ZONING ORDINANCE
CITY OF
NEW LEXINGTON

APRIL 2007

TABLE 1

NEW LEXINGTON PROPOSED USES

USE	DISTRICT					
	R1	R2	R3	COMMERCIAL	CENTRAL BUSINESS	INDUSTRIAL
SINGLE-FAMILY DWELLING	P	P	P	P	P	
TWO-FAMILY DWELLING			P	P	P	
MULTIPLE-FAMILY DWELLING			P	P	P	
MOBILE HOMES			P	P		
MOBILE HOME PARKS			S	S		
NON TRANSIENT BOARDING & ROOMING			P	P	P	
DORMITORIES, NURSING HOMES			P	P	P	
NON TRANSIENT RESIDENTIAL HOTELS			P	P	P	
GROCERY, MEAT, FRUITS, CARRY-OUT			P	P	P	P
DELICATESSEN STORES (5000SQ FT OR LESS)			P	P	P	P
BAKERY, DAIRY, EGG RETAIL(5000 SQ FT OR LESS)			P	P	P	P
DRUGS, PROPRIETY & VARIETY STORES			P	P	P	P
BEAUTY & BARBER SHOPS			P	P	P	P
SELF SEVICE LAUNDRY & DRY CLEANING			P	P	P	P
LAUNDRY&DRY CLEAN PICK-UPSTATION				P	P	
BANKS, SAVINGS & LOANS				P	P	
CREDIT & FINANCE RELATED BUSINESS				P	P	P
COLLECTION AGENCIES, INVESTMENT& CONSUMER SERVICES				P	P	P
INSURANCE, REAL ESTATE, TITLE OFFICES		H	H	P	P	P
ADMINISTATIVE & SALES OFFICES		H	H	P	P	P
GOVERNMENT OFFICES				P	P	P
DETECTIVE & PROTECTIVE AGENCIES				P	P	P
PHYSICIANS OFFICES		H	H	P	P	P
DENTIST OFFICES		H	H	P	P	P
ENGINEERING, ARCHITECTURAL, URBAN PLANNING SERVICES		H	H	P	P	P
MANUFACTURED HOME & DOUBLE WIDE	P	P	P	P	P	P
ACCOUNTING, AUDITING SERVICES	H	H	H	P	P	P
ATTORNEYS OFFICES		H	H	P	P	P
CHIROPRACTORS OFFICES		H	H	P	P	P
VETERINARIAN OFFICES				P	P	P
UTILITY SERVICES OFFICES				P	P	P
TELEGRAPH & TELEPHONE EXCHANGES				P	P	P
RADIO STATIONS				P	P	P
TELEVISION STATIONS				P	P	P
TRAVEL & TICKET OFFICES				P	P	P

P= permitted use S= special use H= home occupation is permitted

TABLE 1

NEW LEXINGTON PROPOSED USES

USE	DISTRICT					
	R1	R2	R3	COMMERCIAL	CENTRAL BUSINESS	INDUSTRIAL
GENERAL & HEALTH RESORTS				P	P	P
TRANSIENT BOARDING & ROOMING HOUSES				P	P	P
MOTELS, HOTELS, TOURIST COURTS				P	P	P
TRAILER CAMPS & TRAVEL TRAILER PARKS				S		S
AUTOMATS, SELF-OPERATING CAR WASHES				P	P	P
TRUCK STOPS				P		P
FARM EQUIPMENT SALES & SERVICE				P		P
FRUIT STANDS, GREENHOUSES				P		P
ANIMAL HOSPITALS				P	P	P
WAREHOUSING & STORAGE DIRECTLY RELATED TO RETAIL OUTLETS				P	P	P
WHOLESALE, DISTRIBUTION & STORAGE EXCEPT VOLATILE MATERIALS				P	P	P
EXPLOSIVE, VOLATILE MATERIALS STORAGE & DISTRIBUTION						P
FREIGHT & TRANSFER TERMINALS						P
COMMERCIAL GARAGING OF VEHICLES				P	P	P
AIR FREIGHT TERMINALS						P
INDUSTRIAL WAREHOUSING						P
LUMBER SALES & STORAGE				P		P
BUS, TAXI-CAB,FARM EQUIPMENT STORAGE & REPAIR				P	P	P
AUTO REPAIR				P	P	P
ELECTRICAL, APPLIANCE, UPHOLSTERY, CARPENTRY, SHEET METAL SHOPS				P	P	P
BROOM, WINDOW SHADE MFG.						P
OFFICE & SERVICE INDUSTRY MACHINES MFG.						P
PHOTOENGRAVING, TYPSETTING					P	P
PENCILS, ART SUPPLY & SIMILAR MFG.						P
JEWELRY, BUTTONS, NOTIONS MFG.						P
PAPER, BOOK, NEWSPAPER PRINTING & MFG.						P
SIGN & DIE CUT PRODUCTS						P
COMMERCIAL LAUNDRY, DRY CLEANING				P	P	P
LINEN SUPPLY & INDUSTRIAL LAUNDRY				P	P	P
MILK, BAKERY PROJECTS MFG.				P	P	P
SOFT DRINK & BOTTLING WORKS				P		P
TV, RADIO, TRANSMISSION STATIONS				P	P	P

