



Zoning Code of the City of Newark

Ordinance 08-33

ZONING CODE OF THE
CITY OF NEWARK, OHIO

ORDINANCE 08-33

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ARTICLE 1

TITLE

1.1 NEWARK ZONING CODE

This Code shall be known and may be cited and referred to as the “Zoning Code of Newark, Ohio.”

ARTICLE 2

PURPOSE AND SCOPE

2.1 PREAMBLE

A Code of the City of Newark, Ohio enacted for the purpose of promoting the public health, safety, morals, convenience, order and general welfare; establishing land use classifications, dividing the City into Districts, imposing regulations, restrictions, and prohibitions upon the use and occupancy of real property; limiting the height, area, and bulk of buildings and other structures and providing for yards and other open space about them; establishing standards for performance and design; and, providing for the administration and enforcement thereof.

ARTICLE 3

INTERPRETATION OF STANDARDS

3.1 REQUIREMENTS AS MINIMUM

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements. Wherever this Code imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or Codes, the provisions of this Code shall govern.

ARTICLE 4

DEFINITIONS

INTERPRETATION OF LANGUAGE: Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Code. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”, the word “used” shall include “arranged, designed, constructed, altered, converted, rented, leased” or “intended to be used”. And the word “shall” is mandatory and not discretionary.

ACCESSORY BUILDINGS IN R-DISTRICT – YARD REQUIREMENTS: An accessory building not located in the rear yard shall be an integral part of, or connected with, the principal building to which it is accessory, and shall be so setback as to comply with all yard and court requirements for a principal building.

ACCESS, LEGAL: A lot is considered to have legal access if it fronts on a public right-of-way in a manner sufficient to provide functional emergency vehicle access, or has an easement or license providing functional emergency vehicular access to a public right-of-way.

ACCESSORY USE: A use subordinate but integral to the principal use of a building or land, which is located on the same lot. For example, a laundry facility provided for the residents of an apartment complex.

ACCESSORY STRUCTURE: A structure subordinate to the principal building located on the same lot set and serving a purpose customarily incidental to the use of the principal building. For example, a 10’ x 10’ storage shed for lawn and garden equipment located in the rear yard of a single-family residence.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

ALLEY OR LANE: A public or private way not more than 30 feet wide affording only secondary access to abutting property.

ANIMAL HOSPITAL: A building or portion thereof used for the accommodation and treatment of animals, which also provides overnight care and kenneling.

APARTMENT: A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

APARTMENT EFFICIENCY: A dwelling unit in a multi-family building, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.

ASSISTED LIVING: Any of a variety of health care options, which include a residential component, including nursing homes, rest homes, and convalescent facilities.

ATTACHED STRUCTURES: See STRUCTURES, ATTACHED.

AUTOMOBILE REPAIR, MAJOR: Rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; as well as regular and routine maintenance on vehicles exceeding a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.

AUTOMOBILE REPAIR, MINOR: Regular and routine maintenance performed on vehicles rated at a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs or less. For example; oil and lubrication, tune-ups, car washes, tire repair or replacement, mufflers, brakes, and alignment work.

AUTOMOBILE OR TRAILER SALES AREA: An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AWNING: An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached.

BATHROOM GROUP: A group of fixtures, including or excluding a bidet, consisting of a water closet, lavatory, and bathtub or shower. Such fixtures are located together on the same floor.

BED AND BREAKFAST: A dwelling occupied by the owner where lodging is provided for transient persons with or without meals (For more than four lodgers see hotel/motel. Also see BOARDING HOUSE and ROOMING HOUSE)

BEGINNING OF CONSTRUCTION: The incorporation of labor and material within the walls of the building or buildings. (Requires building permit.)

BOARD: The Board of Zoning Appeals of the City.

BOARDING HOUSE: A dwelling occupied by the owner where lodging is provided for non-transient persons with or without meals. (See ROOMING HOUSE and BED AND BREAKFAST.)

BUILDING: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

BUILDING AREA: The area within and including the surrounding exterior walls.

BUILDING CODE DEPARTMENT: See DIVISION OF CODE ADMINISTRATION.

BUILDING, HEIGHT OF: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

BUILDING LINE: The line/setback beyond which no building or part thereof shall project, except as otherwise provided by this Code.

BUILDABLE LOT AREA: That part of the lot not included within the open areas required by this Code.

CANOPY: An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than one stanchion.

CARE PROVIDING: The providing of personal care and supervision for children and adults or preschool education on a twenty-four hour basis (Also see DAY CARE.)

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries if operated in connection with, and within the boundaries of, such cemetery.

CITY: The municipal corporation of Newark, Licking County, State of Ohio.

CITY BUILDING INSPECTOR: The Code Administrator of the City of Newark or his/her designee.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

CLUB: A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

CLUSTERING: The process, subject to Planning Commission approval, of exceeding the permitted density of any one acre in a development provided that the overall density of the development conforms to the regulations. As a result of clustering, functional green space shall be created.

CODE: The Zoning Code of Newark, Ohio.

COMMISSION: The Planning Commission of the City of Newark, Ohio.

CONDITIONAL USE: A use permitted when authorized by the Board of Zoning Appeals.

CONDOMINIUM: A form of property ownership whereby buildings, or portions of buildings are owned separately, but the land beneath the building(s) is owned commonly on a pro-rata basis by the owners of the buildings. A condominium development is considered as one lot. Roadways and utilities within a condominium development are considered private and shall be maintained by an appropriately created condominium association.

CONSTRUCTION AND DEMOLITION WASTE: Unwanted residue resulting from the demolition or construction of any building or other structure, including, but not limited to, roofing, concrete block, plaster, drywall, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows and doors, interior finishing materials including woodwork and cabinets, siding and sheathing and aged railroad ties. "Construction and Demolition Waste" does not include materials identified or listed as solid wastes or hazardous waste pursuant to ORC 3734, pallets, cardboard or plastic containers, yard wastes, white goods, furniture, and clean fill.

CONSTRUCTION AND DEMOLITION WASTE DISPOSAL FACILITY: Any site, location, tract of land, installation, or building used for the disposal of construction and demolition waste. This definition does not include a construction site where construction and demolition waste, trees and brush are removed from the construction site are used as fill material, either alone or in conjunction with clean soil, sand, gravel or other clean aggregates, in legitimate fill operations for construction purposes or to bring the site up to a consistent grade.

COUNCIL: The City Council of the City of Newark, Ohio.

COURT: An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

DAY CARE: The providing of personal care and supervision for children or adults or preschool education on less than a twenty-four hour basis. (Also see CARE PROVIDING.)

DENSITY: The number of permitted lots per gross acre in a subdivision platted after the date of this Code. Also, the maximum number of apartments or condominium units per acre.

DETACHED STRUCTURE: See STRUCTURES, DETACHED.

DISPLAY SIGN: A structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.

DISTRICT: A portion of the territory of the City of Newark within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code.

DIVISION OF CODE ADMINISTRATION: The office of the City of Newark charged with the enforcement of the various codes regulating construction within the City of Newark.

DWELLING: Any building or portion thereof designed or used for residential purposes, but not including a tent, cabin, travel trailer, motor home, rooming house, hotel or motel.

DWELLING, ONE FAMILY: A building or portion thereof designed or used for residence purposes by one family or housekeeping unit.

DWELLING, TWO FAMILY: A building or portion thereof designed or used for residence purposes by two families or housekeeping unit.

DWELLING, MULTI-FAMILY: A building or portion thereof designed or used for residence purposes by 3 or more families or housekeeping units.

DWELLING GROUP: A group of two or more detached dwellings located on a parcel of land in one ownership.

DWELLING UNIT: See UNIT, DWELLING.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground surface 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, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies or for the public health or safety of general welfare, but not including buildings.

FAMILY: An individual, two or more persons related by blood or law, or a group of not more than four unrelated persons living together in a dwelling unit. Servants and or up to two boarders having common housekeeping facilities with a family are a part of the family for this code. Family does not include a group of individuals living together in a rooming house.

FLOOD WAY: That portion of the flood plain as designated by the Federal Emergency Management Agency in which no building or filling may occur.

FRONTAGE: All the property abutting on one side of a street between intersecting or intersecting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or city boundary measured along the street line. An intersecting street shall determine only the boundary of the frontage on the side of the street, which it intersects. (See Section 6.6 and Article 80)

FRONTAGE – WHERE MEASURED: The frontage of the lot shall be measured along the front property line, but may be modified in the case of curvy-linear streets in accordance with Article 80 of this Code.

GARAGE, PRIVATE: A detached accessory building or a portion of the principal building used by the occupant of the premises customarily for the storage of vehicles or trailers.

GREEN SPACE: An area within a development designed to remain undeveloped and to be used either for recreation or as a natural preserve, or as a buffer between land uses.

GROSS ACRE: Used in calculating lot density in a subdivision and equals total acreage of development minus any acreage in the flood way.

HOME BUSINESS: Any service business conducted by a resident occupant with no retail sales and no employees. It is the intent this Code that any such use is of low intensity.

HOSPITAL: A building or portion thereof used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, who are provided with board or room or kept overnight on the premises including sanitarium.

HOTEL/MOTEL: Any building or portion thereof, with a series of attached, semi-attached, or detached sleeping units for the accommodation of five or more transient guests.

IMPROVED ROAD SURFACE: That portion of the public right-of-way, which has been improved with concrete, asphalt, or gravel and is intended for vehicular traffic.

INDUSTRY: Storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

JUNK: Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel and other old or scrap ferrous or nonferrous materials, but does not include scrap tires.

JUNK YARD: An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying or selling junk (also see SALVAGE YARD & SCRAP METAL PROCESSING FACILITY).

KENNEL: Any structure or premises on which five or more dogs over 4 months of age are kept.

KITCHEN: Any room in a building or dwelling unit, which is used for cooking or the preparation of food.

LAND USE PLAN: The long-range plan for the desirable use of land in the City of Newark as officially adopted and as amended from time to time by the Planning Commission; the purpose of such plan is, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs of the City, in the subdividing and use of undeveloped land, and the acquisition of right-of-way or sites for public purposes including streets, parks, schools and public buildings.

LENGTH OF BUILDING: The horizontal distance in feet, measured between the outer most vertical dimensions of any wall or column that is parallel to the facing of the building

LIVING UNIT: See UNIT, LIVING.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of legal access.

LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Code, and having legal access on a public street.

LOT, CORNER: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the "corner".

LOT FRONTAGE: See FRONTAGE and FRONTAGE-WHERE MEASURE.

LOT, INTERIOR: A lot other than a corner lot.

LOT, DEPTH: The average horizontal distance between the front and the rear lot lines.

LOT LINES: A line dividing one lot from another, or from a public right-of-way.

LOT LINE, FRONT: The line separating the lot from a public right-of-way.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT LINE, STREET OR ALLEY: A lot line separating the lot from a street or alley.

LOT WIDTH: The average width of the lot measured at right angles to its depth.

LOT AREA: The computed area contained within the lot lines.

LOT, THROUGH: A lot having frontage on two parallel or approximately parallel streets.

MINERAL: Any geologic material occurring naturally as a product.

MOTEL: SEE HOTEL/MOTEL

MOTOR HOME: A motor vehicle designed to serve as permanent or temporary living quarters normally used for recreational travel.

