

- (2) *Violation notice delivery.* The required notice of violation shall be delivered by the Zoning Administrator in any of the following ways for purpose of notifying the violator(s) involved:
 - a. By Certified Mail addressed to the violator(s) last known address, service shall be deemed complete when a Certified Mail receipt (printed or electronic) is received or returned undeliverable or refused; or,
 - b. By Certified Mail and ordinary U.S. first-class mail with a Certificate of mailing simultaneously, addressed to the violator(s) last known address. Service shall be deemed complete when a Certified Mail receipt is received or ordinary U.S. first-class mail is not returned after 15 days of mailing or returned undeliverable or refused; or,
 - c. By personal delivery to the violator(s) responsible, or by leaving the notice at the usual place of residence thereof; or
 - d. By posting a copy of the notice at a conspicuous place on the premises of the violation, as signed and dated by an adult witness on the notice so delivered and by the same on file copy.
- (d) *Required remedy, potential appeal, and non-compliance consequences.*
 - (1) *Required remedy.* Each violation specified in the violation(s) notice prepared and delivered in accordance with Section 1135.14(c) (Violation and remedies notification requirements) is required to be remedied by the violator(s) as specified in the violation(s) notice within the time period allowed to do so.
 - (2) *Remedy time period.* The time period allowed to a violator to remedy a violation shall be as specified in the notice of violation delivered by the Zoning Administrator, as determined reasonable by the Zoning Administrator, or as otherwise specified in this Zoning Code. The Zoning Administrator may order a violation to cease and desist immediately if the nature of the violation constitutes a readily apparent danger to public health or safety.
 - (3) *Potential to appeal.* The violator(s) may file an appeal to the Board of Zoning Appeals (BZA) for relief or release from having to comply with the remedy ordered in violation(s) notice delivered by the Zoning Administrator, provided the appeal meets all requirements specified in Section 1135.08 (Administrative Appeals) of this Zoning Code. Filing of an appeal to the BZA shall stay the time period ordered in the notice for compliance. If the BZA denies the appeal, the applicant may seek relief from the Common Pleas Court of Clinton County.
 - (4) *Non-compliance potential consequences.* Failure of the violator(s) to comply with the remedy ordered and the time period in which to do so specified in the violation(s) notice delivered would be considered an additional violation, in the absence of an appeal to the order being granted by the BZA or the Court of Common Pleas. Consequences of non-compliance may result in penalties as determined by the applicable court of jurisdiction.
 - (5) *Penalties.* Any person found, by a court of competent jurisdiction, in violation of the Zoning Code shall be subject to such court ordering all legal and equitable remedies available, including but not limited to:
 - a. The court issuing a temporary injunction or restraining order;

- b. The court ordering abatement within 30 days of the filing of a final and appealable judgment; and in the event the person so ordered fails to timely abate any violations, if the party bringing the action is City Council, the City Law Director, the Planning Commission, the Board of Zoning Appeals, the Zoning Administrator, the Building Inspector or the Code Enforcement Officer, the court granting such party access to the property upon which the violations are located in order to abate the violations and assessing the costs, charges and expenses of abating such violations against the property upon which the violations are located and certifying such costs to the County Auditor to be placed on the real property tax duplicate to be collected by the County Treasurer; and,
 - c. Permanently enjoining the person from further violations of the Zoning Code and subjecting such person to contempt upon a showing of failure to comply with the Court's Order or further violations without cause including but not limited to imposing a fine of not more than \$500.00 for each offense. Each day a violation continues shall be a separate offense.
- (Ord. No. O-18-68, § 3(Exh. A), 12-20-18)

TITLE SEVEN. ZONING USE PROVISIONS*

CHAPTER 1141. PRINCIPAL USE PROVISIONS

Sec. 1141.01. General provisions.

(a) *Permitting designations of principal uses.* Certain symbols are used in Section 1141.02 (Table of Principal Uses by Zoning District) to designate whether or not a certain use listed is allowed in the various zoning districts of this Zoning Code. The following paragraphs provide an explanation of abbreviations and column headings in Section 1141.02:

- (1) *Permitted uses (P).* A "P" in a cell indicates that the use is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Zoning Code, including the use-specific standards set forth in this chapter, the zoning district provisions of Title Nine, and the site development provisions of Title Eleven.
- (2) *Conditional uses (C).* A "C" in a cell indicates that, in the respective zoning district, a use is permitted if reviewed and approved as a conditional use pursuant to Section 1135.06 (Conditional use review). Conditional uses are subject to all other applicable regulations of this Zoning Code, including the use-specific standards of this chapter, the zoning district provisions of Title Nine, and the site development provisions of Title Eleven.
- (3) *Prohibited uses (Shaded).* A shaded cell indicates that the listed use is prohibited in the respective zoning district.

