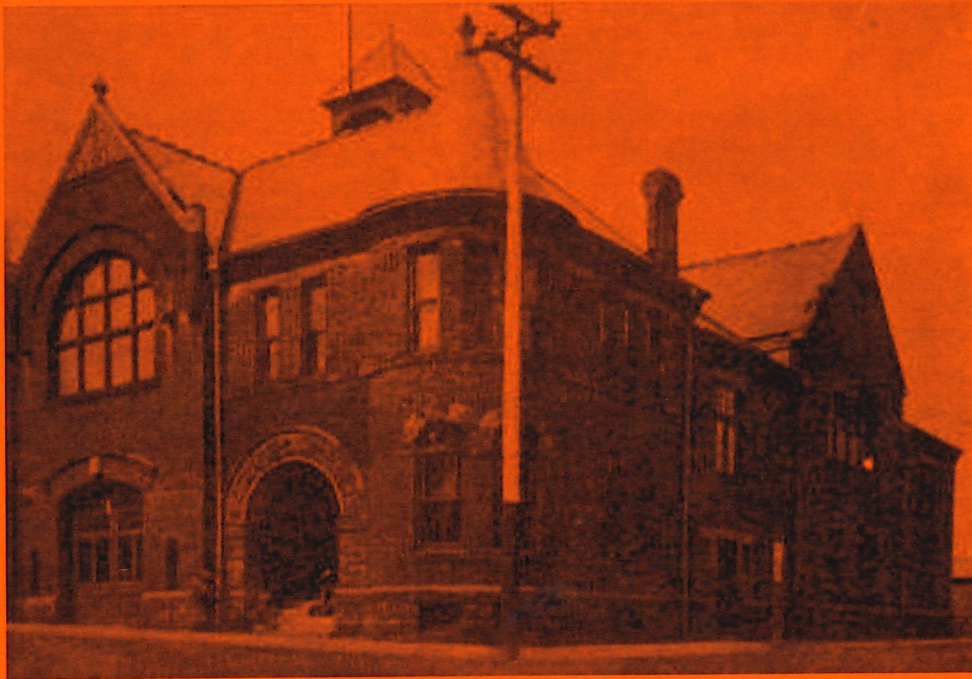


# **ZONING ORDINANCE CITY OF NEW LEXINGTON**



**APRIL 2007**





## 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

## NEW LEXINGTON PROPOSED USES

## USE

## DISTRICT

	R1	R2	R3	COMMERCIAL	CENTRAL	INDUSTRIAL
					BUSINESS	
MAILING SERVICES		H	H	P	P	P
BLUEPRINT & PHOTOCOPY SERVICES				P	P	P
EMPLOYMENT & PLACEMENT OFFICES				P	P	P
BUSINESS CONSULTING SERVICES		H	H	P	P	P
ASSOCIATION & CLUB OFFICES				P	P	P
LABOR, CIVIC, FRATERNAL OFFICES				P	P	P
GROCERY, FISH, MEAT, FOOD STORES			P	P	P	P
BAKERY, DAIRY, ICE CREAM, DAIRY RETAIL			P	P	P	P
RESTAURANT & EATING PLACES			P	P	P	P
DRUGS, PROPRIETARY & VARIETY STORES			P	P	P	P
ANTIQUE, NOVELTY SHOPS			P	P	P	P
STATIONARY, BOOK, JEWELRY STORES			P	P	P	P
CAMERA, PHOTO STUDIO SOPS		H	P	P	P	P
WATCH REPAIR SHOP		H	P	P	P	P
SPORTING GOODS STORES			P	P	P	P
OFFICE SUPPLY STORES			P	P	P	P
CLOTHING, SHOE , TAILOR STORES			P	P	P	P
HOUSEHOLD GOODS STORES			P	P	P	P
HARDWARE, PAINT, GLASS STORES			P	P	P	P
DRAPERY, CHINA, APPLIANCE STORES			P	P	P	P
HOUSEHOLD REPAIR STORES			P	P	P	P
GENERAL MERCHANDISE STORES			P	P	P	P
BOAT, MOBILE HOME SALES &						
SERVICE STATIONS			P	P	P	P
FLORIST & HAT SHOPS			P	P	P	P
PRINTING, PUBLISHING				P	P	P
TAVERNS, NIGHT CLUBS, LIQUOR RETAIL				P	P	P
POOL HALLS, BOWLING ALLEYS				P	P	P
TRADE SCHOOLS				P	P	P
ART, MUSIC, DANCING SCHOOLS				P	P	P
SKATING, MINIATURE GOLF & DRIVING RANGE				P	P	P
MOVIE THEATRES, PENNY ARCADES				P	P	P
GO CART & COMMERCIAL RACE TRACKS				S		
DRIVE-IN MOVIES, AMUSEMENT PARKS				P		P
RIDING STABLES				P		P
DANCE HALLS, PRIVATE LODGES				P	P	P
FRATERNAL LODGES				P	P	P

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TABLE 1  
NEW LEXINGTON PROPOSED USES

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

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## NEW LEXINGTON PROPOSED USES