P= permitted S= special use only H= home occupation is permitted

TABLE 1

NEW LEXINGTON PROPOSED USES

USE	DISTRICT					
	R1	R2	R3	COMMERCIAL	CENTRAL BUSINESS	INDUSTRIAL
WILDLIFE & FOREST PRESERVES						P
AMPITHEATRE, AUDITORIOMS, MUSIC HALLS				P	P	P
YMCA, YWCA, & SIMILAR RECREATION				P	P	P
SCHOOLS (ALL LEVEL-PUBLIC & PRIVATE)		P	P	P	P	
LIBRARIES, MUSEUMS, ETC.		P	P	P	P	
HISTORIC SITES, MONUMENTS		P	P	P	P	P
BAIT STORES, MARINE SUPPLIES,				P		P
TENNIS, SWIMMING, SIMILAR ACTIVITY		P	P	P	P	P
HUNTING & FISHING CLUBS				P	P	P
HOSPITALS, CLINICS, REST HOMES & SANITARIUMS & THE LIKE		S	P	P	P	
ORPHANAGES, CHILDREN'S HOME		S	P	P	P	
CORRECTIONAL INSTITUTIONS, PRISONS						P
EMERGENCY & CHARITABLE SERVICES				P	P	P
CHURCHES, CEMETERIES	S	P	P	P	P	P
GOVERNMENTAL SERVICE BUILDINGS				P	P	P
RAIL, BUS AIR TERMINALS				P	P	P
AIRPORTS, HELIPORTS				S		S

P= permitted use S= special use only H= home occupation is permitted

PLANNED UNIT DEVELOPMENT (PERMITTED AS PROVIDED FOR IN SECTIONS 234, 235, 236 IN ALL DISTRICTS)

In a R-3 district, an existing single family dwelling may be changed to a two (2) or three (3) unit family dwelling, if at least 1,100 square per new dwelling unit is provided. Off street parking shall be provided in the rear at the rate of 1.5 spaces per new dwelling unit in accordance with the requirements herein. The converted dwelling units must maintain the present appearance of a single family dwelling.

ZONING ORDINANCE
CITY OF NEW LEXINGTON
PERRY COUNTY, OHIO

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health, safety, and the general welfare. It is not intended that this Ordinance shall interfere with, abrogate, or annul 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 rule, regulation, ordinance, or resolution, the most restrictive, or that imposing the higher standards, shall apply.

1.03.03 Provisions Cumulative

The provisions of this ordinance are cumulative and act as additional limitations to all other laws and ordinances. Nothing herein shall be deemed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except when the particulars or matters of this Zoning Ordinance are more restrictive than such other ordinances.

Section 1.04 Invalidation

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.

"Building line" means the front yard setback line established by this Zoning 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 as provided by this Zoning Ordinance.

"Business services" means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

"Cemetery" means land used or intended to be used for the burial of human dead.

"Certificate of Zoning Compliance" means a certificate issued by the Zoning Inspector, pursuant to Section 4.08 of this Ordinance, confirming that the requirements of this Ordinance have been met, and the building can be occupied or used.

"City" means the City of New Lexington, a political subdivision in Perry County, Ohio.

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

"Commission" means the Planning Commission of the City of New Lexington, Ohio, as established in the Charter of the City and defined 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, and the granting of a conditional use permit as specified in Article VII of this Ordinance.

"Drive through facilities" mean a designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.

"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.

"Multiple-family dwelling" or *"multiple-family residence"* means a building designed or used as a residence for three or more families living independently.

"Single family dwelling" or *"single family residence"* means a building designed for or occupied exclusively by one family.

"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,

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 Section 25.04 of this Ordinance.

"Hospital" means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care diagnosis and treatment of human ailments.

"Hotel" or *"motel"* means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

"Institution" means an organization providing social, cultural, educational, religious 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 a recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and parcel".

"Corner lot" mans 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.

"Through lot" means a lot fronting on two parallel streets.

"Rear lot line" means that lot line, which is opposite and furthest, removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten (10) feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angels from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

"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.

"Lot of record" means any lot, which individually or as a part of a subdivision has been recorded as in the Office of the Perry County Recorder as of the effective date of this Ordinance.

"Minimum lot area" means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

"Lot width" is the width of a lot at the building setback line measured at right angles to its depth.

"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.

"Off-street parking space" means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Article XXVI of this Ordinance.

"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.

"Person" means an individual, corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit.

"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 offices" means the offices, which engage in the 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 stores" means stores 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 lying between property lines, wherein, is located a street, thoroughfare, alley or easement dedicated or otherwise acquired for use by the public.

"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 10.02.05 of this Ordinance.

"Street" and *"thoroughfare"* means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

"Structure" means anything constructed or erected the use of, which requires location on the ground or attachment to something having a fixed location on the ground, including among other thing walls, buildings, and patios.

"Structural alteration" means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

ARTICLE III

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 Zoning Inspector

3.01.01 Office of Zoning Inspector Created

The Zoning Inspector, who shall be appointed by the Mayor, shall enforce the Zoning Ordinance. All officials and employees of the City shall assist the Zoning Inspector by reporting to him/her any new construction, reconstruction, or apparent violations to this Ordinance.

3.01.02 Duties of Zoning Inspector

For the purposes of this Ordinance, the Zoning Inspector shall have the following duties:

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 action taken on same.
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 City official(s) for action.
F. Advise the Planning Commission and the Board of Zoning Appeals of matters pertaining to the enforcement of and amendments to the Zoning Ordinance, as well as conditional use permits, appeals, or variances, and all applications and records pertaining thereto.

