward into the new code.

Section 304.18 – Off-Street Parking and Loading Regulations

This section set's out the Village's parking and loading requirements for all types of development and is significantly out of date as compared to modern zoning codes, particularly in the excessive amount of parking required. The following are some of the major issues and potential solutions:

- The current surfacing requirements are appropriate unless the Village wants to provide for the option of an applicant installing pervious pavement or some other type of porous material. These types of pavements can be effective in addressing stormwater runoff but will require a maintenance plan to ensure such material remains pervious.
- The parking ratios Subsection B need to be completed updated and could take one of the general approaches outlined in the first part of this report. If ratios are maintained, then the residential requirements should be reduced for apartments as the demand for parking, even for guest parking, is traditionally not two spaces per unit. For nonresidential uses, the number of required spaces is somewhat high and should be adjusted to modern standards. Also, the list of uses should match the list of uses allowed in the Village.
- The provisions for the parking of commercial vehicles and recreational vehicles should be incorporated within this section and updated. The online survey that was part of this audit has the general public suggesting that the parking and storage of the vehicles should be allowed in the side and rear yard all the time but in the front for temporary parking for loading or unloading, cleaning, etc.
- The Village does not appear to have any requirements for drive-through waiting spaces or aisles. These types of modern standards establish basic requirements to prevent the potential for drive-through aisles from backing up and potentially blocking traffic flow on streets. The standards are also sometimes used to establish design requirements so that, as an example, drive-through facilities are located to the rear of the building instead of the front. We recommend incorporating some basic requirements in the updated code.



Illustration of porous pavement used in a parking lot to allow stormwater to pass through the pavement.

Section 304.19 – Signs and Outdoor Advertising Structures

This section establishes all of the requirements for signage in the Village. The regulations include a number of content-based regulations that will need to be eliminated based on federal case law from 2015. Content-based regulations are when the Zoning Administrator, or other enforcement officers, have to read the sign message to determine how it is regulated. Examples of this are real-estate signs, temporary signs that are specific to certain messages (e.g., construction or contractors), etc. The 2015 Supreme Court case of *Reed v. Town of Gilbert, Arizona*, essentially prohibits the ability to regulate by message or speaker with a few gray areas. Since then, additional court cases have ruled

Section-by-Section Analysis of the Existing Code

out the ability of communities to regulating signage based on if the message is related to an on-premise versus off-premise message. For these reasons, we recommend the Village consider a significant update to the sign regulations to focus on the type of sign structure, the location, illumination, and other non-message-related information. Fortunately, the current regulations are simple enough, with limited references to the message of signs that this should be fairly simple.

- The Village appears to not regulate any temporary signs that do not contain a commercial message, such as political signs. The distinction of commercial messages versus noncommercial messages is one that some communities maintain. If the Village continues to do this, with a generally hands-off approach to the noncommercial signs, then the focus of other temporary signs should be strictly on type, size, and duration. We will work with the Village's legal counsel to discuss different approaches to regulating temporary signs to determine the best approach for Fredericktown.
- The updated regulations should expand on the sign area calculations to include graphics that will help make the distinction between the different forms of measurement for different sign types.
- The Village might want to allow for the temporary use of banner signs over existing permanent signs for when there is a change of use to allow for quick turnover in businesses.
- The current regulations prohibit billboards, which is a form of an off-premise message that we will need to avoid. However, if no freestanding sign in the Village is allowed to be larger than 64 square feet, regardless of the message, billboards are already going to be prohibited without any reference to the message.



Example of a temporary banner sign being used as an interim sign until the new permanent sign can be installed.

Section 304.20 – Private Swimming Pools

The language in this section includes common regulations for swimming pools that will be carried forward into the new accessory use regulations.

Section 304.21 – Extraction of Minerals

The language in this section will be carried forward. It is our understanding that much of the active mining and extraction is taking place outside of the Village, but the current regulations should be maintained. However, the regulations will be reviewed and updated to ensure that they are in line with current state requirements.

Section 304.22 – Sexually Oriented Businesses

The language in this section includes extensive regulations related to sexually oriented businesses (SOBs). While much of the regulations do address things commonly found in zoning regulations, such as scale of use, location, and allowable uses, other standards go far beyond what zoning would typically enforce (e.g., age of admittance, internal performance areas, etc.). We recommend that there be continued discussions about this language to determine what is best incorporated into the updated zoning code and what should be removed and/or maintained in a separate business operational ordinance that could be enforced through a different approach than zoning.