USE

DISTRICT

	R1	R2	R3	COMMERCIAL	CENTRAL BUSINESS	INDUSTRIAL
PUBLIC UTILITY SUBSTATIONS	P	P	P	P	P	P
MACHINERY, OFFICE FURNITURE MFG.						P
GENERAL METAL FABRICATION						P
FIBER & CLOTHING & MATERIAL MFG.				P		P
NON-METALLIC GOODS MFG. SUCH AS GLASSWARE, CERAMICS, PAPERBOARD, PORCELAIN NUTS BOLTS, ETC.						P
FOOD PRODUCTS MFG. & PROCESSING						P
ELECTRICAL EQUIPMENT MFG.						P
INSTRUMENT & MISC. MFG.						P
MACHINERY TESTING LABORATORIES						P
INORGANIC & ORGANIC INDUSTRIAL CHEMICALS MFG & PROCESSING						P
PAINT, FINISHING MATERIAL, EXPLOSIVE, PETROLEUM MFG & PROCESSING						P
AMMUNITION, ORDINANCE EQUIPMENT MFG.						P
PETROLEUM PRODUCTS STORAGE & DISTRUBUTION						P
COAL & FUEL STORAGE						P
GRAIN PRODUCTS RENDERING						P
BIOLOGICAL, MEDICA, CLEANING SUPPLIES MFG.						P
INDUSTRIAL & AGRICULTURAL CHEMICALS PLASTICS, RUBBER, LUMBER PROCESSING & MFG.						P
PRIMARY METAL PROCESSING & MFG.						P
RAIL EQUIPMENT MFG.						P
INCINERATORS, LANDFILL SITES						P
BUILDING PRODUCTS & MATERIAL MFG.						P
LIVESTOCK WHOLESALE & STORAGE						P
FISH CLEANING & RENDERING						P
NATURAL RESOURCE MINING						P
OIL & NATURAL GAS WELLS						P
PARKS, PLAYGROUNDS, TOTLOTS	S	P	P	P	P	P
GOLF COURSES (PUBLIC & PRIVATE)			P	P		P
STADIUM, FAIRGROUNDS, ATHLETIC FIELDS			P	P		P

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NEW LEXINGTON PROPOSED USESUSEDISTRICT

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

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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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## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **Section 1.01 Title**

This Ordinance shall be known and may be cited as the “**Zoning Ordinance of the City of New Lexington, Ohio.**” Unless otherwise provided herein or by the law, the same rules of construction, definition, and application shall govern the interpretation of this Ordinance as those governing the interpretation of the Ohio Revised Code.

#### **Section 1.02 Purpose**

This Zoning Ordinance is adopted to promote, protect and preserve the public health, safety, comfort, prosperity and general welfare of the citizens of the City of New Lexington, by:

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

#### **Section 1.03 Applicability and Interpretation**

##### **1.03.01 Applicability**

The regulations set forth in this Zoning Ordinance shall be applicable to all buildings, structures, uses and lands owned or controlled by any person(s), organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City of New Lexington.

##### **1.03 .02 Interpretation and Conflict**

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public

health, safety, and the general welfare. It is not intended that this Ordinance shall 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.

## ARTICLE II

### DEFINITIONS

#### Section 2.01 Interpretation

For the purpose of this Zoning Ordinance, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word “shall” is intended to be mandatory. Terms related to specific Articles or Sections of the Ordinance may be defined within the specific sections where those general requirements are found.

#### Section 2.02 Definitions

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

*“Accessory building”* or *“accessory structure”* means a building or structure occupied by an accessory use.

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

*“Alley”* means a public right-of-way, which provides only secondary means of access to abutting property.

*“Apartment”* (see “Multiple family dwelling”)

*“Basement”* means a story whose floor level is two (2) feet or more below grade level, but having less than half its clear height above grade level.

*“Bed and breakfast establishment”* means a single-family dwelling or portion thereof, where short term lodging rooms and some meals are provided, and in which the owner of the dwelling lives on the premises.

*“Board”* means the Board of Zoning Appeals of the City of New Lexington, Ohio, as established in the Charter and defined in Article III of this ordinance.

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

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

*“Building area”* means the horizontally projected area of the buildings on a lot, excluding terraces, unenclosed porches, and other open areas.



*"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,

including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

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

*"Family"* means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, hotel or motel, dormitory, lodge or similar facility, provided, however that "family" shall not include more than four (4) persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

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

*"Frontage"* or *"lot frontage"* means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line for the district within which such lot is located.

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

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

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

*"Garage, private"* means a building, or portion of building, designed or used for the storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.

*"Home occupation"* means any occupation or profession conducted

primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in 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"* means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

*"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 angles 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.

*“Manufactured Housing”* shall mean any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on the site, is 320 or more square feet, which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. In addition, such unit shall bear a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards (1974).

*“Manufactured Home Community”* shall mean a development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

*“Manufactured Home Subdivision”* shall mean a development constructed primarily for manufactured homes, in which each lot in the development is independently owned by the respective owners of the dwelling units located on such lots.

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

*“Mobile Home”* shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district within the City of New Lexington.

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

*“Nursery”* or *“Day care center”* means a facility, which temporarily assumes responsibility for more than four (4) children other than those, related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

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

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



*"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.

*“Telecommunication tower”* means a freestanding or attached structure that exceeds thirty (30) feet in height and is used primarily for the placement of radio frequency transmission or reception equipment

*“Use”* means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

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

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

*“Front yard”* means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

*“Rear yard”* means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

*“Side yard”* means that portion of a lot that is located between the side lot line and the nearest building or structure.