MOTOR VEHICLE: A motorized or mechanically powered self propelled wheeled conveyance not running on rails.

NONCONFORMING USE: A building, structure or premises legally existing or used at the time of adoption of this Code, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, floor area or distance requirements of more restricted districts or uses, shall not be a nonconforming use.

OBCI DISTRICTS: When used in this Code, OBCI Districts shall include the following districts: LO, GO, LB, MB, HB, GB, LC, GC, DC, LI, GI and similar areas of a PUD.

PROW: see PUBLIC WAY

PARKING AREA, PRIVATE: An open area for the same uses as private garage.

PARKING AREA, PUBLIC: An open area, other than a street or other public way, used for the parking of motor vehicles and available to the public whether for a fee, free or as an accommodation for clients or customers.

PARKING SPACE: A permanently surfaced area either within a structure or public parking area, exclusive of driveways or access drives, for the parking of one motor vehicle.

PROPERTY LINES: See LOT LINES.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, or other ways in which the general public or a public entity have a right, or which are dedicated to public use, whether improved or not.

R-DISTRICTS: When used in this Code, R-Districts shall include the following districts RS, RL, RM, RH, RZLL, RMH, SFC, TFR, MFR, MFC, MFH, and the residential areas of a PUD, CD and AD district.

REAR LOT: A lot separated from, with no frontage on, a public right-of-way.

RECYCLABLE HOUSEHOLD MATERIAL: Paper, cardboard, bottles, cans and similar items, but not yard wastes, furniture, appliances, building materials, motor vehicles, motor vehicle parts or similar items.

RECYCLE COLLECTION POINT: Location of containers used only for the collection of recyclable household material from non-commercial sources. Open top and top-loading containers are not permitted at a Recycle Collection Point.

RECYCLE PROCESSING POINT: Location that has the capability of collecting, transferring, disassembling or breakdown of recyclable household material from commercial or non-commercial sources.

RECYCLE TRANSFER POINT: Location that can collect, compress, package, bundle or transfer from one container to another, recyclable household material from a non-commercial source. Disassembly or breakdown of materials or products shall not be permitted at a Recycle Transfer Point. No such inventory storage may remain beyond forty-five days of placement

RIGHT-OF-WAY: A strip of land dedicated for use as a public way. In addition to the roadway, it incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and special features (required by the topography or treatment) including grade separation, landscaped areas, viaducts and bridges.

ROOMING HOUSE: A building arranged or occupied for non-transient lodging, with or without meals, where three or more living units are individually rented, leased or provided, with or without access to common areas. The building may or may not be occupied by the owner. (See BOARDING HOUSE and BED AND BREAKFAST.)

ROOMING UNIT: See UNIT, ROOMING.

SALVAGE MOTOR VEHICLE: Any motor vehicle which is in a wrecked, dismantled or worn out condition, or unfit for operation as a motor vehicle.

SALVAGE YARD: Any site, location, tract of land, installation or building where equipment, appliances, motor vehicles, salvage motor vehicles and similar items are dismantled, disassembled, stripped or broken down into smaller components. The small components may be sold onsite or transferred to another site for processing.

SCHOOL, ELEMENTARY AND HIGH: An institution of learning which offers instructions in the several branches of learning and study required to be taught in the public schools by the applicable statutes of the State of Ohio. High schools include junior and senior high schools.

SCRAP METAL: The following are considered scrap metal: No. 1 copper, No. 2 copper, sheet copper, insulated copper wire, aluminum or copper radiators, red brass, yellow brass, aluminum sheet, aluminum extrusions, cast aluminum, clean aluminum wire, aluminum exteriors, contaminated aluminum, stainless steel, large appliances, miscellaneous steel, sheet irons, lead and electric motors.

SCRAP METAL PROCESSING FACILITY: An establishment having facilities for processing iron steel, or nonferrous scrap for sale for remelting purposes.

SCRAP METAL TRANSFER FACILITY: Any site, location, tract of land, installation or building that can collect, disassemble, package, bundle or transfer scrap metal from one container to another.

SCRAP TIRE YARD: An establishment where scrap tires are collected, temporarily stored, handled, recovered or processed.

SERVICE DIRECTOR: The Service Director of the City of Newark.

SIGN: See Article 135.

SLEEPING UNIT: See UNIT, SLEEPING.

SOLID WASTE DISPOSAL FACILITY: Any site, location, tract of land, installation or building used for incineration, composting, sanitary land filling or other approved methods of disposal of solid wastes.

SOLID WASTE FACILITY: Any site, location, tract of land, installation or building used for incineration, composting, sanitary land filling or other methods of disposal of solid wastes or if the solid waste consists of scrap tires, for the collection, storage or processing of the solid wastes; for the transfer of solid wastes; for the treatment of solid wastes; for the treatment of infectious wastes; or for the storage, treatment or disposal of hazardous waste.

SOLID WASTE TRANSFER FACILITY: Any site, location, tract of land, installation or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid waste disposal facility.

STABLE, COMMERCIAL: A stable for horses, donkeys, mules or ponies that are let, hired, used or boarded on a commercial basis and for compensation.

STABLE, PRIVATE: An accessory building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

STANDARD, PERFORMANCE: A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by inherent in or incidental to land uses.

STORY: That portion of a building, included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY ABOVE GRADE: Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

1. More than six feet above grade plane.
2. More than six feet above the finished ground level for more than 50 percent of the total building perimeter.
3. More than twelve feet above the finished ground level at any point.

STORY, HALF: A partial story under a roof, with the top wall plates on at least two exterior walls supporting said roof, are not more than 4 feet above the floor for which they are framed upon.

STORY, FIRST: The lowest story or the ground story of any building the floor of which shall not be more than 12 inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.

STREET: A public way 50 feet or more in width which provides a means of access to an abutting property, or any public way more than 30 feet and less than 50 feet in width provided it existed prior to the enactment of this Code. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

STRUCTURE: A building or anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground excluding, but not limited to , a pergola, playhouse or doghouse.

STRUCTURES, ATTACHED: Two or more structures connected by a minimum of a roof or similar item, which will not allow the passage of snow or rain between the structures.

STRUCTURES, DETACHED: Any structure which is independent of any other structure and where there are no architectural features that prevent the passage of rain or snow..

STRUCTURAL ALTERATION: Any change in the structural members of a building, such as walls, columns, beams or girders.

THOROUGHFARE or LONG RANGE TRANSPORTATION PLAN: A plan, or portion thereof, adopted by the Commission, indicating the general location of recommended major thoroughfares, such as arterial and collector routes.

TRAILER: A vehicle designed to be pulled behind a motor vehicle and haul passengers or goods.

TRAVEL TRAILER: A vehicle designed to serve as permanent or temporary living quarters normally drawn by a motor vehicle.

UNIT, DWELLING: A room or group of rooms forming habitable independent facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and a bathroom group.

UNIT, LIVING: A room or group of rooms forming a single habitable space intended to be used for sleeping or living with or without provisions for cooking but without a bathroom group in the unit.

UNIT, ROOMING: A room or group of rooms forming a single habitable space intended to be used for sleeping or living, with no provisions for cooking and with or without a bathroom group.

UNIT, SLEEPING: A room or group of rooms forming a single habitable space intended to be used for sleeping or living with or without provisions for cooking and with or without a bathroom group.

VARIANCE: A variance is a relaxation of the provisions of the Zoning Code, where such variance will not be contrary to the public interest as may be granted after public hearing by the Board in Article 150.

VEHICLE: The term “vehicle” shall include any powered or non-powered vehicle, motor vehicle or trailer.

VETERINARY OFFICES: A place used for the care, diagnosis and treatment of animals, including animals in need of medical or surgical attention, but with no provisions for overnight care or kenneling.

YARD: An open space other than a court, on a lot, not built upon and unobstructed from the ground upward except as otherwise provided in this Code.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

YARD, FRONT FOR CORNER LOTS: In the development of corner lots the property owner shall designate which frontage is the front yard, thus establishing the rear and side yards.

YARD, FRONT – HOW MEASURED: The depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the “Official Map of the City of Newark” differs from that of the existing street then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the Thoroughfare Plan of Official Map.

YARD, REAR: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

YARD, SIDE: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

YARD SIDE, LEAST WIDTH, HOW MEASURED: The width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the street as established on the Thoroughfare Plan or on the “Official Map of the

City of Newark” differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan or Official Map.

ZONING INSPECTOR: The Code Administrator of the City of Newark, or his authorized representatives.

ZONING MAP: The Zoning Map of the City of Newark, together with all amendments subsequently adopted.

ZONING CERTIFICATE OR ZONING PERMIT OR ZONING CERTIFICATE OF PLAN APPROVAL: A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Code and for the purposes of carrying out and enforcing its provisions.

ARTICLE 5

DISTRICTS AND BOUNDARIES THEREOF

5.1 DIVISION OF CITY INTO DISTRICTS

For the purpose of this Code, the City of Newark is divided into categories of zoning districts. The zoning districts are listed in Section 5.2 below. The various districts are illustrated on the zoning map, which is considered to be a part of this Zoning Code and subject to amendments pursuant to Article 8 hereof.

5.2 DESIGNATION OF DISTRICTS

The districts are designated as follows:

CD	Conservation District
AD	Agricultural District
RS	Suburban Single Family Residential District
RL	Low Density Single Family Residential District
RM	Medium Density Single Family Residential District
RH	High Density Single Family Residential District
SFC	Single Family Condominium
RZLL	Single Family Zero Lot Line District
RMH	Single Family Manufactured Home District
TFR	Two Family Residence District
MFR	Multi Family Residence District
MFC	Multi Family Condominium District
MFH	Multi Family High Rise District
CSI	Church School Institutional District
LO	Limited Office District
GO	General Office District
LB	Limited Intensity Business District
MB	Medium Intensity Business District
HB	High Intensity Business District
GB	General Business District
LC	Limited Commercial District
GC	General Commercial District
DC	Downtown District
LI	Limited Industrial District
GI	General Industrial District
PUD	Planned Unit Development
HD	Historic District

5.3 DISTRICTS AND BOUNDARIES ESTABLISHED

The districts and boundaries thereof are established as shown on the Zoning Map, which map, together with all notations, references, data district boundaries and other information shown thereon shall be part of this Code. The Zoning Map, properly attested, shall be and remain on file in the office of the City Engineer.

5.4 DISTRICT BOUNDARIES

The district boundary lines on the map are generally intended to follow either streets or alleys or lot line; and, where the districts designated on the map are bounded

approximately by such streets, alley or lot lines, the street or alley or lot line shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map.

5.5 LOT DIVIDED

Where a single property is divided into more than one district, the district boundary lines shall be established by either the detailed zoning map in the office of the Newark City Engineer or by a written description attached there to.

5.6 UNCERTAINTY AS TO BOUNDARIES OR TEXTUAL PROVISIONS

See INTERPRETATION Section 150.6.

5.7 VACATED STREET OR ALLEY

Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

5.8 LAND NOT ZONED

Where land has not been specifically included within a district, the same is declared to be in the RS District.