Section 3.02 Planning Commission

3.02.01 Planning Commission Established

Pursuant to Section 713.01 of the Ohio Revised Code (ORC) and Section 7.01 of the City Charter, there is hereby established a Planning Commission for the City of New Lexington.

immediately filed in the City offices arid shall be a public record.

C. The Commission shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish

3.02.06 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 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 City Council, pursuant to Article V of this Ordinance.

B. Make a recommendation for the zoning of newly annexed areas to the City, in accordance with Section 11.04 of this Ordinance.

Section 3.03 Board of Zoning Appeals

3.03.01 Board of Zoning Appeals Established

Pursuant to Section 713.11 of the Ohio Revised Code (ORC) and Section 7.02 of the City Charter, there is hereby established a Board of Zoning Appeals for the City of New Lexington.

3.03.02 Membership and Terms

The Board of Zoning Appeals shall consist of five (5) members. The members shall be electors of the City and shall be appointed by the Mayor subject to the approval of the Council by a majority of its members. Members of the Board shall serve overlapping five-year terms of office, and shall serve without compensation.

3.03.03 Removal of Members

Members of the Board shall be removable for non-performance of duty, misconduct in office, or other cause by the City Council, after a hearing has been held before the City Council regarding such charges. The Mayor or any Council member must submit the charges in writing. Charges made against any Board Commission member shall be reviewed by the Law Director prior to any formal public hearing. The member shall be given the opportunity to answer and be heard on the charges.

Section 3.04 Powers of Zoning Inspector, Board of Zoning Appeals and City Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector. Objections to the decision of the Board of Zoning Appeals shall be made only to a court of competent jurisdiction. It is further the intent of this Ordinance that the powers of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement of this ordinance that may arise. City Council shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Zoning Inspector on matters of appeal or variance.

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 conformance with the provisions of this Ordinance. All zoning permits shall, however, 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. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Zoning Compliance along with one (1) copy of the application. The Zoning inspector shall 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 Submission to the Director of the Department of Transportation

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 300 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by first class mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for 120 days from the date the notice sent to the Director of the Department of Transportation. If the Director notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director notifies the Zoning Inspector that acquisition at this time is not in the public interest thereof agreed upon by the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provision of this Ordinance, issue the zoning permit in conformance with the provisions of Section 4.04 of this Ordinance.

Section 4.06 Record of Zoning Permit

A record of all approved zoning permits shall be kept on file in the Office of the City Administrator, and copies shall be furnished upon request to any person requesting it.

Section 4.07 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 and one-half (2 1/2) years from the date of issuance thereof, said permit shall expire.

ARTICLE V

AMENDMENTS

Section 5.01 Power of City Council

Whenever the public necessity, general welfare or good zoning practice requires, Council may, by Ordinance, alter receipt of a recommendation thereon from the Planning 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. The Planning Commission shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

Section 5.02 Initiation of Zoning Amendments

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

A. By referral of a proposed amendment to the Planning Commission by City Council.
B. By the adoption of a motion by the Planning Commission submitting the proposed amendment to City 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 Contents of 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 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 Perry 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. A statement as to how the proposed amendment will impact adjacent and proximate properties.
H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.
I. A fee as established by the City Council.

City Council. No such Ordinance which violates, differs from, or departs from the recommendation submitted by the Planning Commission shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the City Council.

5.05.04 Criteria

In reviewing the proposed amendment and arriving at its decision, the City 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 and traffic flow 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 City.

5.05 .05 Effective Date and Referendum

Such amendment adopted by City Council shall become effective thirty (30) days alter the date of such adoption unless within thirty (30) days alter the passage of the ordinance there is presented to the City Clerk a petition, signed by a number of qualified voters residing in City equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the City Council to submit the zoning amendment to the electors of the City for approval or rejection at the next general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take immediate effect.

Section 6.03 Application for Variance and Appeal

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. An application for a variance or appeal shall be filed with the Zoning Inspector on a form as specified for that purpose. The Zoning Inspector shall forward a copy of the application to the Board of Zoning Appeals.

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

A. Name, addresses, and phone number of the applicant.
B. Legal description of property as recorded in Perry 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 Perry 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 ground 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 Public Hearing by the Board

Prior to making a decision on the proposed appeal or variance, the Board may hold a public hearing for consideration of an appeal from a decision of the Zoning Inspector or variance unless a resolution is passed. If such hearing is held, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) days before the date of said hearing. The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed appeal or variance.

Before holding such public hearing written notice of such hearing shall be mailed by the Clerk of the City, 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.

Section 6.05 Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this

ARTICLE VII

FEES AND VIOLATIONS

Section 7.01 Schedule of Fees, Charges and Expenses

The City Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the City Administrator, and may be altered or amended only by the City 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 Failure to Obtain a Zoning Permit

Failure to obtain a permit or certificate as required by specific sections of this Ordinance shall be a deemed a violation and punishable under Section 7.02.04 of this Ordinance.

7.02.02 Construction and Use to be as provided in Applications, Plans, Permits, and Certificates

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Inspector 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 7.02.04 of this Ordinance.

7.02.03 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or 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 such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Ordinance.

ARTICLE VIII

NONCONFORMING USES

Section 8.01 Intent

Within the districts established by this Ordinance, there may exist lots, structures, and/or uses of land or structures 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 these nonconformities to continue until they are removed, but not necessarily to encourage their survival.