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

*“Zoning District”* means a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance.

*“Zoning District Map”* means the Zoning District Map of the City, together with all amendments subsequently adopted by the City Council.

*“Zoning Inspector”* means the zoning enforcement officer of the City, hired by the City Council who is charged with the duty of enforcing the provisions of the Zoning Ordinance.

## **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.

### 3.02.02 Membership and Terms

The Planning Commission shall consist of five (5) members. The members shall consist of the Mayor, one (1) member of City Council appointed by a majority vote of the Council and three (3) electors of the City appointed by the Mayor. The three electors shall be appointed to six (6) year terms. The members shall serve without compensation. If, within a period of sixty (60) days after a vacancy occurs, the Mayor has not appointed a new member to fulfill that vacancy, the President of Council may appoint a member to fill that vacancy, with the approval of Council.

### 3.02.03 Removal of Members

Members of the Commission 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 Planning 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.

### 3.02.04 Quorum

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

### 3.02.05 Procedures

- A. The meetings of the Commission shall be public; however, the Commission may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Commission shall organize annually and elect a Chairman. The Commission shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.
- B. The Commission shall keep minutes of its proceedings. The minutes shall show the roll call, vote of each member upon each question; and shall record the commission's examinations and other official action, all of which shall be



immediately filed in the City offices and 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.

#### 3.03.04 Quorum

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

#### 3.03.05 Procedures

- A. The meetings of the Board shall be public; however, the Board may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Board shall organize annually and elect a Chairman. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.
- B. The Board shall keep minutes of its proceedings. The minutes shall show the roll call, vote of each member upon each question; and shall record the commission's examinations and other official action, all of which shall be immediately filed in the City offices and shall be a public record.
- C. The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish

#### 3.03.06 Powers and Duties

In addition to the powers and duties authorized in Chapter 713 of the Ohio Revised Code, the Board of Zoning Appeals shall have the following powers and duties pursuant to this Ordinance:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article VI of this Ordinance.
- B. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Ordinance will result in unnecessary hardship in accordance with the provisions of Article VI of the Ordinance.
- C. Determine similarity of uses, pursuant to Section 10.02.05 of this Ordinance.
- D. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Ordinance.
- E. Authorize the substitution or extension of nonconforming uses, as specified in Article VIII of this Ordinance.
- F. Declare zoning permits void, pursuant to Section 7.03 of this Ordinance.

**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.

## **ARTICLE IV**

### **ENFORCEMENT AND PENALTY**

#### **Section 4.01            Zoning Permit Required**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning inspector receives a written order from the Board of Zoning Appeals, deciding on appeal or variance, as provided by this Ordinance.

#### **Section 4.02            Conditions under Which a Zoning Permit is Required**

A zoning permit is required for any of the following:

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

#### **Section 4.03            Application for Zoning Permit**

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

- A. Name, addresses, and telephone numbers of the applicant.
- B. Legal description of property, as recorded in Perry County Recorder's office.
- C. Existing and proposed uses
- D. Zoning districts in which property is located.
- E. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; and the dimensions and location of existing and/or proposed buildings or alterations.
- F. Height of proposed buildings or alterations.
- G. Number and dimensions of existing and proposed off-street parking or loading spaces, if applicable.
- H. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.

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



#### **Section 4.04                      Approval of Zoning Permits**

Within 30 days after the receipt, the application shall be either approved or disapproved by the Zoning inspector, in 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.

The Zoning Inspector shall revoke it, and written notice thereof shall be given to the persons affected.

## **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.

## **Section 5.04                      Recommendation by Planning and Zoning Commission**

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

Within sixty (60) days after the first regular meeting of the Planning Commission after the receipt of the proposed amendment, the Planning Commission shall recommend to City Council that the amendment be approved as requested, or it may recommend that the amendment be denied. In formulating such recommendation, the Planning Commission may seek input from interested parties in the form of hearings, meetings, or other methods.

## **Section 5.05                      Action by City Council**

### **5.05.0 1                      Public Hearing**

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

### **5.05.02                      Display of Relevant Materials**

During such thirty- (30) days, the text or copy of the text of the proposed Ordinance, together with maps, plans, and reports submitted by the Planning Commission shall be on file, for public examination, in the office of the Clerk of the City.

### **5.05 .03                      Action by City Council**

No such Ordinance, which is in accordance with the recommendation submitted by the Planning Commission, shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the

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.

## **ARTICLE VI**

### **APPEALS AND VARIANCES**

#### **Section 6.01 Appeals**

Appeals concerning interpretation or administration of this Ordinance may be taken by any owner of property or any other party with a substantial interest in the matter who is adversely affected. Such appeal shall be taken within thirty (30) days after the date of the decision, by filing with the Zoning Inspector or with the Board of Zoning Appeals a notice of appeal specifying the decision of the Zoning Inspector from which the appeal is being taken.

#### **Section 6.02 Powers of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have the power to authorize, upon appeal, variances from the provisions or requirements of this Ordinance. Variances shall be granted only when exceptional conditions exist. Exceptional conditions would include irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, where strict application of the provisions or requirements of this Ordinance would deprive the owner of the reasonable use of the land and buildings involved because of practical difficulty or unnecessary hardship. The Board shall not grant a variance from any provision of this Ordinance unless it finds that the following facts and conditions exist:

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

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance that would allow a use not permissible under this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

### **Section 6.03**

### **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

Ordinance. A violation of any such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and shall be punishable under Section 7.02 of this Ordinance.