5.9 ANNEXATIONS

Until such time as newly annexed land is rezoned in accordance with Article 155, it shall remain subject to the regulations of the Township zoning district where the land was located within prior to annexation. Within sixty days after an annexation procedure has been completed, the owner(s) of the newly annexed land shall apply for re-zoning as per Article 155. In the event that the owner(s) of recently annexed property fails to apply for re-zoning within the 60 day time period, Planning Commission may, within 30 days, initiate the process for re-zoning the land to an appropriate district. In determining the appropriate zoning classification, the Planning Commission shall consider the land's township zoning, the zoning districts abutting and neighboring the land, traffic and safety issues, and the general well being of the City. When the Planning Commission makes a recommendation to Council regarding the appropriate zoning classification for newly annexed land, the Commission shall also make a recommendation as to how the land shall be designated on the Off-Premises Sign Map. The Zoning Inspector shall not issue any zoning permit for newly annexed land until such time as either the land has been zoned as per Article 155, or 210 days have passed since the annexation process was completed and Council has failed to approve a new zoning classification for the land. In the latter case, the Zoning Inspector shall only issue a zoning permit for any use permitted under its former township zoning.

ARTICLE 6

GENERAL REGULATIONS

6.1 CONFORMANCE REQUIRED

Except as hereinafter specified, no land, building, structure or premises, shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located. Such regulations shall include, but not be limited to: the use of buildings, structure or land, including performance standards for the control of any “dangerous and objectionable elements,” as defined in Article 140; the height, size or dimensions of buildings or structures; the size or dimension of lots, yards and other open spaces surrounding buildings; the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

6.2 ADDITIONAL USES

Uses other than those specifically set forth in this Code as permitted uses in a district may be allowed therein, provided that, in the judgment of the Zoning Inspector, such other uses are of similar character to those uses set forth in the Code and will have no adverse influence or more adverse influence on adjacent properties or the neighborhood or the community than the permitted uses specifically mentioned for the district (see Section 150.7.1). In making this determination, the Zoning Inspector will consider the volume and time of day that the use generates automobile traffic and customers, as well as the similarity of the proposed use to the permitted use. When the Zoning Inspector is uncertain as to the proper classification of a use not included within the provisions of this Code, he may ask the Board for an interpretation in accordance with Section 150.6.

6.3 ADDITIONAL PROHIBITED USES

Uses which are not specifically prohibited in a district, but are similar to and of the same character as any use specifically prohibited in a district shall also be prohibited in that district. In making this determination, the Zoning Inspector will consider the volume and time of day that the use generates automobile traffic and customers, as well as the similarity of the proposed use to the prohibited use. When the Zoning Inspector is uncertain as to the proper classification of a use not included within the provisions of this Code, he may ask the Board for an interpretation in accordance with Section 150.6.

6.4 CONDITIONAL USE AND SPECIAL EXCEPTION APPROVAL – TIME LIMIT

Where the Board has granted a conditional use or special exception and the Premises have not been occupied in a manner consistent with the grant or construction has not begun on any structure within twelve months of the grant, the conditional use or special exception shall be void and no force or effect. Thereafter, a new application for conditional permit shall be filed with the Board before such use can be established or construction on such structure undertaken. (See Section 150.7.4)

6.5 SETBACK MEASUREMENTS

Except as noted elsewhere in this Code, setback distances are measured from the property line to the wall or other supporting element of the structure including, but not limited to posts supporting a floor (including porches and decks) roof or story above. In the case of a sign, see Article 135.

For modifications to the required setbacks see Articles 80 and 82.

6.6 FRONTAGE MINIMUM REQUIRED

Except as permitted by other provisions of this Code, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts a public way for at least 40 feet.

6.7 CONVERSION OF DWELLING

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Code, and only when the resulting occupancy will comply with the requirements of this Code.

6.8 TRUCKS IN R-DISTRICTS

No truck or similar motor vehicle which exceeds a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs. shall be parked in an R-District on property of which the primary use is residential, except such vehicle may be parked in a fully enclosed garage or similar structure.

6.9 TRAVEL TRAILERS and MOTOR HOMES

No person shall occupy a travel trailer, motor home, or similar type vehicle as a living unit, rooming unit, sleeping unit, or a dwelling unit, unless the vehicle is located in a campground or similar park, which has been approved for such use. The parking or storage of an unoccupied vehicle of this type is permitted outside an approved campground or similar park.

6.10 PERFORMANCE STANDARDS – COMPLIANCE

Compliance with performance standards under Article 140 is required of every use.

6.11 CORNER LOTS

No structure shall be erected within 25 feet of the point of intersection of the improved road surface in any District on any corner lot. For purposes of this section, a lot on the corner of any two public rights-of-way with vehicular traffic shall be considered a corner lot. Additionally, a corner lot shall comply with the minimum front yard requirement established for the district in which the lot is located for each street bordering the corner lot. The applicant may determine which yard opposite a street will be the rear yard.

6.12 REQUIRED AREA OR SPACE CANNOT BE REDUCED

No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum area required by this Code, unless approved by the Board. No part of a yard, court, parking area, or other space provided about, or for, any building or structure for the purpose of complying with the provisions of this Code, shall be shared as part of a yard, court, parking area or other space for a separate building or structure, unless approved by the Board.

6.13 UNSAFE BUILDINGS

Nothing in this Code shall prevent the structural rehabilitation or restoring to a safe condition of any part of a building or structure declared unsafe by a proper authority.

6.14 ZONING PERMITS ISSUED PRIOR TO ENACTMENT

Nothing herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which zoning permits have been issued prior to the enactment of this Code.

ARTICLE 7

NON-CONFORMING USES, BUILDINGS/ STRUCTURES, LOTS

7.1 NON-CONFORMING USES - EXISTING

7.1.1 LEGAL NON-CONFORMING USES - CONTINUATION

The lawful use of a building or premises existing at the time of the adoption or amendment of this Code may be continued except as hereinafter specified, although such use does not conform with the provisions of this Code for the district in which it is located. Such uses shall be known as: Legal Non-Conforming Uses.

7.1.2 LEGAL NON-CONFORMING USES - SUBSTITUTION

Any lawful use of any dwelling, building or structure existing at the effective date of this Code may be continued, even though such use does not conform to the provisions hereof. The legal non-conforming use of a building may be changed to another non-conforming use of the same or less intensity as determined by the Board. Whenever a legal non-conforming use has been changed to a less intense use, such use shall not thereafter be changed back to a more intense use. The non-conforming use of a building may be extended throughout those parts thereof, which were arranged and designed for such use at the time of adoption of this Code.

7.1.3 LEGAL NON-CONFORMING USES - REPAIR, ALTERATION, ENLARGEMENT

Repairs, rehabilitation, incidental non-structural alterations and normal maintenance may be performed on a building or structure housing a legal non-conforming use. No building or structure being used for a legal non-conforming use shall be structurally altered or enlarged except when authorized by the Board, or required by law or Code.

7.1.4 NON-CONFORMING USE - MADE TO CONFORM

Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

7.1.5 NON-CONFORMING USE - DISCONTINUANCE OF USE

No building, structure or premises where a non-conforming use has been discontinued for a period of 24 consecutive months or more shall be allowed a non-conforming use without approval by the Board.

7.2 NON-CONFORMING BUILDINGS OR STRUCTURES - EXISTING

7.2.1 LEGAL NON-CONFORMING BUILDINGS OR STRUCTURES - CONTINUATION

Any building or structure, existing at the time of the adoption or amendment of this Code that does not comply with the requirements of this Code in terms of setbacks, size, height, lot frontage, lot area, or lot coverage for the District, in which it is located may be continued and be

utilized legally. Such buildings or structures shall be known as: Legal Nonconforming Buildings or Structures.

7.2.2 LEGAL NON-CONFORMING BUILDINGS OR STRUCTURES - SUBSTITUTION

Any non-conforming building or structure, or one or more of a group of non-conforming buildings or structures which have been damaged by fire, flood, explosion, earthquake, war, riot or act of God may be reconstructed and used as before, provided such reconstruction is completed within twelve months of such calamity and the building or structure restored does not exceed the area as it existed at the time of such calamity.

7.2.3 LEGAL NON-CONFORMING BUILDINGS OR STRUCTURES - REPAIR, ALTERATION, ENLARGEMENT

When a structure is non-conforming for a reason other than size, height, setback, lot coverage, lot area or lot frontage, an alteration or enlargement shall be approved by the Board.

When a structure is non-conforming due to size, height, setback, lot coverage, lot area or lot frontage, the following provisions are applicable:

1. Repairs, non-structural alterations and interior structural alterations to all structures are permitted.
2. Exterior structural alterations and enlargements for other than single family dwellings and their accessory buildings shall be approved by the Board.
3. Exterior structural alterations to single-family dwellings are permitted.
4. Enlargements to a single-family dwelling and its accessory structures are permitted when:
 - 4.1 The enlargement conforms to the height, setback and lot coverage requirements of the District and the existing structure shall not be less than five feet from any front lot line, ten feet from any rear lot line and zero feet from any side lot line, OR,
 - 4.2 The enlargement does not increase the violation of the height, setback or lot coverage requirements of the existing building; and neither the existing building nor the enlargement is less than five feet from any front lot line, ten feet from any rear lot line and three feet from any side lot line.

7.3 NON-CONFORMING LOTS - NEW CONSTRUCTION

7.3.1 NON-CONFORMING LOT OF RECORD-SINGLE FAMILY DWELLING

In any district where dwellings are permitted, a new detached single-family dwelling and customary accessory buildings may be erected on any lot of official record in existence at the effective date of this Code. When such lot does not comply with the standards of the District where the lot is located, the requirements of Section 7.3.2 shall apply.

7.3.2 LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard ¹ (ft)	Side Yard (ft)	Rear Yard (ft)	Accessory Structures
Detached Single-Family Dwelling	None	40	25	6 1 & 1 1/2 stories	30	See Article 86
				8 2 or more stories		

- (1) For a corner lot, the depth of the front yard on both streets shall be not less than that which is required in the district but in no case less than 25 feet. For an interior lot, the required depth may be reduced to the depth of the adjacent building on either side but in no case less than 10 feet.

7.3.3 NON-CONFORMING LOT OF RECORD - NON SINGLE FAMILY DWELLING

The erection of a new building, other than a single family dwelling, on any non-conforming lot of official record in existence at the effective date of this Code shall be approved by the Board

7.4 EXEMPTION OF ESSENTIAL SERVICES

Essential service, as defined in this Code, shall be exempt from the provisions of this Article.

ARTICLE 8

TEMPORARY BOARD OF ZONING DISTRICT REVISION

8.1 CREATION

By this Code the Temporary Board of Zoning District Revision (Board of Revision) is created. The Board of Revision shall be comprised of five citizens of the City of Newark, appointed by the Mayor and confirmed by City Council. Two members shall be members of the Newark City Board of Zoning Appeals. One member shall be from the Newark City Planning Commission. One member shall be a member of Newark City Council. One member shall be from the general public.

8.2 DURATION

The Board of Revision shall terminate 18 months after the effective date of this Code, unless otherwise extended in operation by City Council.

8.3 PURPOSE

The previous Zoning Code, enacted in 1971 and amended various times since, contained broad and cumulative zoning districts with a wide variety of permitted uses in many of the districts. This Code abolished the 1971 districts and created new districts with many of the cumulative aspects of the 1971 Code deleted.