*Editor's note—Ord. No. O-18-68, §§ 2, 3(Exh. A), adopted Dec. 20, 2018, repealed the former Tit. Seven, Chs. 1141, 1143, and enacted a new Tit. Seven as set out herein. The former Tit. Seven pertained to zoning districts and conformity and derived from Ord. No. 3783, 8-7-97; Ord. No. 4101, 2-1-01; Ord. No. 5138, 2-20-14.

- (4) *Site plan review required (Yes, No, N/A).* This column indicates whether the principal use listed is subject to site plan review pursuant to Section 1135.05 (Site plan review). The Planning Commission is responsible for reviewing site plans for both permitted uses and conditional uses.
 - (5) *Additional standards.* Regardless of whether a use is permitted by-right or allowed as a conditional use, there may be additional regulations which apply specifically to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of the table. These standards apply in all zoning districts unless otherwise specified.
- (b) *Principal uses not listed.*
- (1) *Procedure to determine designation.* When a principal use is not listed in Section 1141.02 (Table of Principal Uses by Zoning District), the Zoning Administrator shall convene the Board of Zoning Appeals (BZA) to make a determination as to whether the use not listed shall be allowed as a permitted or conditional use or otherwise prohibited, based on being similar or not to one or more uses listed.
 - (2) *Accessory use determination.* The BZA may determine that the use is an accessory use, associated with a principal permitted use. Accessory uses and structures are permitted only in connection with, incidental to, and on the same lot with, a principal permitted use/structure which is permitted within such district. Accessory uses are subject to the provisions of Title Seven, Chapter 1133 (Accessory use provisions).
 - (c) *Uses preempted by federal statute.* Uses that are required to be permitted in any zoning district by state or federal statute may be permitted in accordance with such laws whether or not the use is included in Section 1141.02 (Table of Principal Uses by Zoning District).
(Ord. No. O-18-68, § 3(Exh. A), 12-20-18)

Sec. 1141.02. Table of principal uses by zoning district.

Land Uses	Zoning Districts										Site Plan Review Required (Yes, No, N/A)	Additional Standards	
	Business			Mixed Use			Residential						
	LI	GI	SC	DC	DT	MF	MH	RR	SN	TN			
AGRICULTURAL USES													
Agriculture - Raising of Crops	P	P	P	P	P	P	P	P	P	P	P	No	
Agriculture - Raising of Livestock								P				No	Section 1141.03(a)
Greenhouses and Nurseries	P	P						P				Yes	
Marijuana Cultivation	P	P										Yes	
Marijuana Processing	P	P										Yes	
RESIDENTIAL USES													
Single Family Dwellings					P	C	C	P	P	P		No	Section 1141.03(b)
Two Family Dwellings					P	C		C	C	P		No	Section 1141.03(c)

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Land Uses	Zoning Districts										Site Plan Review Required (Yes, No, N/A)	Additional Standards
	Business			Mixed Use			Residential					
	LI	GI	SC	DC	DI	MI	MH	RR	SN	TN		
Multi Family Dwellings				C	C	P				C	Yes	Section 1141.03(d)
Upper Story Residential				P	P					C	Yes	Section 1141.03(e)
Adult Family Homes or Small Residential Facilities					P	P		P	P	P	No	
Adult Group Homes or Large Residential Facilities					C	C			C	C	Yes	Section 1141.03(f)
Nursing/Convalescent Homes and Assisted Living Facilities			C		C	C		C	C	C	Yes	Section 1141.03(g)
Manufactured Home Parks							P				Yes	Section 1141.03(h)
PUBLIC AND INSTITUTIONAL USES												
Active Parks, Playgrounds, and Recreational Facilities			C	C	C	C	C	C	C	C	Yes	
Cemeteries			P		P	P	P	P	P	P	Yes	
Churches and Places of Worship	C	C	P	P	P	C	C	C	C	C	Yes	
Community Garden	C	C	C	C	C	C	C	C	C	C	Yes	
Educational Institutions	C	C	P	P	P	C	C	C	C	C	Yes	
Educational Institutions, Higher	C	C	P	C	C					C	Yes	
Fraternal Organizations or Social Clubs	C	C	P	P	P	C	C	C	C	C	Yes	
Police or Fire Station	P	P	P	P	P	P	P	P	P	P	Yes	
Government Facilities	P	P	P	P	P	C	C	C	C	C	Yes	
Hospitals and Outpatient Centers			P		C						Yes	
Libraries or Cultural Centers			P	P	P	C	C	C	C	C	Yes	
Passive Parks, Open Space, and Conservation Areas	P	P	P	P	P	P	P	P	P	P	Yes	
Public Infrastructure	P	P	P	P	P	P	P	P	P	P	No	