#### **Section 6.06                      Action by Board of Zoning Appeals**

Within sixty (60) days after the first regular meeting of the Board of Zoning Appeals following submittal of an application filed pursuant to Section 6.03 above, the Board shall either approve, approve with supplementary conditions or disapprove the request for appeal or variance. If the application is approved, or approved with supplementary conditions, the Board shall make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. If the request for appeal or variance is denied, the reasons for such denial shall be noted in writing. The Board shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant by first class mail, or in person.

#### **Section 6.07                      Court of Common Pleas**

After the Board of Zoning Appeals takes action, the applicant, or other party adversely affected by the action, may seek relief through the Court of Common Pleas. Such appeal must be filed within thirty (30) days from the date of the action by the Board. The aggrieved party shall serve a copy of the notice of appeal on the Clerk of the City within seven (7) days from the date of filing of the appeal.



## **ARTICLE VII**

### **FEEES 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 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.

#### **7.02.04 Penalties for Violation**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor.

Any person who violates this Ordinance or fails to comply with any requirements thereof, shall, upon conviction, be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from such other lawful action as is necessary to prevent or remedy any violations.

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

#### **Section 7.03 Void Zoning Permit**

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

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

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

#### **Section 7.04 Failure to Enforce Provisions of Zoning Ordinance**

The failure of the City or any of its duly authorized agents to enforce any provision or violation of this Ordinance shall not be deemed a waiver of the right of the City or any of its duly authorized agents to subsequently enforce any such provision or violation.

## **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.

#### **Section 8.04                      Extension**

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

- A.     The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent so the resulting building shall be not more than one-hundred-seventy-five percent (175%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Ordinance. The Commission shall not authorize an enlargement, which would result in a violation of the provisions of this Ordinance with respect to a yard or setback affecting any adjoining premises.
- B.     No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C.     Any residential structure that is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered, provided it meets the requirements of the most proximate Residential District.

#### **Section 8.05                      Discontinuance**

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

- A.     When the use has been voluntarily discontinued for a period of one (1) year.
- B.     When the nonconforming use has been replaced by a conforming use.

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

When a building or structure, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, or an act of God to the extent that less than sixty percent (60%) of its market value is lost, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within one (1) year of the time of damage that construction is completed within two (2) years, and that such restoration or rebuilding would not extend or expand the existing use. If more than sixty percent (60%) of the market value is lost, the building or structure may not be restored or rebuilt in such a manner so as to continue the nonconforming use.

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 IX**

**RESERVED FOR FUTURE USE**

## **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

to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article III of this Ordinance.

#### 10.02.05 Similar Uses

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

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

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

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the district to which it is to be added and is more appropriate to it than to any other district.
- C. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is added.

#### 10.02.06 Development Standards

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

#### 10.02.07 Development Plan

For particular uses in specific districts, a Development Plan will be cited as required. In such cases, the applicant shall submit the Development Plan at the time of the application



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 XI**

### **ZONING DISTRICTS AND ZONING DISTRICT MAP**

#### **Section 11.01            Zoning Districts Established**

The following zoning districts are hereby established for the City of New Lexington:

<b><i>R1</i></b>	-	<b><i>Residential One District</i></b>
<b><i>R2</i></b>	-	<b><i>Residential Two District</i></b>
<b><i>R3</i></b>	-	<b><i>Residential Three District</i></b>
<b><i>CBD</i></b>	-	<b><i>Central Business District</i></b>
<b><i>COM</i></b>	-	<b><i>Commercial District</i></b>
<b><i>IND</i></b>	-	<b><i>Industrial District</i></b>
<b><i>PUD</i></b>	-	<b><i>Planned Unit Development</i></b>

#### **Section 11.02            Official Zoning District Map**

The districts established in Section 11.01 of this Ordinance are shown on the Official Zoning District Map, which together with all notations, references, data, district boundaries and other explanatory information, are hereby adopted as a part of this Ordinance. The Official Zoning District Map shall be identified by the signatures of the Mayor and the Clerk, and shall be on file in the Municipal Building.

#### **Section 11.03            Interpretation of Zoning District Boundaries**

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

#### **Section 11.04            Newly Annexed Areas**

Territory, which is annexed into the City of New Lexington subsequent to the effective date of this Ordinance, shall, upon the effective date of the annexation, be zoned into the R1 District. Within three (3) months from the date of annexation, the Planning Commission shall present a zoning plan for the annexed territory to the City Council. City Council may hold a public hearing on the proposed zoning plan, as recommended by the Planning Commission. After said hearing, City Council shall approve, or approve with modification, the zoning plan. However, nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Article V of this Ordinance.

## **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.

**12.05.05 Minimum Rear Yard Depth**

Twenty-five (25) feet from the street right of way or adjacent property line

**12.05.06 Minimum Area of Principal Building**

All dwellings within the district shall have a minimum area of 1200 square feet of total living area. If the dwelling is of multiple stories, the ground floor must have a minimum of 900 square feet of total living area.

**12.05.07 Maximum Percent of Lot Coverage**

Twenty-Five Percent (25%)

**12.05.08 Maximum Building Height**

Thirty-five (35) feet. See section 25.01 for accessory building.