In the process of creating the Zoning Map to accompany this Code assumptions were made concerning potential land uses. There will be cases where a property owner, under the 1971 Code, had land use options that will not be available under this Code. It is the purpose of the Board of Revision to provide a process whereby a property owner may seek, without going through a zoning amendment, to have their zoning district adjusted in such a way as to permit a land use permitted under their previous Zoning District but not permitted under their Zoning District.

It is not the intent of this Article to allow for large scale Zoning District changes.

It is the intent to allow individual property owners the right to use their property in a way that was legal through the cumulative nature of the 1971 Code.

8.4 PROCEDURE

A property owner seeking a land use permitted by the cumulative nature of the 1971 Code but denied that use by this Code shall apply to the Code Administrator for a hearing to revise their zoning district.

Within thirty days after such application, the Board of Revision shall meet with the applicant. If four members of the Board of Revision agree with the applicant's request, the Board of Revision shall so recommend the revision to Planning Commission.

Upon the affirming vote of Planning Commission, the applicant's Zoning District will be revised and the Official Map changed.

If the Board of Revision does not approve the applicant's request, the applicant may file for a rezoning per Article 155.

ARTICLE 10

CD CONSERVATION DISTRICT

10.1 PURPOSE

The purpose of the Conservation District is to protect the public health and to reduce the financial burdens imposed on the community, its governmental units and its individuals which may result from improper use of lands having excessively high water tables or which are subject to frequent and periodic flooding. Further the Conservation district designation may be used to preserve land as permanent open green space.

10.2 PERMITTED USES

1. Any customary agricultural use, provided that all buildings used for agricultural purposes shall not exceed a combined total floor area of 20,000 square feet.
2. Any public or private recreation facility, including lakes, golf courses, swimming pools, softball/baseball fields, country clubs, riding stables, parks and other similar uses.
3. Water conservation works, including water supply works, flood control and watershed protection, fish and game hatcheries, preserves, and other similar uses.
4. Forestry.
5. Campgrounds.
6. Residential uses per Section 10.14.
7. Flagpoles, television and radio antennas up to twenty-five feet in height for the exclusive use of the property owner.

10.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

10.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Rifle ranges and gun clubs, providing they are not located closer than 500 feet from any R-District.

2. Commercial mining; in accordance with the rules and regulations of the Ohio Department of Natural Resources (ODNR) or its successor agency. An ODNR mining permit shall be submitted prior to issuance of a zoning permit.
3. Disposal of garbage and refuse; including sanitary fills, and sewage disposal, subject to Health Department approval.
4. New Single-Family Dwellings.
5. Day Care in the home of the provider for not more than six.
6. Boarding house, bed and breakfast for up to two lodgers.
7. Home Business.
8. Water towers, observation towers, transmission towers.

10.5 ACCESSORY STRUCTURES

Accessory structures customarily used in the course of or associated with a permitted or conditional use are permitted provided that they are set back a minimum of 100 feet from any property line. The number of accessory structures is unlimited.

10.6 DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.
2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles in any twelve month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. through 7. Intentionally left blank.
8. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, shall not become a source of water pollution or contamination.

10.7 HEIGHT RESTRICTIONS

No structure shall exceed 40 feet in height.

10.8 LOT AREA & SETBACKS

None, except as may be specified by the Board, provided that no structure shall be located closer than 50 feet to any existing or proposed public right-of-way, and not closer than 30 feet to any side or rear lot line.

10.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

10.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

10.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

10.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission of the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

10.13 OTHER STANDARDS OR REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

10.14 RESIDENTIAL USES

In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.

ARTICLE 12

AD AGRICULTURAL DISTRICT

12.1 PURPOSE

The purpose of the Agricultural District is to provide an area for small scale agricultural and animal husbandry uses and for uses best served by open space.

12.2 PERMITTED USES

1. Any customary agricultural use, provided that all buildings used for agricultural purposes shall not exceed a combined total floor area of 20,000 square feet.
2. Any public or private recreation facility, including lakes, golf courses, swimming pools, softball/baseball fields, country clubs, riding stables, parks and other similar uses.
3. Water conservation works, including water supply works, flood control and watershed protection, fish and game hatcheries, preserves, and other similar uses.
4. Forestry, plant nurseries, greenhouses and garden centers.
5. Campgrounds.
6. Residential uses per Section 12.14
7. Cemeteries
8. Churches
9. Single-family dwellings on lots of five acres or more, with non-commercial barns or stables totaling less than 20,000 square feet permitted as accessory buildings.
10. Day Care in the home of the provider for not more than six.
11. Boarding house, bed and breakfast for up to two lodgers.
12. Flagpoles, television and radio antennas up to twenty-five feet in height for the exclusive use of the property owner.

12.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

12.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Rifle ranges and gun clubs, providing they are not located closer than 500 feet from any R-district.

2. Commercial mining, in accordance with the rules and regulations of the Ohio Department of Natural Resources (ODNR) or its successor agency. An ODNR mining permit shall be submitted prior to issuance of a zoning permit.
3. Crematoriums, as an accessory use to a cemetery.
4. Lights for outdoor recreational uses.
5. Home Business.
6. Water towers, observation towers, transmission towers.

12.5 ACCESSORY STRUCTURES

Accessory structures customarily used in the course of or associated with a permitted or conditional use are permitted provided that they are set back a minimum of 100 feet from any property line. The number of accessory structures is unlimited.

12.6 DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.
2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles in any twelve-month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. through 7. Intentionally left blank.
8. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, shall not become a source of water pollution or contamination.

12.7 HEIGHT RESTRICTIONS

No structure shall exceed 40 feet in height.

12.8 LOT AREA & SETBACKS

None, except as may be specified by the Board, provided that no structure shall be located closer than 50 feet to any existing or proposed public right-of-way, and not closer than 30 feet to any side or rear lot line.

12.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

12.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

12.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

12.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

12.13 OTHER STANDARDS OR REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

12.14 RESIDENTIAL USES

1. In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired or altered in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. New construction including an enlargement shall comply with all of the applicable provisions of this Article.

ARTICLE 16

RS SUBURBAN - RL LOW DENSITY – RM MEDIUM DENSITY – RH HIGH DENSITY
SINGLE-FAMILY RESIDENCE DISTRICTS

16.1 PURPOSE

The purpose of these residential districts is to provide an area solely for single family residential uses with suburban, low, medium, or high density.

16.2 PERMITTED USES

1. Single-Family dwellings.
2. Day Care in the home of the provider for not more than six.
3. Boarding house or bed and breakfast for up to two lodgers.
4. Public Parks.
5. Golf Courses.

16.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner.

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

16.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Home Business.

16.5 ACCESSORY STRUCTURES

Accessory structures including, but not limited to garages, sheds or pools customarily used in the course of or associated with a permitted or conditional use are permitted in accordance with Article 86.

16.6

DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.
2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles in any twelve month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. In accordance with the Development Regulations of the City of Newark, the Planning Commission shall review and approve all such developments.
4. In calculating the gross acreage of the entire property being platted, any acreage located in the floodway shall be excluded.
5. Intentionally left blank.
6. The maximum density on a single acre of development may be exceeded by clustering lots, provided the maximum density of the gross acreage of the entire development does not exceed the maximum density allowed by this Code.
7. The maximum density per gross acre for subdivisions in which the original parcel being platted or subdivided exceeds one acre shall be:

RL Low Density – 3 lots per gross acre.
 RM Medium Density – 3.5 lots per gross acre.
 RH High Density – 4 lots per gross acre.

16.7

HEIGHT RESTRICTIONS

No principle building or structure shall exceed 2.5 stories or thirty feet in height. No accessory building or structure shall exceed 1.5 stories or twenty feet in height. Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

16.8

LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
<u>Single-Family</u>					
RS SUBURBAN					
1 & 1 ½ stories	20,000	100	35	15	50
2 OR MORE stories	20,000	100	35	20	50
RL LOW DENSITY					
1 & 1 ½ stories	8400	70	30	8	40
2 OR MORE stories	8400	70	30	10	40

RM MEDIUM DENSITY						
1 & 1 ½ stories	7200	60	25	7		35
2 OR MORE stories	7200	60	25	9		35
RH HIGH DENSITY						
1 & 1 ½ stories	6000	50	20	6		30
2 OR MORE stories	6000	50	20	8		30

16.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

16.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

16.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

16.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

16.13 OTHER STANDARDS OR REGULATIONS

Deed restrictions and covenants may establish additional restriction

16.14 RESIDENTIAL USES

1. In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. Construction of a new single family dwelling on a Lot-of-Record may be per Article 7 as determined by the Zoning Inspector.

ARTICLE 18

RZLL SINGLE-FAMILY RESIDENCE ZERO LOT LINE DISTRICT

18.1 PURPOSE

The purpose of this residential district is to provide an area where single-family dwellings can be constructed on building lots of reduced dimension where one wall of a residential dwelling is sited along a lot line.

18.2 PERMITTED USES

1. Single-Family dwellings.
2. Day Care in the home of the provider for not more than six.
3. Boarding house or bed and breakfast for up to two lodgers.
4. Public Parks.
5. Golf Courses.

18.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner.

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

18.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Home Business.

18.5 ACCESSORY STRUCTURES

Accessory structures including, but not limited to a garage, shed or pool, customarily used in the course of or associated with a permitted or conditional use; are permitted in accordance with Article 86.

18.6 DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.
2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles in any twelve month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. In accordance with the Development Regulations of the City of Newark, the Planning Commission shall review and approve all such developments.
4. In calculating the gross acreage of the entire property being platted, any acreage located in the floodway shall be excluded.
5. Intentionally left blank.
6. The maximum density on a single acre of development may be exceeded by clustering lots, provided the maximum density of the gross acreage of the entire development does not exceed the maximum density allowed by this Code.
7. The maximum density per gross acre for subdivisions in which the original parcel being platted or subdivided exceeds one acre shall be:
 RZLL District – 4.5 lots per gross acre

18.7 HEIGHT RESTRICTIONS

No principle building or structure shall exceed two stories or thirty feet in height. No accessory building or structure shall exceed 1.5 stories or twenty feet in height. Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than feet.

18.8 LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Lot Area	Lot Frontage	Front Yard	Side Yard		Rear Yard
			Zero Lot Line Side	Opposite Side	
5400	45	25	0	15	25

18.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

18.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

18.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

18.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.
Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

18.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

18.14 RESIDENTIAL USES

1. In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. Construction of a new single family dwelling on a Lot-of-Record may be per Article 7 as determined by the Zoning Inspector.

18.15 INTENTIONALLY BLANK

18.16 SITING OF ZERO LOT LINE WALL

One wall of the single-family dwelling unit may be constructed against the lot line on one side of a lot. Footings for the dwelling and foundation walls shall be located entirely within the lot.

18.17 PROHIBITION AGAINST OPENING

There shall be no windows, doors, penetrations, or other openings in the wall constructed against the side lot line.