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 use was lawful at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Ordinance.

8.02.02 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 Board of Zoning Appeals shall 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.

A nonconforming mobile home, once removed, shall not be allowed to be relocated on another lot, or replaced with another mobile home, without specific approval of the Board of Zoning Appeals.

In the administration of this Section, if disagreement occurs as to the market value of a particular property, that market value shall be determined by an independent appraiser as selected and mutually agreed to by the applicant and the City. Such appraisals shall be performed according to a comparable value method of appraisal.

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 as follows:

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 forty (40) feet frontage on a public street; and further provided the following conditions are complied with:

A. In any district where dwellings are permitted, 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 three (3) feet.
B. For lots having a depth of less than 100 feet, the depth of the rear yard need not exceed twenty-five percent (25%) of the total depth of the lot, but shall not be less fifteen than feet.

ARTICLE X

STANDARD ZONING DISTRICT REGULATIONS

Section 10.01 Regulation of the Uses 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 Section 11.01, are hereby established and adopted.

Section 10.02 Rules of Application

10.02.01 Identification of Uses

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

10.02.02 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 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 Board of Zoning Appeals to be a similar use, pursuant to Sections 10.02.05 of this Article.

B. No more than one (1) permitted use shall exist on any one zoned lot.

10.02.03 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 XXV of this Ordinance.

10.02.04 Conditional Uses

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 Board of Zoning Appeals shall, in addition

for a zoning permit. The Development Plan shall contain a site plan for the property, drawn to approximate scale, showing all property lines and building outlines, access drives, parking areas, and other notable physical features. The Development Plan shall also show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use, and how such use will impact adjacent residential property

The Development Plan shall be reviewed by the Planning Commission and must be approved as a condition for the issuance of a zoning permit. In approving a Development Plan, the Planning 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 in accordance with this Article. (refer to Art.#26)

B. The Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.

C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods.

10.02.08 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 City.

ARTICLE XII

(R1) RESIDENTIAL ONE DISTRICT

Section 12.01 Purpose

The Residential One District is established to provide for low density single family residential development at densities typical of contemporary suburban environments.

Section 12.02 Permitted Uses

A. One-family detached dwellings.

Section 12.03 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 tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located.

B. Home occupations are prohibited in the Residential One District

Section 12.04 Conditional Uses

A. Public parks and open space.
B. Public playgrounds.
C. Churches and places of worship.

Section 12.05 Development Standards

12.05.01 Minimum Lot Area

10,000 square feet

12.05.02 Minimum Lot Width

For each principal use, there shall be a lot width of not less than sixty-five (65) feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on a curved street shall be fifty (50) feet.

12.05.03 Minimum Front Yard Depth

Forty (40) feet from the street right of way.

12.05.04 Minimum Side Yard Width

The minimum side yard width for each lot adjacent to a R1, R2, R3, COM, or CBD lot shall be at least 10 feet. The minimum side yard width for each lot adjacent to an Industrial District lot shall be at least 25 feet.

ARTICLE XIII

(R2) RESIDENTIAL TWO DISTRICT

Section 13.01 Purpose

The Residential Two District is established to provide for medium density single family residential development.

Section 13.02 Permitted Uses

A. One-family detached dwellings.

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 tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located.

B. Home occupations, subject to the requirements of Section 25.04 of this Ordinance.

Section 13.04 Conditional Uses

A. Public parks
B. Public playgrounds
C. Churches and places of worship
D. Schools

Section 13.05 Development Standards

13.05.01 Minimum Lot Area

10,000 square feet

13.05.02 Minimum Lot Width

Fifty (50) feet

13.05.03 Minimum Front Yard Depth

Thirty-five (35) feet from street right of way.

13.05.04 Minimum Side Yard Width

The minimum side yard width for each lot adjacent to a R1, R2, or R3 lot shall be at least 5 feet. The minimum side yard width for each lot adjacent to a COM or CBD lot shall be at least 10 feet. The minimum side yard width for each lot adjacent to an Industrial District lot shall be at least 25 feet.

ARTICLE XIV

(R3) RESIDENTIAL THREE DISTRICT

Section 14.01 Purpose

The Residential Three District is established to provide for high density single, double, and multiple family residential developments.

Section 14.02 Permitted Uses

A. Single family detached dwellings
B. Two-family detached dwellings
C. Multiple family dwellings

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 tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located.
B. Home occupations, subject to the requirements of Section 25.04 of this Ordinance.

Section 14.04 Conditional Uses

A. Public parks
B. Public playgrounds
C. Churches and places of worship
D. Schools
E. Retail stores primarily engaged in selling merchandise for personal or household consumption including:
    1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof.
    2. General merchandise, including limited price variety stores and other similar stores selling a variety of general merchandise.
    3. Similar retail stores, such as: pharmacies, hardware, floral shops, and gift and novelty stores, etc.

Section 14.05 Development Standards

14.05.01 Minimum Lot Area

The minimum lot area for a lot upon which a single family or a two family residence is located shall be 10,000 square feet. The minimum lot area for a lot upon which a multiple family residence is located shall be 5,500 square feet.

14.05.02 Minimum Lot Width

The minimum lot width for a lot upon which a single family residence is located shall be fifty (50) feet. The minimum lot width for a lot upon

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, and dead or dying trees or vegetation.