**12.05.09 Maximum Density**

The density of dwelling units shall not exceed four (4) dwelling units per gross acre and more than one dwelling unit per 1500 square feet.

**Section 12.06 Street Trees**

Street trees shall be required along all new streets developed within the R1 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 12.07 Sidewalks**

Sidewalks of not less than four (4) feet in width shall be required for both sides of all new streets developed within the R1 District and adjacent to all streets on newly developed lots within the R1 District.

**Section 12.08 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.

## **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.

13.05.05      Minimum Rear Yard Depth

Twenty-five (25) feet from street right of way or adjacent property line.

13.05.06      Minimum Area of Principal Building

All dwellings within the district shall have a minimum area of 1000 square feet of total living area. If the dwelling is of multiple stories, the ground floor must have a minimum of 750 square feet of total living area.

13.05.07      Maximum Percentage of Lot Coverage

Thirty - five (35%) percent

13.05.08      Maximum Building Height

Thirty-five (35) feet. See section 25.01 for accessory buildings.

13.05.09      Maximum Density

The density of dwelling units shall not exceed eight (8) dwelling units per gross acre and more than one dwelling unit per 1500 square feet.

**Section 13.06      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 13.07      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 13.08      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.

## **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

which a two family or multiple family residence is located shall be thirty (30) feet.

**14.05.03 Minimum Front Yard Depth**

Thirty-five (35) feet

**14.05.04 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.

**14.05.05 Rear Yard Depth**

Twenty-five (25) feet

**14.05.06 Minimum Area of Principal Building**

No dwelling shall have less than 450 square feet of total living area for each dwelling unit. In addition, each structure must have a minimum of 600 square feet of ground floor area.

**14.05.07 Maximum Percent of Lot Coverage**

Fifty (50%) percent

**14.05.08 Maximum Building Height**

Sixty (60) feet. See section 25.01 for accessory buildings.

**Section 14.06 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 14.07 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 14.08 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.

## **ARTICLE XV**

### **(CBD) CENTRAL BUSINESS DISTRICT**

#### **Section 15.01 Purpose**

The purpose of the Central Business District is to promote and foster the economic and physical revitalization of downtown New Lexington. The standards and requirements of the CBD District are based on the following principles:

- A. The downtown should contain a healthy mix of land uses. The marketplace, not regulations, should be the primary force driving the mix of downtown uses.
- B. The downtown should be particularly receptive to small local-based entrepreneurs and start-up businesses.
- C. The maintenance and improvement of the downtown's physical environment is important in promoting an active and vital business environment.
- D. Development standards and regulations should encourage the adaptive use of older structures.

#### **Section 15.02 Permitted Uses**

- A. Administrative and business offices, including:
  - 1. Insurance agents and brokers and associated services.
  - 2. Professional, legal, engineering and architectural services, not including the outside storage or 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, such as: pharmacies, hardware, floral shops, and gift and novelty stores, etc.
- C. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible 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/or dry-cleaning establishments
  - 5. Human medical and/or 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 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.

#### 15.04.05 Maximum Building Height

Sixty (60) feet

#### 15.04.06 Manufactured and Modular Buildings

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

#### 15.04.07 Property Maintenance

No owner of a property or structure in the CBD 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.

#### 15.04.08 Trash and Garbage Control

All trash and garbage shall be stored in container systems and shall be located and enclosed to screen it from view.

#### 15.04.09 Signs

One wall sign or canopy sign, not exceeding forty (40) square feet shall be permitted as an accessory use within the CBD District for each business. No other signs shall be permitted.

## **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

- E. Processing, assembling, or packaging of products or materials, provided such operations are carried out totally within the building and such operations do not produce levels of noise or odors perceptible outside the building

## **Section 16.05            Development Standards**

### **16.05.01            Minimum Lot Area**

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

### **16.05.02            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 which a two family or multiple family residence is located shall be thirty (30) feet.

### **16.05.03            Minimum Front Yard Depth**

The minimum front yard depth for all residential lots in the commercial district shall be thirty-five (35) feet. All other lots shall have a minimum front yard depth of fifteen (15) feet.

### **16.05.04            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 15 feet.

### **16.05.05            Rear Yard Depth**

Twenty-five (25) feet

### **16.05.06            Minimum Area of Principal Building**

No dwelling shall have less than 450 square feet of total living area for each dwelling unit. In addition, each structure must have a minimum of 600 square feet of ground floor area.

### **16.05.07            Maximum Percent of Lot Coverage**

The maximum amount of the lot that may be covered by residential building is twenty-five (25%) percent. The maximum amount of the lot that may be covered by a non-residential building is sixty (60%) percent.

### **16.05.08            Maximum Building Height**

Sixty (60) feet

#### **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.

## **ARTICLE XVII**

### **(IND) INDUSTRIAL DISTRICT**

#### **Section 17.01 Purpose**

The Industrial District is established to provide a location for manufacturing and high nuisance activities.

#### **Section 17.02 Permitted Uses**

- A. Any use specified as a permitted use in Section 16.02
- B. Lumber, garden supply, and home improvement sales
- C. Carry out food and beverage establishments with drive-through facilities
- D. Self-service storage facilities
- E. Self-service car washes
- F. Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the performance standards for industrial uses as specified in Section 17.04 below.
- G. Warehousing, wholesale establishments, manufacturing retail outlets, distribution and related uses, including truck and transfer terminals.
- H. Administrative, professional and business offices associated with and incidental to another permitted use.
- I. Similar commercial or industrial uses, as determined by the Planning Commission.