18.18 REQUIRED ADJACENT MAINTENANCE EASEMENT

A perpetual ten foot building maintenance easement shall be provided on the lot adjacent to the zero lot line property line which shall be kept clear of structures, except as provided in this section. The easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twelve inches, but the roof, gutters and downspouts shall be so designed that water runoff from the dwelling unit is discharged onto the same lot.

Wooden or concrete decks or stoops located within the building maintenance easement area shall not be deemed to be a prohibited structure for purposes of this section so long as the design, construction, or maintenance of the same does not interfere with or impede the use the building maintenance easement for its intended purpose. Fences, walls or hedges may be located within the building maintenance easement area except within that portion of the building maintenance easement area which is adjacent to, and contiguous with, the wall of the dwelling unit located on the lot line.

18.19 SEPARATION BETWEEN STRUCTURES ON ADJACENT LOTS

There shall be a separation between structures on adjacent lots of not less than fifteen feet.

ARTICLE 20

RMH SINGLE FAMILY MANUFACTURED HOME DISTRICT

20.1 PURPOSE

The purpose of this district is to provide an area for the development of a manufactured home park.

20.2 PERMITTED USES

1. Single-Family Manufactured Homes and Industrialized Units.
2. Day Care in the home of the provider for not more than six.
3. Public Parks.
4. Golf Courses.

20.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

20.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Home Business.

20.5 ACCESSORY STRUCTURES

A structure, not exceeding 2,500 square feet housing any of the following uses is permitted, provided such structure is located at least 100 feet from any property line:

1. Manager's office.
2. Laundry facility used exclusively by the residents of the RMH District.
3. Recreation or meeting room used exclusively by the residents of the RMH District.
4. A storage facility not exceeding one thousand square feet, used by the management in the operation of the park.

20.6

DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.
2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles in any twelve-month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. In accordance with the Development Regulations of the City of Newark, the Planning Commission shall review and approve all such developments.
4. In calculating the gross acreage of the entire property, any acreage located in the floodway shall be excluded.
5. through 8. Intentionally left blank.
9. There shall be a maximum of six dwellings per acre.
10. All streets within the District shall be privately built and maintained and shall not be dedicated to the City.
11. Ownership of the land shall remain with one person or company. Lots may not be sold individually.
12. Intentionally left blank.
13. Applicant shall comply with the requirements of Chapter 3701-27 of the Ohio Administrative Code which is in effect at the time of application. and provide evidence of such compliance from the appropriate Health Department.

20.7

HEIGHT RESTRICTIONS

No structure shall exceed two stories or twenty-five feet in height.
 Flagpoles, television and radio antennas shall not exceed by the height of existing buildings on the property by more than four feet.

20.8

LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (acre)	Lot Frontage (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
Manufactured Home Park	5	100	35	50	50

20.9

OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

20.10

CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

20.11 LANDSCAPING, BUFFERING, GREEN SPACE

The landscape, buffering and green space plan for a manufactured home park shall be reviewed and approved by the Planning Commission.

20.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

20.13 OTHER STANDARDS OR REGULATIONS

Manufactured home parks may have additional restrictions.

20.14 RESIDENTIAL USES

1. In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired or altered in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. New construction, including an enlargement, shall comply with all of the applicable provisions of this Article.
3. Construction of a new single family dwelling on a Lot-of-Record may be per Article 7 as determined by the Zoning Inspector.

20.15 INTENTIONALLY BLANK

20.16 PARKING AND OCCUPANCY OF MANUFACTURED HOMES

No person shall occupy any manufactured home on any premises in the City of Newark outside an approved manufactured home park without first obtaining a zoning permit for such use from the Zoning Inspector. The parking or storage of an unoccupied manufactured home shall not be permitted for more than ten days other than on a lot approved for sale of such units.

ARTICLE 22

SFC SINGLE FAMILY CONDOMINIUM DISTRICT

22.1 PURPOSE

The purpose of this condominium district is to provide an area for single-family condominium development as outlined and described in the Ohio Revised Code Chapter 5311.

22.2 PERMITTED USES

1. Single-family dwelling design in accordance with ORC Chapter 5311.
2. Day Care in the home of the provider for not more than six.
3. Golf Courses.

22.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner.

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No parking or storage more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

22.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Small retail which are accessory uses to the main project.
2. Home Business.

22.5 ACCESSORY STRUCTURES

Structures, which are customarily used in the course of or associated with the permitted use of the subject property, are permitted. Such accessory structures for use only by the residents of the subject property and their guests shall include the following: garages, laundry facilities, swimming pools, clubhouses, recreation facilities, manager's office and storage shed for equipment used on the subject property. Accessory structures shall have a setback of 100' from any property line. Accessory structures shall comply with Article 86.

22.6

DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.
2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles in any twelve-month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. In accordance with the Development Regulations of the City of Newark, the Planning Commission shall review and approve all such developments.
4. In calculating the gross acreage of the entire property, any acreage located in the floodway shall be excluded
5. For developments with more than one residential building on one lot see Article 110.

22.7

HEIGHT RESTRICTIONS

No principal building or structure shall exceed 2.5 stories or 30 feet in height. No accessory structure shall exceed 1.5 stories or 20 feet in height. Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

22.8

LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area ¹ (Sq. Ft.)	Lot Frontage Yard (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
<u>Single Family & Other Permitted Uses</u>					
1 & 1 ½ stories	9,000	80	30	30	40
2 & 2 ½ stories	9,000	80	30	30	40
3 or more stories	9,000	80	30	30	40

¹ The lot area required per unit is determined by the table below, with a minimum lot area of 9,000 square feet:

Efficiency/ One Bdrm	Two Bdrm	Three or more Bdrm
9000	9000	9000

22.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

22.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

22.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

22.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

22.13 OTHER STANDARDS OR REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

22.14 RESIDENTIAL USES

1. In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22, as determined by the Zoning Inspector.
2. Construction of a new single family dwelling on a Lot-of-Record may be per Article 7 as determined by the Zoning Inspector.

ARTICLE 24

TFR TWO FAMILY RESIDENCE DISTRICT

24.1 PURPOSE

The purpose of this residential district is to provide an area for two family residential uses and those public and semi-public uses normally considered an integral part of the neighborhood they serve.

24.2 PERMITTED USES

1. Two-Family dwellings and twin single dwellings.
2. Day Care in the home of the provider for not more than six.
3. Boarding house or bed and breakfast for up to two lodgers.
4. Public Parks.
5. Assisted living facilities with a gross floor area not exceeding six thousand square feet.

24.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

24.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Home Business.

24.5 ACCESSORY STRUCTURES

Accessory structures including, but not limited to garages, sheds or pools customarily used in the course of or associated with a permitted or conditional use; as permitted in accordance with Article 86.

24.6 DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.

2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles in any twelve-month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. In accordance with the Development Regulations of the City of the Newark, the Planning Commission shall review and approve all such developments.
4. In calculating the gross acreage of the entire property being platted, any acreage located in the floodway shall be excluded.
5. Intentionally left blank.
6. The maximum density on a single acre of the development may be exceeded by clustering lots, provided the maximum density of the gross acreage of the entire development does not exceed the maximum density allowed by this Code. .
7. The maximum density per gross acre for subdivisions in which the original parcel being platted or subdivided exceeds one acre shall be:
 - Two Family – 3 lots per gross acre
 - Twin Single – 6 lots per gross acre.

24.7 HEIGHT RESTRICTIONS

No principle building or structure shall exceed three stories or forty feet in height. No accessory buildings or structure shall exceed 1.5 stories or twenty feet in height. Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

24.8 LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
<u>Two-Family</u>					
1 & 1 ½ stories	10,000	80	20	8	40
2 or more stories	10,000	80	20	10	40
<u>Twin Single</u>					
1 & 1 ½ stories	5000	40	20	8	40
2 or more stories	5000	40	20	10	40
<u>Assisted Living¹</u>					
1 to 3 stories	9000	100	25	15	45

(1) For assisted living facilities the minimum lot area shall be increased seven hundred fifty square feet for each bedroom exceeding the first three.

24.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

24.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

24.11 LANDSCAPING, BUFFERING GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

24.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

24.13 OTHER STANDARDS OR REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

24.14 RESIDENTIAL USES

1. In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. Construction of a new single family dwelling on a Lot-of-Record may be per Article 7 as determined by the Zoning Inspector.

24.15 INTENTIONALLY BLANK

24.16 THE FOLLOWING IS APPLICABLE TO TWIN-SINGLE DWELLINGS

PURPOSE

The purpose of a twin-single dwelling is to combine two one-family dwellings in a single structure, separated by a party wall, which is constructed across a property line.

DEFINITIONS

Fire Wall: A fire resistance rated wall, which restricts the spread of fire. The wall shall have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

The wall shall be continuous from foundation to 2 feet 8 inches above the roof surface, except as provided in 1 or 2 below. Firewalls shall be made smoke-tight at their junction with exterior walls. In exterior wall construction employing studs, the firewall shall extend through the stud space to the exterior sheathing.

1. Noncombustible roofs: The wall is permitted to terminate at the Underside of the roof deck where the roof is of noncombustible construction and is properly firestopped at the wall.
2. Combustible roofs: The wall is permitted to terminate at the underside of the roof deck where all of the following conditions are met.
 - 2.1 The wall is properly firestopped at the deck.
 - 2.2 The roof sheathing or deck is constructed of approved noncombustible materials, or fire-retardant treated wood, for a distance of 4 feet on either side of the wall.
 - 2.3 Combustible material does not extend through the wall.
 - 2.4 The roof covering has a minimum of Class C. rating.

Party Wall: A masonry or concrete two-hour rated firewall on an interior lot line used or adapted for joint service between two buildings.

Each wall built as a part of a twin-single and placed on the dividing line between lots, and any wall replacing the same, shall be built as a party wall. There shall be no windows, doors, openings or other penetrations in the party wall.

Twin-Single Dwelling: A structure with two single-family dwellings.

The one family dwellings are separated by a party wall. The structure is located so that each single-family dwelling is entirely on its own lot. Only a single one family dwelling may be erected or maintained on any lot. Each one family dwelling shall be attached to another one family dwelling. The one family dwellings may have common roofs, siding or both.

3. Detached Accessory Structures: Detached accessory structures shall comply with Article 86.

ARTICLE 26

MFR MULTI-FAMILY RESIDENCE DISTRICT

26.1 PURPOSE

The purpose of this residential district is to provide an area for multi-family residential uses and those public and semi-public uses normally considered an integral part of the neighborhood they serve.

26.2 PERMITTED USES

1. Two-family dwellings and twin single dwellings as permitted and regulated in the TFR District.
2. Multi-family dwellings for any number of families or housekeeping units.
3. Day Care in the home of the provider for not more than six.
4. Boarding house, bed and breakfasts, rooming houses.
5. Public Parks.
6. Nursing homes and assisted living facilities.

26.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner.

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

26.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Small retail which are accessory uses to the main project.
2. Home Business.

26.5 ACCESSORY STRUCTURES

Structures, which are customarily used in the course of or associated with the permitted use of the subject property, shall be permitted. Such accessory structures shall be for use only by the residents of the subject property and their guests. Such structures shall include, but not be limited to the following: garages, laundry facilities, swimming

pools, clubhouses, recreation facilities, manager’s offices and storage sheds. Accessory structures shall have a setback of 100 feet from any property line. Accessory structures shall comply with Article 86.