Land Uses	Zoning Districts										Site Plan Review Required (Yes No, N/A)	Additional Standards
	Business			Mixed Use		Residential						
	LI	GI	SC	DC	DT	MF	ME	RR	SV	TN		
Public Utilities	C	C	C	C	C	C	C	C	C	C	Yes	
Telecommunications Facility (New Facility/ Tower)	C	C	C		C			C			Yes	Section 1141.03(i)(1)
Telecommunications Facility (Existing Tower Modification)	P	P	P	P	P	P	P	P	P	P	No	Section 1141.03(i)(2)
Telecommunications Facility (Small Cell Facility)	P	P	P	P	P	P	P	P	P	P	No	Section 1141.03(i)(3)
COMMERCIAL USES												
Adult Entertainment Facilities		C									Yes	Section 1141.03(j)
Banquet/Assembly Halls or Conference Centers			P	P	P						Yes	
Automobile Body Repair Shops	C	C	P		C						Yes	
Automobile Fueling Stations			P		C						Yes	Section 1141.03(k)
Automobile General Repair	C	C	P		C						Yes	Section 1141.03(l)
Automobile Oil Change, Lube, or Light Service			P		C						Yes	
Automobile Sales or Rental Establishments			P		C						Yes	
Automobile Washing Facility			P		C						Yes	
Bed and Breakfasts			C		C		C		C		Yes	Section 1141.03(m)
Bars, Brewpubs and Taverns	P	P	P	P	C						Yes	
Casino or Skilled Gaming Facility			C								Yes	
Clinics			P	P	P						Yes	
Convenience Stores			P	P	C				C		Yes	
Day Care Centers			P	P	P				C		Yes	Section 1141.03(n)

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Land Uses	Zoning Districts										Site Plan Review Required (Yes, No, N/A)	Additional Standards	
	Business			Mixed Use		Residential							
	LI	GI	SC	DC	DT	MF	MH	RR	SN	TN			
Drive-Through Facilities			P		C							Yes	Section 1141.03(o)
Equipment Sales and Leasing	P	P	C									Yes	
Family Day Care - Type A (7-12 children)			P		P	C		C	C	C		Yes	
Family Day Care - Type B (1 to 6 children)					P			P	P	P		Yes	
Financial Institutions			P	P	P							Yes	
Flea Markets			C					C				Yes	
Funeral Homes			P	P	P	C		C	C	C		Yes	
Garden Centers			P					P				Yes	
Hotels or Motels			P	P	C							Yes	
Kennels or Animal Shelters	C		C					C				Yes	Section 1141.03(p)
Marijuana Dispensary	P	P										Yes	
Micro-breweries, Micro-distilleries, or Micro-wineries	P	P	C	C	C							Yes	
Moving Truck and Trailer Rental	P	P	P		C							Yes	
Offices	P	P	P	P	P					C		Yes	
Private Parking Lots or Garages	P	P	P	P	C							Yes	
Personal Service Establishments	C		P	P	C					C		Yes	
Recreational Facility (Indoor)	C		P	C	C							Yes	
Recreational Facility (Outdoor)	C		C	C	C	C		C	C			Yes	
Retail and Service Uses (under 75,000 SF)	C		P	P	C					C		Yes	
Retail and Service Uses (over 75,000 SF)	C		P	C	C							Yes	
Restaurants			P	P	C					C		Yes	

Land Uses	Zoning Districts										Site Plan Review Required (Yes, No, N/A)	Additional Standards	
	Business			Mixed Use			Residential						
	LI	GI	SC	DC	DI	MF	MII	RR	SN	TN			
Self-Storage Facilities	P	P	P									Yes	Section 1141.03(q)
Shooting Range (Indoor)	C	C	C									Yes	
Shooting Range (Outdoor)		C						C				Yes	
Short-Term Loan Establishments	C		P	C								Yes	
Short Term Rentals				P	C							Yes	Section 1141.03(r)
Theaters			P	P	C							Yes	
Truck Stops		C	C									Yes	
Veterinary Clinics or Animal Grooming			P	C	C							Yes	
INDUSTRIAL USES													
Building/Lumber Yards	P	P										Yes	
Contractor Yards	P	P										Yes	
General Industrial Services	C	P										Yes	
Heavy Industrial Uses		P										Yes	
Junk Yard												N/A	
Light Industrial Uses	P	P	C									Yes	
Research and Development Facilities	P	P										Yes	
Warehouses and Distribution Centers	P	P										Yes	
Wholesale Businesses	P	P										Yes	

(Ord. No. O-18-68, § 3(Exh. A), 12-20-18)

Sec. 1141.03. Use-specific standards.

- (a) *Agriculture—Raising of livestock.* The keeping of chickens on a residential property is considered an accessory use, regulated by the provisions of Title Seven, Chapter 1143 (Accessory Use Provisions).
- (b) *Single family dwellings.* No more than one principal structure is permitted on a single property.
- (c) *Two-family dwellings.* No more than one principal structure is permitted on a single property.
- (d) *Multiple-family dwellings.*
 - (1) Multi-family development which is a part of a mixed use development proposal is encouraged to utilize the planned unit development (PUD) process outlined in Section 1159.04 (Planned unit development overlay).