#### **Section 17.03 Conditional Uses**

- A. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months.
- B. Motor vehicle storage and salvage yards.
- C. Contractor equipment and storage yards, provided fencing and screening devices are installed, as required by the Planning Commission.
- D. Class II Type A or B group residential facilities, subject to the requirements of Section 25.05 of this Ordinance.
- E. Class I Type A group residential facilities, subject to the requirements of Section 25.05 of this Ordinance.

#### **Section 17.04 Performance Standards for Industrial Uses**

Permitted uses within the Industrial district must operate primarily within enclosed structures, and with minimal adverse environmental and economic impact on adjacent properties, as determined by the Planning Commission. In addition, permitted uses must operate substantially free from noise, odor, dust, smoke, light, glare, or vibration, as determined by the Planning Commission, and without imposing unusual burdens upon utility or government services.

#### **Section 17.05 Development Standards**

##### **17.05.01 Minimum Front Yard Depth**

Thirty-five (35) feet



**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 XVIII**

### **RESERVED FOR FUTURE USE**

**ARTICLE XIX**

**RESERVED FOR FUTURE USE**

**ARTICLE XX**

**RESERVED FOR FUTURE USE**

**ARTICLE XXI**

**RESERVED FOR FUTURE USE**

**ARTICLE XXII**

**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.

#### 23.05.04 Unimproved areas

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Commission.

### **Section 23.06 Development Plan Application**

#### 23.06.01 Contents of Application

The application for approval of the developer's development plan shall be filed with the Zoning Inspector. The application shall contain the following information:

1. Name, address, and telephone number of the applicant.
2. Name and address of surveyor, engineer, or urban planner assisting in the preparation of the development plan.
3. Legal description of property.
4. Present uses.
5. Present and proposed zoning district.
6. Proposed amending ordinance.
7. Location of streets and alleys.
8. Drawings showing topography, location, layout, dimensions utilities, drainage, and traffic patterns.
9. Proposed schedule for development.
10. A list containing the names and mailing addresses of all owners of property within 500 feet of the area in question.
11. Statement why the developer believes the planned unit development would be in the public interest.
12. A fee established by ordinance.

#### 23.06.02 Pre-application meeting

The developer shall meet with the Zoning Inspector prior to the submission of the development plan to review the requirements, criteria, and standards of this ordinance.

### **Section 23.07 Procedure**

The development plan application shall be treated as a proposed amendment to this Ordinance and shall be reviewed and considered by the Planning Commission and Council pursuant to Article V of this Ordinance.



## **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.

B. Open Porches

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

C. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a side yard no more than three (3) feet with minimum of two (2) feet maintained to any adjoining lot line.

**Section 24.04 Rear Yards**

A. Measurement

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

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Section 25.01.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if a minimum distance of twenty (20) feet is maintained to any rear lot line.

D. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a rear yard no more than three (3) feet with a minimum of two (2) feet maintained to any adjoining lot line.

**Section 24.05 Height**

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

## 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.

A zoning permit shall be required for the construction or installation of any private swimming pool, except portable pools that are seasonally erected. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

### **Section 25.03                      Residential Fences and/or Hedges**

*“Fence” or “wall”* means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence. A *“decorative fence”* means a fence that is not suited for the containment of animals or property, in which the opacity of the fence is less than twenty-five percent (25%).

No fence or wall, as defined above, may be erected within the City of New Lexington unless the property owner or his agent files application with the Zoning Inspector. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land. The granting of a permit to construct a fence in no way shall be considered as the City’s authorization that the property lines as shown on the application are correct.

#### **A.            Height and Location**

The permitted height of a fence or wall shall be determined by its location on the property as follows:

1.        A decorative fence or wall not exceeding 48 inches in height may be erected within the front yard provided that the fence or hedge is located not less than three (3) feet from the street right-of-way line, and further provided that the provisions of 25.03.A.03 below are met.
2.        A fence or wall not exceeding seventy-two inches (72”) in height may be erected in any area of the lot behind the building setback line.
3.        No fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorists approaching a street intersection, within a twenty-five (25) feet clear sight distance along either street approaching said intersection.

#### **B.            Prohibited Fences**

No person shall erect or maintain any fence or wall charged with electrical current, nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges.

## **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.

- G. Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- H. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

## **Section 25.06       Dogs**

Not more than two (2) dogs or two (2) cats per lot may be housed outside in residential districts.

## **Section 25.07       Factory Built Housing**

*25.06.01       “Factory-built Housing”* means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For purposes of this Ordinance factory-built housing shall include the following:

1.       *“Manufactured Home”*. Any nonself-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
2.       *“Modular Home”*. Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
3.       *“Mobile Home”*. A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

## **25.06.02       General Requirements**

Factory-built housing shall comply with the following requirements:

1.       The structure shall be installed upon and, properly attached to a foundation system that provides adequate support of the structure’s vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.



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 skirted 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.

## **ARTICLE XXVI**

### **OFF-STREET PARKING AND LOADING REQUIREMENTS**

#### **Section 26.01 Purpose**

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

#### **Section 26.02 Provision for Parking and Loading Required**

Except in the Central Business District, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, off-street parking and loading shall be provided in accordance with the provisions of this Article.