26.6 DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.
2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles in any twelve month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. In accordance with the Development Regulations of the City of Newark, the Planning Commission shall review and approve all such developments.
4. In calculating the gross acreage of the entire property, any acreage located in the floodway shall be excluded.
5. For developments with more than one residential building on one lot see Article 110.
6. through 11. Intentionally left blank.
12. Condominium development and conversion of existing apartment units to condominiums is permitted within the MFR District.

26.7 HEIGHT RESTRICTIONS

No principal building or structure shall exceed three stories or forty feet in height. No accessory structure shall exceed 1.5 stories or twenty feet in height. Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

26.8 LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82. Structures permitted in the TFR district may follow the guidelines of the TFR district.

Use	Lot Area ¹ (Sq. Ft.)	Lot Frontage (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
<u>Multi-Family & Other Per- mitted Uses</u>					
1 & 1 ½ stories	12,000	75	25	15	45
2 & 2 ½ stories	12,000	75	25	17	45
3 or more stories	12,000	75	25	20	45

¹ The lot area required per unit is determined by the table below, with a minimum lot area of 12,000 square feet for a multi-family, 11,000 square feet for a three-family, and 10,000 square feet for a two-family:

Efficiency/ One Bdrm	Two Bdrm	Three or more Bdrm
3111	3630	4356

26.9 OFF STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

26.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

26.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

26.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission of the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

26.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

26.14 RESIDENTIAL USES

1. In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. Construction of a new single family dwelling on a Lot-of-Record may be per Article 7 as determined by the Zoning Inspector.

ARTICLE 28

MFC MULTI-FAMILY CONDOMINIUM DISTRICT

28.1 PURPOSE

The purpose of this condominium district is to provide an area for multi-family condominium development as outlined and described in the Ohio Revised Code Chapter 5311.

28.2 PERMITTED USES

1. Single and multi-family dwelling design in accordance with ORC Chapter 5311.
2. Day Care in the home of the provider for not more than six.
3. Golf Course.

28.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner.

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

28.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Small retail which are accessory uses to the main project.
2. Home Business.
3. Assisted Living Facilities.

28.5 ACCESSORY STRUCTURES

Structures, which are customarily used in the course of or associated with the permitted use of the subject property, are permitted. Such accessory structures shall be for use only by the residents of the subject property and their guests shall include but not limited to the following: garages, laundry facilities, swimming pools, clubhouses, recreation facilities, manager's offices and storage sheds. Accessory structures shall have a setback of 100' from any property line. Accessory structures shall comply with Article 86.

28.6

DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.
2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles, in any twelve-month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. In accordance with the Development Regulations of the City of Newark, the Planning Commission shall review and approve all such developments.
4. In calculating the gross acreage of the entire property, any acreage located in the floodway shall be excluded.
5. For developments with more than one residential building on one lot see Article 110.

28.7

HEIGHT RESTRICTIONS

No principal building or structure shall exceed three stories or forty feet in height. No accessory structure shall exceed 1.5 stories or twenty feet in height. Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

28.8

LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area ¹ (Sq. Ft.)	Lot Frontage (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
<u>Multi-Family & Other Permitted Uses</u>					
1 & 1 ½ stories	9,000	80	30	30	40
2 & 2 ½ stories	9,000	80	30	30	40
3 or more stories	9,000	80	30	30	40

¹ The lot area required per unit is determined by the table below, with a minimum lot area of 9,000 square feet:

Efficiency/ One Bdrm	Two Bdrm	Three or more Bdrm
7260	7260	7260

28.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

28.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

28.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

28.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

28.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

28.14 RESIDENTIAL USES

1. In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18, 22 as determined by the Zoning Inspector.
2. Construction of a new single family dwelling on a Lot-of-Record may be per Article 7 as determined by the Zoning Inspector.

ARTICLE 30

MFH MULTI-FAMILY HIGH RISE

30.1 PURPOSE

The purpose of this residential district is to provide an area for high-rise residential uses and those public and semi-public uses normally considered an integral part of the neighborhood they serve.

30.2 PERMITTED USES

1. Multi-family buildings for any number of families or housekeeping units.
2. Day Care in the home of the provider for not more than six.
3. Public Parks.

30.3 ACCESSORY USES

Uses which are customary in the course of or associated with a permitted or conditional use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner.

Within any dwelling the occupant may have an office provided there are (is):

1. No visible signs of any type.
2. No goods of any type sold or exchanged from inventory on site.
3. No customers coming to the dwelling.
4. No employees working at the dwelling other than members of the occupant's immediate family.
5. Not more than one delivery per day in addition to the regular daily mail delivery from the U.S. Postal Service.
6. No parking or storage of vehicles related to the business, which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs.
7. No more than one vehicle related to the business may be parked outside an enclosed structure.
8. No space used for the office shall be outside the dwelling.

30.4 CONDITIONAL USES

The following uses are permitted as conditional uses when authorized by the Board in accordance with the provisions of Article 150.

1. Small retail which are accessory uses to the main project.
2. Home Business.

30.5 ACCESSORY STRUCTURES

Structures, which are customarily used in the course of or associated with the permitted use of the subject property, are allowed. Such accessory structures shall be for use only by the residents of the subject property and their guests and shall include, but not be limited to the following: garages, laundry facilities, swimming pools, clubhouses, recreation facilities, manager's offices and storage sheds. Accessory structures shall have a setback of 100' from any property line. Accessory structures shall comply with Article 86.

30.6 DISTRICT STANDARDS

1. All uses in this district shall comply with the applicable requirements of Article 140.
2. The following activity is prohibited on a lot in this district:
 - a. The sale or display for sale of more than five vehicles in any twelve-month period.
 - b. The long-term parking or storage of vehicle(s) associated with a business.
 - c. The repeated repair of vehicles, which are not owned by the occupant of the property.
 - d. The repeated sale of merchandise, other than a sale licensed by the City, which has not been approved by the Board.
 - e. The providing of a service on a repeated basis not approved by the Board.
3. In accordance with the Development Regulations of the City of Newark, the Planning Commission shall review and approve all such developments.
4. Intentionally left blank.
5. For developments with more than one residential building on one lot see Article 110.

30.7 HEIGHT RESTRICTIONS

No height limitations on any principal building or structure. No accessory structure shall exceed 1.5 stories or twenty feet in height. Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

30.8 LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area ¹ (Sq. Ft.)	Lot Frontage (ft)	Front Yard (ft)	Side Yard ² (ft)	Rear Yard (ft)
<u>Multi-Family & Other Per- mitted Uses</u>	100,000	100	35	30	50

- (1) The multi family buildings shall not cover more than 33% of the lot. Accessory structures including parking garages shall not cover more than 33% of the lot. There shall be a minimum of 34% of the lot open with no building or structure.
- (2) For buildings or structures exceeding 30 feet in height, the side yard set back shall be one foot additional for each foot of height exceeding 30 feet.

30.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

30.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

30.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

30.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

30.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

30.14 RESIDENTIAL USES

In this district, a single family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.

ARTICLE 34

CSI CHURCH SCHOOL INSTITUTIONAL DISTRICT

34.1 PURPOSE

The purpose of the Church, School, Institutional District is to provide areas for the development and use of structures and amenities related to religious, educational, cultural and recreational buildings both private and public.

34.2 PERMITTED USES

1. Churches and other places of religious worship and study.
2. Private and public educational buildings and campuses.
3. Museums, art galleries, and other cultural attractions.
4. Theaters with live theatrical presentations or performances.
5. Indoor or outdoor recreational facilities.
6. Parks.
7. Flagpoles, television and radio antennas for the exclusive use of the property owner.
8. Assisted Living facilities.
9. Day Care.
10. Residential uses per Section 34.14.
11. Recycle Collection Points.

34.3 ACCESSORY USES

1. Uses, customary in the course of or associated with specified permitted uses.
2. Cemeteries, only to churches and places of religious worship.

34.4 CONDITIONAL USES

1. Outdoor lighting for recreational facilities.
2. Outdoor live music venues.
3. Campgrounds as an accessory use.

34.5 ACCESSORY STRUCTURES

1. Including, but not limited to, parking garages, stadiums, bell towers, shelters, public or private swimming pools when used in the course of or associated with a permitted or conditional use.
2. Accessory structures shall comply with Article 86.

34.6 DISTRICT STANDARDS

1. The floor area in this District is unlimited.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than twenty five percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by Planning Commission for compliance with the City's current Development Regulations. Items to be reviewed by the Planning Commission in determining compliance include, but are not limited to, the following items: roadway improvements, access management or traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.

5. There shall be a maximum of four Recycling Collection Point containers allowed on lots less than five acres; maximum of eight Recycling Collection Point containers allowed on lots of five acres or more.
6. through 9. Intentionally left blank.
10. There shall be no retail business conducted in this District, except as per Section 34.3(1).
11. There shall be an evergreen buffer between a use in this district and any residential (R) district. The buffer shall consist of a strip of land not less than 15 feet in width, planted with an evergreen hedge, or planting of evergreen shrubs not less than 4 feet in height, providing a continuous 75% opaque buffer.

34.7 HEIGHT RESTRICTIONS

Church spires, bell towers or ancillary structures shall not exceed a height of eight feet higher than the building or structure it is attached or adjacent to.
 Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

34.8 LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use ⁴	Lot Area (acre)	Lot Frontage at Bldg. Line ¹ (ft)	Front Yard (ft)	Side Yard ⁵ (ft)	Rear Yard		Distance between any Two Buildings (ft)
					Primary Bldgs. (ft)	Accessory Bldgs. (ft)	
Church ³	2 ³	200	50	25	60	15	25
Day Care	2	200	50	25	60	15	25
Live Theater ²	200	50	25	60	15	25	
Museum	2	200	50	25	60	15	25
Indoor Rec	2	200	50	25	60	15	25
Outdoor Rec	2	200	50	25	60	15	25
School	10	300	50	25	60	15	25

- (1) There shall be a minimum of sixty feet of lot frontage on a public street.
- (2) Additional lot area of one acre per one hundred theatre seats or fraction thereof over two hundred
- (3) Additional lot area of one acre per one hundred sanctuary seats or fraction thereof over two hundred
- (4) These district standards apply to new construction. For alterations or additions to existing structures see Article 7.
- (5) Side yard setback shall be increased one foot for each foot of height a principal building exceeds 30 feet.

34.9 OFF STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

34.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

34.11 LANDSCAPING, BUFFERING, GREEN SPACE

130. Landscaping, buffering, and green space shall be provided in accordance with Article

34.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

34.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

34.14 RESIDENTIAL USES

1. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
New residential uses shall not be permitted within this district except as an accessory use to a permitted use including, but not limited to:
 - a. a parsonage on a church property
 - b. dormitories on an educational campus, providing that the residents of the dorms are enrolled in the school or
 - c. a caretaker of the residence.

ARTICLE 38

LO LIMITED OFFICE DISTRICT

38.1 PURPOSE

The purpose of the Limited Office District is to provide areas for the development and use of low intensity office use. The Limited Office District may serve as a buffer between residential uses and more intensive commercial uses.