E. Motor vehicle sales and service establishments
F. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
G. Hotels and Bed-and-Breakfast Establishments
H. Community facilities such as governmental offices, post office, libraries, museums, private schools, and public parks
I. Churches and places of public worship
J. Off-street parking areas
K. Similar uses, which conform to the purpose of the Central Business District, as determined by the Board of Zoning Appeals in accordance with the provisions of Section 10.02.05 of this Ordinance.

Section 15.03 Conditional Uses

A. One-family detached dwellings subject to the development standards of the R1 District.
B. Two or more family residences, subject to the development standards of the R2 District.
C. Uses with drive-through facilities, provided a Development Plan is prepared and approved by the Board of Zoning Appeals.
D. 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 purpose of the CBD District as stated in Section 15.01 above.

Section 15.04 Development Standards

15.04.01 Lot Area

No minimum lot area is required.

15.04.02 Lot Width

No minimum lot width is required.

15.04.03 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 the R1 District, in which case the setback shall be twenty (20) feet.

15.04.04 Maximum Building Size

Individual uses within the CBD District shall have a usable floor area of not more than 4,000 square feet, unless the use is located in an existing building, in which case such restriction shall not apply.

ARTICLE XVI

(COM) COMMERCIAL DISTRICT

Section 16.01 Purpose

The Commercial District is established to provide areas for broad business services and retail activities.

Section 16.02 Permitted Uses

A. Administrative and business offices, including:
   1. Insurance agents, brokers, and associated services.
   2. Professional, legal, engineering, and architectural services, not including the outside storage of equipment.
   3. Accounting, auditing, and other bookkeeping services.

B. Retail stores primarily engaged in selling merchandise for personal or household consumption including:
   1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof.
   2. General merchandise, including limited price variety stores and other similar stores selling a variety of general merchandise.
   3. Similar retail stores selling specialty goods, including: drug stores, hardware and home repair goods, gift, and novelty stores, etc.

C. Personal services, involving the care of the person and his personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
   1. Restaurants and taverns.
   2. Banks, savings and loans, and credit agencies.
   3. Barber and beauty shops.
   4. Self-service laundries and dry-cleaning establishments.
   5. Human medical and dental clinics.
   6. Funeral services.

D. Business services engaged in the providing of services to business establishments on a fee or contract basis, including consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.

E. Motor vehicle sales and service establishments.

F. Commercial recreational facilities.

G. Hotels and bed and breakfast establishments.

H. Community facilities such as governmental offices, post office, libraries, museums, private schools, and public parks.

I. Off-street parking areas.

J. Similar uses, which conform to the purpose of the Commercial District, as determined by the Planning Commission.

Section 16.04 Conditional Uses

A. Single family residences

B. Two family residences

C. Multiple family residences

D. Uses with drive-through facilities

Section 16.06 Street Trees

Street trees shall be required along all new streets developed within the district. The spacing of trees along streets shall be not less than thirty (30) feet on center. A minimum of twelve feet (12') of overall height or a minimum caliper (trunk diameter measured six inches above the ground) of at least two inches (2'') shall be required.

Section 16.07 Sidewalks

Sidewalks of not less than four (4) feet in width shall be required for both sides of all new streets developed within the district and adjacent to all streets on newly developed lots within the district.

Section 16.08 Property Maintenance

No owner of a property or structure in the district shall by willful neglect, 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, and dead or dying trees or vegetation.

Section 16.09 Trash and Garbage Control

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

17.05.02 Minimum Side Yard Width

No minimum side yard is required; however all uses and structures, including parking and paved areas, shall be located not less than 100 feet from and residential district and not less than 50 feet from any other district.

17.05.03 Minimum Rear Yard Depth

Fifteen (15) feet

17.05.04 Maximum Percent of Lot Coverage

Seventy-five (75%) percent

17.05.05 Maximum Building Height

One hundred (100) feet

17.05.06 Minimum Lot Area

No minimum lot size is required; however all uses and structures, including parking and paved areas, shall be located not less than 100 feet from and residential district and not less than 50 feet from any other district.

Section 17.06 Street Trees

Street trees shall be required along all new streets developed within the district. The spacing of trees along streets shall be not less than fifty (50) feet on center. A minimum of twelve feet (12') of overall height or a minimum caliper (trunk diameter measured six inches above the ground) of at least two inches (2'') shall be required.

Section 17.07 Property Maintenance

No owner of a property or structure in the district shall by willful neglect, 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, and dead or dying trees or vegetation.

Section 17.08 Trash and Garbage Control

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

ARTICLE XIX

RESERVED FOR FUTURE USE

ARTICLE XXI

RESERVED FOR FUTURE USE

ARTICLE XXIII

PLANNED UNIT DEVELOPMENT

Section 23.01 Purpose

The purpose of the planned unit development district is to accommodate and encourage development of large tracts of land for residential, commercial, industrial, public, or compatible mixed uses, in accordance with an overall plan for the area.

Section 23.02 Definition

"Planned Unit Development" means an area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards.

Section 23.03 Interpretation

Whenever the requirements of this section appear to be in conflict with other sections of this ordinance or with other existing codes, the provisions of these sections shall prevail.

Section 23.04 Permitted Uses

Residential, commercial, manufacturing, public, and compatible mixed uses may be combined in a planned unit development, provided that the proposed location of the commercial and manufacturing uses will not adversely impact adjacent properties and districts.