#### **Section 26.03 General Requirements**

##### **26.03.01 Access**

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

##### **26.03.02 Surfacing**

All off-street parking and loading areas, except for parking areas serving single-family residential uses, shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

##### **26.03.03 Drainage**

All off-street parking and loading areas shall be designed to prevent the excess drainage of surface water on to adjacent properties, sidewalks, or public streets. Arrangements shall be made to insure acceptable diversion of surface water to an adequate storm water drainage system.

##### **26.03.04 Lighting**

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

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.

26.04.02 90° Parking Space

Each 90° parking space shall be at least 9 feet wide and 20 feet long. The width of the driveway aisle shall be at least 25 feet wide.

26.04.03 60° Parking Space

Each 60° parking space shall be at least 10 feet wide and 18 feet long. The width of the driveway aisle shall be at least 17.5 feet wide.

26.04.04 45° Parking Space

Each 45° parking space shall be at least 12 feet wide and 17 feet long. The width of the driveway aisle shall be at least 13 feet wide.

26.04.05 Loading Space

Each loading space shall be at least 12 feet wide and 65 feet long. The vertical clearance of each space shall be at least 14 feet.

**Section 26.05 Off-Street Loading Space Requirements.**

Except in the Central Business District, every non-residential building having a gross floor area of 3,000 square feet or more, shall have, on the same lot with the building, at least one off-street loading space, and one additional loading space for each 10,000 square feet or fraction thereof of gross floor area in excess of 3,000 square feet.

**Section 26.06 Handicapped Parking Space Requirements**

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located spaces designated for handicapped parking only. The number of handicap spaces required shall be related to the total number of parking spaces as follows:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

Each handicap parking space width and depth shall comply with the requirements of the American with Disabilities Act.

**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

- stored on a boat trailer shall be deemed one piece of recreational equipment.
- C. Recreational equipment shall not be occupied or used for living, sleeping, housekeeping, storage or business purposes for a period exceeding five (5) days.

**Section 26.11                      Parking of Disabled Vehicles**

The parking of a disabled vehicle outdoors within a residential district for a period of more than one week shall be prohibited. A disabled vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

## 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.

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

### **Section 27.03                      Exceptions**

Nothing in this Article shall be construed to pertain to:

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



**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.

## ARTICLE XXVIII

### DRUG PARAPHERNALIA ESTABLISHMENTS

#### Section 28.01 Purpose

It is the purpose of this Article is to promote the public health, safety and welfare by prohibiting the location of drug paraphernalia establishments within the City

#### Section 28.02 Definitions

The following definitions shall apply in the interpretation of this Article:

- A. *“Drug Paraphernalia Establishment”* means any place or any part of a place, whether or not operated as a business, where drug paraphernalia are manufactured, stored, displayed, processed, packaged, distributed, offered for sale, or sold. “Drug Paraphernalia Establishment” does not include manufacturers, wholesalers, retailers, pharmacies, or other persons or businesses or professions acting in accordance with the provisions of O.R.C. Chapters 3719, 4715, 4729, 4731, and 4741, or properly licensed or authorized research facilities or hospitals.
- B. *“Drug Paraphernalia”* means devices, equipment, products, and materials of any kind which are used, intended for use or designed for use in planting, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, enhancing the effect of or otherwise introducing into the human body a controlled substance as defined in O.R.C. Chapter 3719. It includes, but is not limited to:
  - 1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
  - 2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
  - 3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant, which is a controlled substance.
  - 4. Testing equipment used, intended for use, or designed for use identifying or in analyzing the strength, effectiveness or purity of controlled substances.
  - 5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
  - 6. Diluents and adulterants, such as quinine hydrochloride, mannitol, rannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.

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.

## **ARTICLE XXIX**

### **SIGNS**

#### **Section 29.01 Purpose**

The purpose of this article is to promote and protect the public health, welfare, and safety by regulating existing and proposed signs. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents.

#### **Section 29.02 Government Signs Excluded**

For the purposes of this ordinance, “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

#### **Section 29.03 General Requirements for all Signs**

The regulations contained in this section shall apply to all signs and all use districts.

- A. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights.
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention.
- C. All wiring, fittings, and materials used in the construction, connection, and operation of electricity illuminated signs shall be in accordance with the provisions of the local/state electric code in effect.
- D. No sign shall be erected or maintained at any location where by reason of its position, illumination, size, shape, or color it may obstruct, impair, or interfere with the view of, or be confused with any authorized traffic control signal, sign, or device.
- E. No sign shall contain or make use of any phrase, symbol, shape, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.
- F. No sign shall be placed on the roof of any building, except for signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- G. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- H. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs.

- 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.

- Canopy signs shall be mounted at least eight (8) feet above the sidewalk, as measured from the sidewalk to the bottom of the sign.
- D. In the IND district, two off-premises signs with a total area not exceeding three hundred (300) square feet may be permitted at a single location. All off-premises signs shall conform to the yard and height regulations applicable in industrial districts.
  - E. Free standing signs shall be permitted in commercial and industrial districts subject to the rules found in Section 29.11 below.

#### **Section 29.07            Special Yard Provisions**

Signs shall be erected or placed in conformity with the side and rear yard requirements of the district in which located. Free standing signs must comply with Section 29.11 below.