Section 304.23 – Dish Antenna

This section includes language related to the regulation of satellite dishes. This language will be updated as part of the accessory use language with some changes. The Village currently exempts certain small satellite dishes (smaller than 18 inches in diameter, on a roof) with some locational provisions. However, the federal government prevents communities from applying any zoning regulations to dishes that are less than one meter (approximately 40 inches). This language will have to be updated to reflect that law, but larger dishes, which are far less common in current times, may still be regulated as conditional uses with some standards for location.

Section 304.24 – Cellular or Wireless Communication Systems

The language in this section includes the regulations for traditional cell towers (not located in the right-of-way). This language will be moved to the new section on uses and included in the permitted use table. All of the development standards for cell towers will also be moved and maintained.

Section 304.25 – Home Occupations

The language in this section includes common regulations for home occupations that will be carried forward into the new accessory use regulations.

Section 304.26 – Exceptions and Modifications

This short section includes provisions for lots of records and exceptions/modifications to certain requirements on projections into yards and height limits. The lot of record language is related to nonconforming lots that will be moved to the updated nonconformities section. The exceptions and modifications language will be consolidated with the language that defines the various lot, yard, and height requirements for each district.

Section 304.27 – Enforcement

This section establishes that the Zoning Inspector is responsible for enforcing all provisions of the code and that zoning certificates and fees are required, where applicable. This language will be carried forward with some basic enhancements to include a clear delineation of thresholds when a certificate is required, review criteria, and the ability to appeal to the Board of Zoning Appeals.

Section 304.28 – Board of Zoning Appeals

This section includes the establishment of the Village Board of Zoning Appeals and the procedures the board makes decisions on. This language will be carried forward with some minor enhancements to include review criteria for each procedure so that the board will have clear criteria by which to make various decisions.

The provisions related to nonconforming uses will likely be consolidated into the updated section on nonconformities, while the language related to temporary structures will be updated as part of the accessory and temporary use section.

Section 304.29 – District Changes and Regulation Amendments

This section includes the provision for zoning map amendments. The language will be consolidated into a single section on procedures with some enhancements to include review criteria the Village should consider as part of any district change application.

Section 304.30 – Severability and Repeal

This section incorporates some additional general provisions that are common across most codes. This language will be incorporated into the new Section 304.01 (General Provisions).

Tables 1 through 3

These tables will be reformatted and carried forward into the new code within the related sections.

Appendix: Writing Style Guide

The purpose of this appendix is to identify the writing style we propose to use in the new text. We have incorporated this guide into this document to allow the Village to provide feedback on basic rules of writing and grammar style. Having an agreed-upon writing style helps ensure consistency throughout the document and minimizes large-scale formatting changes at the end of the writing process. The following statements highlight some of the rules that we will follow and that we would like to have an agreement on before proceeding with drafting the new zoning code.

Capitalization

- We will capitalize formal staff titles and board names such as “Zoning Inspector” or “Village Council.”
- We will capitalize and use the term “Village” for the Village of Fredericktown because that appears to be the consistent approach to capitalization in the existing code.
- When referencing the code itself or generally identifying “this chapter” or “this section,” we will not capitalize the words “code,” “chapter,” or “division.” If the reference is to an actual chapter or section, etc., the term will be capitalized as in Section 304.01.
- We will not capitalize the names of processes or permits.

Numbers

- To minimize the potential for inconsistencies, we will only write out or use a number once (see next bullet). We will not write out the number and then place the number in parentheses (e.g., eleven (11), twelve (12)).
- We will write out all single-digit numbers (e.g., zero, one, two, three, etc.) and use numerals for all other numbers (e.g., 10, 11, 12, etc.).

Lists

- When using vertical lists of related statements that are dependent on one another, we will use semicolons to separate the listed items with a period on the last item. If the listed items are independent of one another, we will use the appropriate punctuation for each item.

Numbering Format

- The current Zoning Ordinance seems to have a mixed match of numbering formats, depending on the section. For the purposes of this update, we will revise all section numberings to be consistent. The basic hierarchy will be as follows, using Section 304.13 as the example:

Section 304.13: General Provisions

A. Subsection Heading or Text

1. Subsection/Text

a. Subsection/Text

1. Subsection/Text

A) Subsection/Text