Section 23.05 Development Standards

23.05.01 Minimum area

The gross area of a proposed planned unit development shall not be less than three (3) acres.

23.05.02 Underground utilities

All utilities, including telephone, cable, and electric, shall be buried underground.

23.05.03 Setbacks

Lot width, setback, and yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types.

Section 23.08 Approval

If the planned unit development is permitted, the zoning inspector shall issue a permit. The approved development would then become a part of this ordinance, as would any other amendment. Construction must commence on the development within 2 years of approval of the plan and the development must be completed within five years of approval of the plan. If approval is not commenced within two years after approval is granted, the permit issued shall be void.

ARTICLE XXIV

GENERAL DEVELOPMENT STANDARDS

Section 24.01 Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered unless its lot fronts on a publicly dedicated and improved street or thoroughfare, or a private street that has been constructed to meet the standards for public streets.

B. Lot Width

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

Section 24.02 Front Yards

A. Front Yard Requirements

In all districts, driveways may be located in front yards. In districts where single-family residences are not a permitted use; front yard setbacks may also be used for parking areas, consistent with the regulations of Article XXVI.

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

An open, uncovered porch or paved terrace may not project into the required front yard for distance of greater than fourteen (14) feet.

D. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front yard no more than three (3) feet.

E. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets. Setbacks for one (1) of the other two (2) sides of the corner lot shall be as required for the rear yard in the district where the lot is located.

Section 24.03 Side Yards

A. Measurement

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

ARTICLE XXV

ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

Section 25.01 Residential Accessory Buildings and/or Structures

"Accessory building or structure" shall mean a structure occupied by a use which is 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. Residential accessory structures include detached garages, tool and garden sheds, tennis courts, swimming pools and similar facilities. Residential accessory structures are subject to the following additional requirements:

A. An accessory use or structure shall not exceed fourteen (14) feet in height, unless the subject property is located within the CBD District, and specific approval for a higher accessory building is granted by the Planning and Zoning Commission, in order to promote consistency with the architectural character of the other structures on the site.

B. An unattached accessory structure shall be located to the side or rear of the principal structure, 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 three (3) feet from the rear lot line in the CBD District, or ten (10) feet from the rear lot line in all other districts.

C. The total area of accessory uses or structures shall not exceed 720 square feet, except for swimming pools which shall be exempted from these area requirements.

Section 25.02 Private Swimming Pools

A *"private swimming pool"* as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point greater than twenty-four (24) inches. A private spa or hot tub with a lockable cover shall not be considered as a "swimming pool" subject to the provisions of this Section. No swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any residential district unless the following conditions and requirements are complied with:

A. The pool is intended to be used solely by the occupants of the principal use of the property on which it is located.

B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, or closer than ten (10) feet to any property line or structure.

C. Any private swimming pool, or the property, on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than four (4) feet in height, maintained in good condition, and affixed with an operable gate and lock, secured when the pool is not in use.

D. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

E. No portable or permanent pool shall be installed in the front yard.

Section 25.04 Home Occupations

Home occupations shall be considered as permitted or conditional uses in any district where residences are a permitted or conditional use except in the Residential One (R1) District where home occupations are prohibited. A home occupation 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 thirty percent (30%) of dwelling unit floor area is devoted to the home occupation.

B. The home occupation shall not generate greater vehicular traffic volume than is normal for a residential neighborhood.

C. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.

D. 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

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 seamstress, member of the clergy, lawyer, engineer, architect, real estate consultant, accountant, artist, computer or telecommunications worker or private teacher. The occupant of the premises shall perform the home occupation.

Section 25.05 Group Residential Facilities

"Group residential facilities" are defined and classified in Article II of this Ordinance. A Class I Type B group residential facility is permitted in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a conditional use in the CBD, R3, and Commercial Districts, 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 Commercial District subject to the standards below:

A. The facility shall obtain all approvals and/or licenses as required by state

B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.

C. No exterior alterations of the structure 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.

2. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
3. The structure shall be oriented on the site so its long axis is parallel with the street, and it shall have an entranceway facing the street.
4. Each house trailer, mobile home or other similar type of vehicle shall be equipped with underskirting of a corresponding or matching material used in the construction of each individual trailer. All trailers must be fully shirted within thirty days after their placement.
5. The site shall be suitably landscaped, with adequate screening devices.
6. The siting of the structure shall comply with all yard and setback requirements of the district in which it is located.
7. The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
8. The site shall be serviced by utilities in such manner as required by Ordinance.

25.06.04 Single-Family Design and Appearance Standards

A single-family residential home, whether of modular, manufactured, or site-built construction, shall comply with all the regulations in effect for the district in which it is located.

26.03.05 Location of Parking and Loading Spaces

A five (5) foot clear zone shall be maintained between the street right-of-way line, and any vehicle. Parking areas shall be so designed and arranged as to not allow the protruding of any vehicle, or portion thereof, over the clear zone.

26.03.06 Barriers

Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

26.03.07 Visibility

Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.

26.03.08 Marking

All parking areas for twenty (20) spaces or more shall be marked with paint lines; curb stones, or in some other manner approved by the Zoning Administrator, and shall be maintained in a clearly visible condition.

26.03.09 Maintenance

Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.

26.03.10 Signs

Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.

26.03.11 Screening

All off-street parking and loading areas shall be screened on each side of the parking and loading area that abuts a residential district.