#### **Section 29.08            Maintenance**

All signs shall be maintained in a safe and sound structural condition at all times and shall be presentable. The Zoning Inspector may remove any on-premises sign, which is determined to be unsafe or structurally unsound ten (10) days after issuance of notification of its condition to its owner. Please refer to International Zoning Code 1004.7.

#### **Section 29.09            Non-Conforming Signs**

Advertising signs and structures in existence prior to the effective date of this ordinance which violate or are otherwise not in conformance with the provisions of this Article shall be deemed non-conforming. All such non-conforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any sign shall be upon the owner of the sign.

#### **Section 29.10            Political Signs**

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way. No political sign shall be posted on a utility pole. Political signs shall be removed within fourteen (14) days after Election Day.

#### **Section 29.11            Free Standing Signs**

The following regulations apply to all free standing or pole signs:

- A. No part of any free standing or pole sign shall be erected to a height greater than that specified for accessory structures in the district in which the sign is located.

- 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.

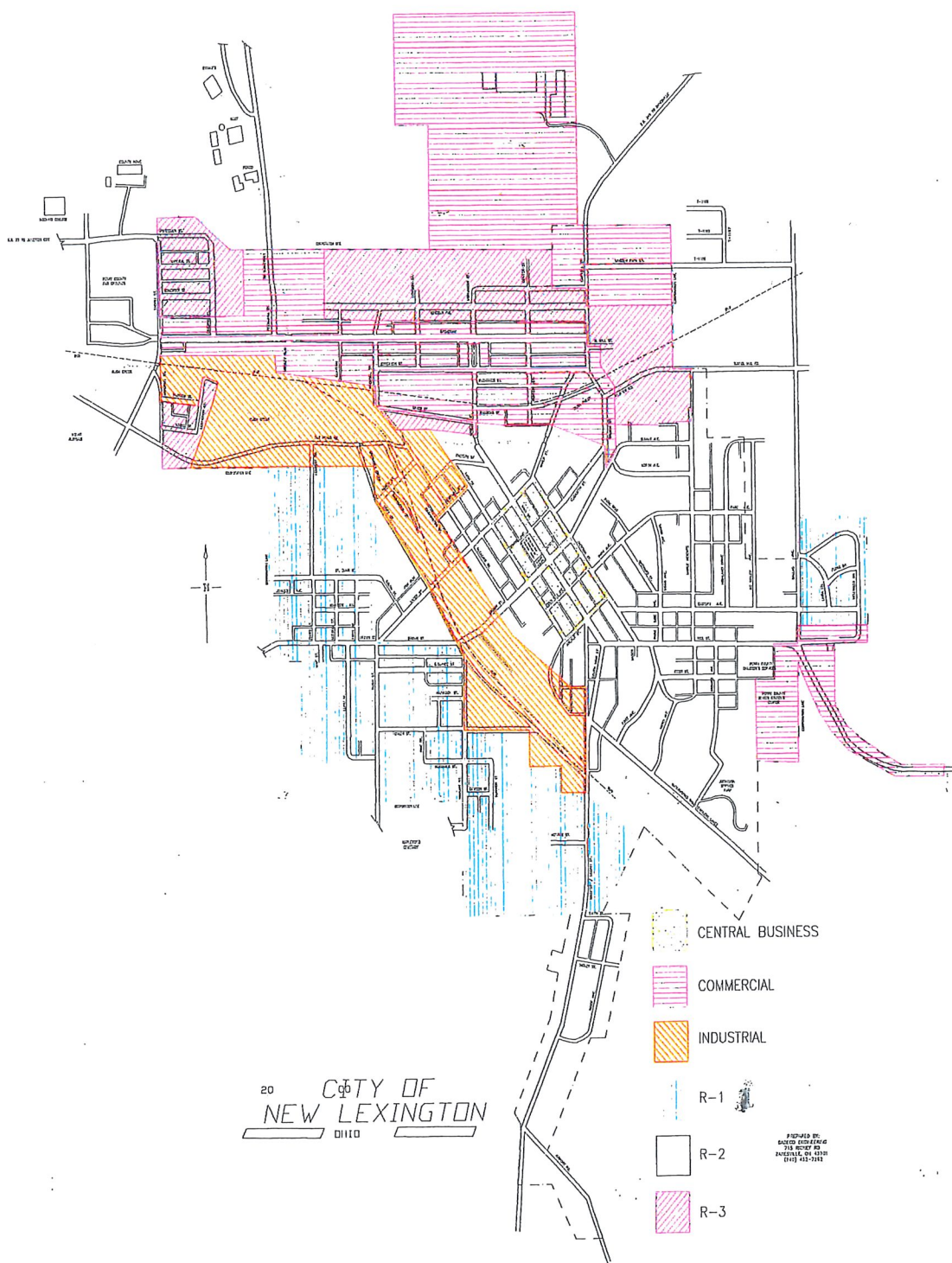
Any violations of this section shall be subject to the same penalties as provided in Section 7.02.04 of this Ordinance.

## **ARTICLE XXX**

### **RESERVED FOR FUTURE USE**

**The International Zoning Code Manual is also in effect, if for any issues not covered under these zoning regulations the International Code will apply. If there are any differences, the City Zoning Ordinance will supercede the International Code.**





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NEW LEXINGTON