Section 26.04 Parking and Loading Space Dimensions

26.04.01 Parallel Parking Spaces

Each parallel parking space shall be at least 9 feet wide and 22 feet long. The width of the driveway aisle shall be at least 12 feet wide.

Section 26.07 Joint Parking Facilities.

Two or more buildings or establishments may share an off street parking area, provided that the parking area is not located more than 500 feet from the buildings served. Where a parking area is shared between two or more buildings or establishments, a written agreement shall be drawn and executed by the parties concerned. The agreement shall contain provisions guaranteeing the continued joint use of the parking area. The agreement shall be filed with the application for a zoning permit and shall be reviewed and approved by the City's legal counsel prior to the issuance of a zoning permit.

Section 26.08 Determination of Required Spaces

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

A. Where floor area is the standard for determining parking space requirements, floor area shall mean the sum of all interior floor space open to the public, excluding stairs, restrooms, elevator shafts, and similar nonusable areas.
B. Where seating capacity is the standard for determining parking space requirements, capacity shall mean the number of seating units installed or indicated. Each eighteen lineal inches of bench or pew space shall constitute one seating unit.
C. Fractional numbers shall be increased to the next whole number.
D. Parking space requirements for a use not specifically specified in this Article shall be determined by comparison to a "substantially similar use".

Section 26.09 Required Number of Spaces

Insert info after speaking with commission

Section 26.10 Parking Limitations in Residential Districts

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers, utility trailers and similar equipment shall not be parked on streets or alleys in any district where residences are a permitted use, for a period of time exceeding seventy-two (72) hours. The storage of such equipment shall be subject to the following requirements:

A. Recreational equipment shall not be parked or stored within the street right-of-way.
B. Not more than one (1) piece of recreational equipment shall be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat

ARTICLE XXVII

ADULT ENTERTAINMENT

Section 27.01 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 Article to regulate adult entertainment facilities, 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 City.

Section 27.02 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.

Section 27.04 Location

Adult Entertainment Facilities are to be considered a conditional use in the Commercial District, and are subject to the following conditions:

A. No adult entertainment facility shall be established within 1,000 feet of any residence or district where residences are a permitted use.

B. No adult entertainment facility shall be established within a radius of 1,000 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 1,000 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 1,000 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.

7. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in packaging small quantities of controlled substances.

8. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

9. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

10. Hypodermic syringes needles and other objects used, intended for use, or designed to inject controlled substances into the human body.

11. Objects or devices used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil or other controlled substance into the human body. Examples include: metal, wooden, acrylic, glass, stone, plastic, ceramic pipes with or without a screen, permanent screens, hashish heads, or punctured metal bowls; water pipes; smoking masks or carburetor tubes, pipes, masks, or devices; chamber pipes, electric pipes, miniature cocaine spoons or cocaine vials; roach clips; or similar devices or objects.

In determining whether a specific object or device is drug paraphernalia, several factors may be considered. Factors to be considered include instructions, descriptive materials, advertising accompanying the object or device; statements by the owner or other direct or circumstantial evidence concerning its use, proposed use, or proposed sale; the proximity of any controlled substance to the object or device, or the presence of any controlled substance. In determining whether a specific object or device is drug residue on the object or device; the manner in which it is displayed or offered for sale; expert testimony concerning its use.

Section 28.03 Drug Paraphernalia Establishments as Prohibited Uses

No drug paraphernalia establishment shall be established or operated within the City.

Section 28.04 Penalty

Any person who establishes, operates, or maintains a drug paraphernalia establishment shall be guilty of a misdemeanor of the first degree.

I. All signs shall be secured in such a manner as to prevent significant movement due to wind.

J. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.

K. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.

Section 29.04 Permit Requirement

Any sign existing as of December 3, 2001, and on that date constituted a "NON-CONFORMING USE" as defined by section 251.40 shall be permitted to continue until one or more of the following events occur: (a) Section 240 of these regulations is violated or, (b) Ownership of the lot on which the sign is located is transferred by sale, gift, inheritance, or other such conveyance or, (c) The sign has weathered in the opinion of the inspector to a point where the sign is no longer effective or is in need of repainting / relettering, or (d) The sign has been damaged or defaced, regardless of cause, to the extent that it is in need of repair or replacement.

Section 29.05 Signs For Which No Permit Is Required

The erection and maintenance of the following sign types shall not require the issuance of a permit from the City:

A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located not exceeding six (6) square feet in area. Such a sign, however, must be removed within ten (10) days after the premise is sold or occupied.

B. Professional name plates not exceeding four (4) square feet in area.

C. Signs denoting the name and address of the occupants of the premises not exceeding two (2) square feet in area.

D. Political signs not exceeding six (6) square feet in area.

Section 29.06 Special Sign Size Requirements

A. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies shall not exceed twelve (12) square feet in area. Only one sign per street frontage shall be permitted.

B. In the COM, CBD, and IND districts, each business shall be permitted one flat or wall on-premises sign not exceeding thirty (30) square feet in area. Wall signs shall not project more than two (2) feet from the face of the building.

C. In the COM, CBD, and IND districts, each business shall be permitted one on-premises canopy sign. Canopy signs shall not be greater than four (4) feet in width and eight (8) inches in depth.

B. No free standing or pole sign shall be permitted in the central business district, any residential district or on any lot used for residential purposes.

C. The minimum setback from the front property line shall be five feet for all free standing or pole signs with a total area of less than sixty square feet. Signs with a total area in excess of sixty square feet shall have a setback of thirty feet from the front property line.

D. The minimum setback from the side and rear property lines for all free standing and pole signs shall be ten feet.

Section 29.12 Temporary Signs

Temporary signs not exceeding thirty-two (32) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus any construction period. Such temporary signs shall conform to the general requirements, setback requirements, and other standards necessary to accomplish the intent of this Article.

Section 29.13 Portable Signs

A portable sign may be displayed in any district for a maximum of thirty (30) consecutive days. A *"portable sign"* means a sign that easily is transported and includes signs on trailers. Portable signs are typically used for grand openings, sales events, and similar events.

Section 29.14 Canopy Signs

Signs suspended from canopies extending over a sidewalk shall not be greater than four (4) feet in width and eight (8) inches in depth. Canopy signs shall be mounted at least eight (8) feet above the sidewalk, as measured from the sidewalk to the bottom of the sign.

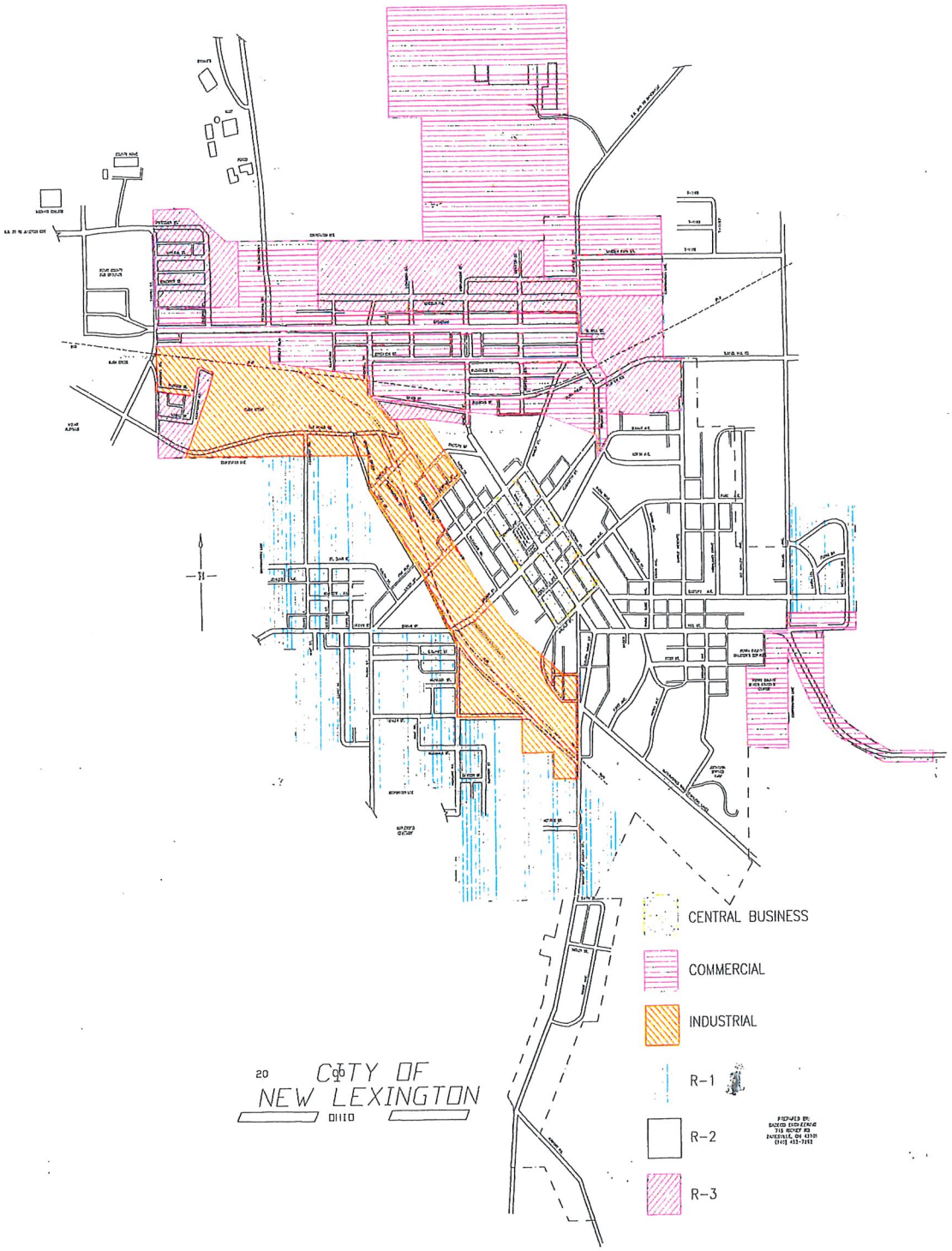
Section 29.15 Application for Sign Permit

Application for a sign permit shall be made in writing on a form supplied by the City and shall be accompanied with the application fee established by the City in a separate Ordinance.

Section 29.16

Attaching of signs, posters, flyers or similar materials to buildings, poles, traffic signal devices and other municipal owned property is strictly prohibited.

Any violations of this section shall be subject to the same penalties as provided in Section 7.02.04 of this Ordinance.


CENTRAL BUSINESS
COMMERCIAL
INDUSTRIAL
R-1
R-2
R-3
20 CITY OF
NEW LEXINGTON
OHIO