38.2 PERMITTED USES

1. Administrative, professional, and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, including, but not limited to:
 1. Brokers and dealers in securities, investments and associated services, including financial planning.
 2. Insurance agents and brokers and associated services.
 3. Real estate sales and associated services.
 4. Attorneys and law practices, including title companies.
 5. Engineering and architectural services, not including the outside storage of equipment.
 6. Accounting, auditing, and other bookkeeping services
 7. Social Service Agencies and Governmental Offices.
2. Professional offices engaged in providing health services to the general public with incidental retail trade, for example:
 1. Medical and medical related activities, but not including veterinary offices or animal hospitals.
 2. Dentists, orthodontists, optometrists and opticians.
Day Care for not more than six
Residential uses per Section 38.14.

38.3 ACCESSORY USES

Uses which are customary in the course of or associated with specified permitted use are allowed.

38.4 CONDITIONAL USES

Veterinary Offices and animal hospitals.

38.5 ACCESSORY STRUCTURES

Flagpoles, television and radio antennas for the exclusive use of the property owner.

Accessory structures shall comply with Article 86.

38.6 DISTRICT STANDARDS

1. The gross floor area devoted to business use in this district shall not exceed 2,400 square feet. A basement used exclusively as a mechanical space or an abandoned upper floor level is not a part of the gross floor area.

2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than fifty percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by City Engineer for compliance with the City's current Development Regulations. These items to be considered in determining compliance include, but not limited to, the following items: roadway improvements, access management, traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.
5. Intentionally left blank.
6. There shall not be more than one principal building per lot.
7. Existing residential structures being used as a business may be returned to residential use.
8. There shall be no drive through business conducted in this district.
9. There shall be no outside storage located in this district.
10. There shall be no retail business conducted in this district except as per Section 38.3.

38.7 HEIGHT RESTRICTIONS

No structure shall exceed three stories or 30 feet.
 Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

38.8 LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (Sq. Ft.)	Lot Frontage (ft)	Front Yard (ft)	Side ¹ Yard (ft)	Rear ² Yard (ft)	Distance
						between any two Buildings (ft)
All Uses	None	50	30	10	25	25

- (1) Except when adjoining an R District then 25.
- (2) Except when adjoining an R District then 40.

38.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125

38.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

38.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

38.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

38.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

38.14 RESIDENTIAL USES

1. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. While solely new one family residences and related accessory structures are not a permitted use in this district, one dwelling unit is permitted on an upper level of a building when the use of the story at grade level is a permitted use in this district.

ARTICLE 40

GO GENERAL OFFICE DISTRICT

40.1 PURPOSE

The purpose of the General Office District is to provide areas for the development of high intensity office use. The General Office District may serve as a buffer between residential uses and more intensive commercial uses.

40.2 PERMITTED USES

1. Administrative, professional, and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, including, but not limited to:
 1. Brokers and dealers in securities, investments and associated services, including financial planning.
 2. Insurance agents and brokers and associated services.
 3. Real estate sales and associated services.
 4. Attorneys and law practices, including title companies.
 5. Engineering and architectural services, not including the outside storage of equipment.
 6. Accounting, auditing, and other bookkeeping services.
 7. Social Service Agencies and Governmental Offices.
 8. Hospitals and clinics.
2. Professional offices engaged in providing health services to the general public with incidental retail trade including, but not limited to:
 1. Medical and medical related activities, but not including veterinary offices or animal hospitals.
 2. Dentists, orthodontists, optometrists and opticians.
 3. Day Care.
 4. Residential Uses per Section 40.14.
 5. Places of assembly or meeting halls.
 6. Assisted living facilities.
 7. Private and public educational buildings and campuses using the standards of the CSI District.
 8. Recycle Collection Points.

40.3 ACCESSORY USES

Uses which are customary in the course of or associated with specified permitted use are allowed..

Flagpoles, television and radio antennas for the exclusive use of the property owner.

40.4 CONDITIONAL USES

1. Veterinary Offices and animal hospitals.
2. Radio Broadcasting Stations.

40.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

40.6

DISTRICT STANDARDS

1. The floor area in this district is unlimited.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than thirty-five percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by Planning Commission for compliance with the City’s current Development Regulations. The items to be considered in determining compliance shall include, but are not limited to, the following items: roadway improvements, access management or traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.
5. Maximum of four Recycling Collection Point containers allowed per lot.
6. Intentionally left blank.
7. Existing residential structures being used as a business may be returned to residential use.
8. There shall be no drive through business conducted in this district.
9. There shall be no outside storage located in this district.
10. There shall be no retail business conducted in this district, except as per Section 40.3.

40.7

HEIGHT RESTRICTIONS

On lots less than two acres, adjoining a residential district, no structure shall exceed three stories or 40 feet in height. For all other lots there are no height restrictions. Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

40.8

LOT AREA & SETBACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82

Use	Lot Area (Sq. Ft.)	Lot Frontage (ft)	Front Yard (ft)	Side ¹ Yard (ft)	Rear ² Yard (ft)	Distance between any two Buildings (ft)
All Uses	None	75	30	10	25	25

- (1) Except when adjoining an R District then 25.
- (2) Except when adjoining an R District then 40.

40.9

OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

40.10

CORNER LOT

Corner lots shall meet the requirements of Section 6.11.

40.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

40.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

40.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

40.14 RESIDENTIAL USES

1. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. While solely new one family residences are not a permitted use in this district, one dwelling unit is permitted on an upper level of a building when the use of the story at grade level is a permitted use in this district.
3. While solely new multi-family residences are not a permitted use in this district, dwelling units are permitted on a maximum of two upper levels of a building when the use of the story at grade level is a permitted use in this district and the dwelling units are approved by the Newark Planning Commission.

ARTICLE 44

LB LIMITED INTENSITY BUSINESS DISTRICT

44.1 PURPOSE

The purpose of the Limited Intensity Business District is to provide for the orderly development of retail and office land uses of limited size. This District may serve as a buffer between residential uses and more intensive commercial uses.

44.2 PERMITTED USES

1. Uses permitted in Section 40.2, except that for this district only, Day Care is limited to six clients and Assisted Living Facilities are not permitted. (GO)
2. Retail businesses, including, but not limited to:
 1. Convenience stores
 2. Meat, Grocery or Pharmacy stores
 3. Beer, Wine, or Food carryouts
 4. Card or Gift shops
 5. Antique or Craft shops
 6. Rental stores with small or large household furnishings
 7. General and specialty merchandising stores
3. Service establishments involving care of the person or of personal effects for residents of the community on a regular basis, including, but not limited to:
 1. Dry Cleaning drop-off or pick-up only, no cleaning on site.
 2. Barber and Beauty shops.
 3. Tanning and Nail Salons.
 4. Physical Fitness, Therapy Facility or Dance Studio.
4. Veterinary office.
5. Bed and Breakfast, provided that there shall be no on street parking.
6. Residential uses per Section 44.14

44.3 ACCESSORY USES

Uses which are customary in the course of or associated with a specified permitted use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner.

44.4 CONDITIONAL USES

Day care facilities and pre-schools, provided that there are no more than 40 children.

44.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

44.6 DISTRICT STANDARDS

1. The gross floor area devoted to business use in this district shall not exceed 2,400 square feet. A basement used exclusively as a mechanical space or an abandoned upper floor level is not a part of the gross floor area.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than fifty percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by City Engineer for compliance with the City’s current Development Regulations. The items to be considered in determining compliance include, but are not limited to, the following items: roadway improvements, access management, traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.
5. Intentionally left blank.
6. There shall not be more than one principal building per lot.
7. Existing residential structures being used as a business may be returned to residential use.
8. There shall be no drive through business conducted in this District.
9. There shall be no outside storage located in this District.

44.7 HEIGHT RESTRICTIONS

No structure shall exceed 3 stories or 40 feet in height.
 Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

44.8 LOT AREA AND SET BACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

<u>Use</u>	<u>Lot Area (sq. ft)</u>	<u>Lot Frontage (ft)</u>	<u>Front Yard (ft)</u>	<u>Side Yard¹ (ft)</u>	<u>Rear Yard² (ft)</u>	<u>Distance between any two Buildings</u>
All Uses	None	50	30	10	25	25

- (1) Except when adjoining an R District then 25.
- (2) Except when adjoining an R District then 40.

44.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

44.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11

44.11 LANDSCAPING ,BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

44.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

44.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

44.14 RESIDENTIAL USES

1. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be enlarged, repaired or altered in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. While solely new one family residences and related accessory structures are not a permitted use in this district, one dwelling unit is permitted on an upper level of a building when the use of the story at grade level is permitted use in this district.

ARTICLE 46

MB MEDIUM INTENSITY BUSINESS DISTRICT

46.1 PURPOSE

The purpose of the Medium Intensity Business District is to provide for the orderly development of retail and office land uses of limited size.

46.2 PERMITTED USES

1. Uses permitted in Section 44.2. (LB, GO)
2. Uses permitted in Section 34.2. (CSI)
3. General and service offices, including those carrying on retail trade with the public and having stock of goods maintained for sale to customers, including, but not limited to:
 1. Advertising agencies
 2. Employment services and agencies
 3. Photographic and commercial art studios
 4. Radio, television or video production facilities
 5. Quick printing businesses
 6. Music businesses
 7. Computer, internet services
 8. Home health care services
4. Municipal, governmental, public utility offices and facilities
5. Health and medical clinics.
6. Banks, Savings and Loans, Credit Unions, Check Cashing
7. Restaurant or other eating or drinking establishment with a maximum seating capacity of twenty-four.
8. Furniture and home furnishing sales
9. Laundromats
10. Automobile minor repairs, including, but not limited to:
 1. Gas stations, with or without convenience stores
 2. Quick lubes
 3. Tire stores
 4. Car washes
 5. Muffler or Brake shop
 6. Detailing

There shall be screening along any property line adjoining an “R” district in accordance with the standards outlined in Section 125.3(1) regardless of the number of vehicles

11. Automobile sales or leasing lots with a lot area not exceeding 20,000 square feet gross area.
12. Veterinary office, animal hospital or kennels.
13. Funeral homes
14. Outside display of ice, food, beverage and similar dispensing equipment or machinery.
15. Drive-in, drive thru sales or services.
16. Pawn shops.
17. Residential uses per Section 46.14.
18. Recycle Collection Points.

46.3 ACCESSORY USES

Uses which are customary in the course of or associated with a specified permitted use are allowed

Flagpoles, television and radio antennas for the exclusive use of the property owner.

46.4 CONDITIONAL USES

N/A

46.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

46.6 DISTRICT STANDARDS

1. The gross floor area devoted to business use in this district shall not exceed 6,000 square feet. A basement used exclusively as a mechanical space or an abandoned upper floor level is not a part of the gross floor area.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than thirty-five percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by City Engineer for compliance with the City's current Development Regulations. These items to be considered in determining compliance include, but are not limited to, the following items: roadway improvements, access management, traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.
5. There shall be a maximum of four Recycling Collection Point containers allowed per lot.
6. There shall be no more than one principle building per lot.
7. Existing residential structures being used as a business use may be returned to residential use.

46.7 HEIGHT RESTRICTIONS

No structure shall exceed 2 stories or 30 feet in height.

Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

46.8 LOT AREA AND SET BACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard ² (ft)	Distance between any two Buildings
All Uses	None	75	30	15	25	25

(1) Except when adjoining an R District then 25.

(2) Except when adjoining an R District then 40.

46.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

46.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

46.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

46.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

46.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

46.14 RESIDENTIAL USES

1. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. While solely new one family or multi-family residences are not a permitted use in this district, dwelling units are permitted on a maximum of two upper levels of a building when the use of the story at grade level is a permitted use in this district. No more than two units are permitted without Planning Commission approval.

ARTICLE 48

HB HIGH INTENSITY BUSINESS DISTRICT

48.1 PURPOSE

The purpose of the High Intensity Business District is to provide for the orderly development of retail, hospitality, and office land uses of limited size.

48.2 PERMITTED USES

1. Uses permitted in Section 46.2. (MB, LB, GO, CSI)
2. Entertainment, Recreation or Places of Assembly, including, but not limited to:
 1. Bowling alley
 2. Pool hall
 3. Movie theatre
 4. Skating rink
 5. Golf driving range or miniature golf
 6. Indoor or Outdoor recreation facilities
 7. Bingo Hall
 8. Fraternal Organization
 9. Swimming pools
3. Hotels and motels
4. Tattoo shops
5. Greenhouses or Commercial nurseries.
6. Residential uses per Section 48.14.
7. Flagpoles, television and radio antennas up to twenty-five feet in height.
8. Recycle Collection Points.

48.3 ACCESSORY USES

Uses which are customary in the course of or associated with a specified permitted use are allowed.

48.4 CONDITIONAL USES

1. Water towers, observation towers, transmission towers
2. Flagpoles, television and radio antennas exceeding twenty-five feet in height.

48.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

48.6 DISTRICT STANDARDS

1. The gross floor area devoted to business use in this district shall not exceed 15,000 square feet. A basement used exclusively as a mechanical space or an abandoned upper floor level is not a part of the gross floor area.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than thirty-five percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by Planning Commission for compliance with the City's current Development Regulations. These items to be considered in determining compliance include, but are not limited to, the following

items: roadway improvements, access management or traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.

4. All uses in this district shall comply with the applicable requirements of Article 140.
5. There shall be a maximum of four Recycling Collection Point containers allowed per lot.

48.7 HEIGHT RESTRICTIONS

No structure shall exceed 2 stories or 35 feet in height.

48.8 LOT AREA & SET BACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard ² (ft)	Distance between any two Buildings
All Uses	None	75	30	15	25	25

- (1) Except when adjoining an R District then 25.
- (2) Except when adjoining an R District then 40.

48.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

48.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

48.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

48.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

48.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

48.14

RESIDENTIAL USES

1. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.

2. While solely new one family or multi-family residences are not a permitted use in this district, dwelling units are permitted on a maximum of two upper levels of a building when the use of the story at grade level is a permitted use in this district.

ARTICLE 50

GB GENERAL BUSINESS DISTRICT

50.1 PURPOSE

The purpose of the General Business District is to provide for the orderly development of large-scale retail development.

50.2 PERMITTED USES

1. Uses permitted in Section 48.2. (HB, MB, LB, GO, CSI)
2. Wholesale and distribution warehouse businesses, less than or equal to 25,000 square feet.
3. Mini-warehouses.
4. Flagpoles, television and radio antennas.
5. Residential uses per Section 50.14.
6. Recycle Collection Points.

50.3 ACCESSORY USES

Uses which are customary in the course of or associated with a specified permitted use are allowed.

50.4 CONDITIONAL USES

1. Wholesale and distribution warehouses greater than 25,000 square feet.
2. Water towers, observation towers, and transmission towers.

50.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

50.6 DISTRICT STANDARDS

1. The floor area in this District is unlimited.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than thirty-five percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by Planning Commission for compliance with the City's current Development Regulations. The items to be considered in determining compliance include, but are not limited to, the following items: roadway improvements, access management or traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.
5. There shall be a maximum of eight Recycling Collection Point containers allowed per lot.

50.7 HEIGHT RESTRICTIONS

There are no height restrictions.

50.8 LOT AREA & SET BACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard ²	Distance between any two Buildings
All Uses	None	None	30	15	25	25

- (1) Except when adjoining an R District then 25.
- (2) Except when adjoining an R District then 40.

50.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

50.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

50.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

50.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

50.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

50.14 RESIDENTIAL USES

- 2. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be enlarged, repaired or altered in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
 - a. While solely new one family or multi-family residences are not a permitted use in this district, dwelling units are permitted on a maximum of two upper levels of a building when the use of the story at grade level is a permitted use in this district.

ARTICLE 54

LC LIMITED COMMERCIAL DISTRICT

54.1 PURPOSE

The purpose of the Limited Commercial District is to provide for those businesses and services that are commercial, but not necessarily retail in nature. Further, the moderate size of the permitted use is intended to limit the intensity of the use.

54.2 PERMITTED USES

1. Uses permitted in Section 46.2. (MB, LB, GO, CSI).
2. Wholesale and distribution businesses.
3. Mini-warehouses.
4. General office and service businesses.
5. Municipal and public utility service facilities.
6. Monument and memorial shops.
7. Automobile major repairs, including, but not limited to:
 1. Vehicle engine rebuild.
 2. Vehicle body repair.
 3. Uses permitted in Section 46.2.10.

There shall be screening along any property line adjoining an “R” district in accordance with the standards outlined in Section 125.3(1) regardless of the number of vehicles.

8. Automobile sales or leasing lots with a lot area not exceeding 20,000 square feet gross area.
9. Low intensity retail, including, but not limited to:
 1. Small or large construction equipment rental or sales.
 2. Office equipment sales.
 3. Furniture sales.
 4. Animal feed sales.
10. Contracting and building trade business.
11. Printing business.
12. Mail order business.
13. Commercial Greenhouses and Nurseries.
14. Beverage and other retail drive throughs.
15. Places of assembly including, but not limited to fraternal organizations and bingo halls.
16. Restaurant or other eating or drinking establishment.
17. Residential uses per Section 54.14.
18. Recycle Collection Points.

54.3 ACCESSORY USES

Uses which are customary in the course of or associated with a specified permitted use are allowed.

Flagpoles, television and radio antennas for the exclusive use of the property owner.

54.4 CONDITIONAL USES

1. Recycle Transfer Points.
2. Water towers, observation towers, and transmission towers.

54.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

54.6 DISTRICT STANDARDS

1. The gross floor area devoted to business use in this district shall not exceed 6,000 square feet. A basement used exclusively as a mechanical space or an abandoned upper floor level is not a part of the gross floor area.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than thirty-five percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by City Engineer for compliance with the City's current Development Regulations. These items to be considered in determining compliance include, but are not limited to, the following items: roadway improvements, access management or traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.
5. There shall be a maximum of four Recycling Collection Point containers allowed per lot.
6. There shall not be more than one principle building per lot.

54.7 HEIGHT RESTRICTIONS

No structure shall exceed 3 stories or 40 feet in height.
 Flagpoles, television and radio antennas shall not exceed the height of existing buildings on the property by more than four feet.

54.8 LOT AREA & SET BACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard ² Buildings	Distance between any two
All Uses	None	75	30	15	25	25

- (1) Except when adjoining an R District then 25.
- (2) Except when adjoining an R District then 40.

54.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

54.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

54.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

54.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

54.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

54.14 RESIDENTIAL USES

3. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
4. While solely new one family or multi-family residences are not a permitted use in this district, dwelling units are permitted on a maximum of two upper levels of a building when the use of the story at grade level is a permitted use in this district.

ARTICLE 56

GC GENERAL COMMERCIAL DISTRICT

56.1 PURPOSE

The purpose of the General Commercial District is to provide for those businesses and services that are commercial, but not necessarily retail in nature.

56.2 PERMITTED USES

1. Uses permitted in Section 50.2. (GB, HB, MB, LB, GO, CSI).
2. Uses permitted in Section 54.2 (LC).
3. Building material yards, without production of materials.
4. Carpentry and other work shops for the assembly of parts manufactured at a different site (see Article 64).
5. Municipal or public utility facility.
6. Contracting and building trades business.
7. Moving, cartage, and storage businesses.
8. Truck and heavy vehicle sales.
9. Truck and heavy vehicle services.
10. Commercial laundry, dry cleaning operation.
11. Residential uses per Section 56.14.
12. Flagpoles, television and radio antennas.
13. Recycle Collection Points.

56.3 ACCESSORY USES

Uses which are customary in the course of or associated with a specified permitted use are allowed.

56.4 CONDITIONAL USES

1. Water towers, observation towers, and transmission towers.
2. Recycle Transfer Points.

56.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

56.6 DISTRICT STANDARDS

1. The floor area in this district is unlimited.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than thirty-five percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by Planning Commission for compliance with the City's current Development Regulations. The items to be considered in determining compliance include, but are not limited to, the following items: roadway improvements, access management, traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.
5. There shall be a maximum of eight Recycling Collection Point containers allowed per lot.
6. through 11. Intentionally left blank.

12. All equipment for the collection or capture of airborne particles shall be inside the building.

56.7 HEIGHT RESTRICTIONS

There are no height restrictions.

56.8 LOT AREA & SET BACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard ² (ft)	Distance between any two Buildings
All Uses	None	None	30	15	25	25

- (1) Except when adjoining an R District then 25.
- (2) Except when adjoining an R District then 40.

56.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

56.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

56.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

56.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

56.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

56.14 RESIDENTIAL USES

- 1. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired, altered or enlarged in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.

2. While solely new one family or multi-family residences are not a permitted use in this district, dwelling units are permitted on a maximum of two upper levels of a building when the use of the story at grade level is a permitted use in this district.

ARTICLE 60

DC DOWNTOWN DISTRICT

60.1 PURPOSE

The purpose of the Downtown Commercial District is to provide for the orderly development of downtown Newark.

60.2 PERMITTED USES

1. Any form of residential use, with no density limitations.
2. Uses permitted in Section 56.2 (GC^{DS 5}, LC^{DS 5}, GB^{DS 5}, HB, MB, LB, GO, CSI).
3. Recycling Collection Points.

60.3 ACCESSORY USES

Uses which customary in the course of or associated with specified permitted use are allowed.

60.4 CONDITIONAL USES

Water towers, observation towers, transmission towers, flagpoles, television and radio antennas.

60.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

60.6 DISTRICT STANDARDS

1. The floor area in this District is unlimited.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than one hundred percent of the lot area, exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by Planning Commission for compliance with the City's current Development Regulations. The items to be considered in determining compliance include, but are not limited to, the following items: roadway improvements, access management, traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.
5. There shall be a maximum of four Recycling Collection Point containers allowed per lot. This district does not allow Recycle Transfer Points.

60.7 HEIGHT RESTRICTIONS

There are no height restrictions.

60.8 LOT AREA & SET BACKS

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard ¹ (ft)	Distance between any two Buildings
All Uses	None	15	0	0	0	25

(1) Except when adjoining an R District then 40.

60.9 OFF-STREET PARKING AND LOADING

There shall be no parking or loading requirements for this district.

60.10 CORNER LOTS

There shall be no front yard setback requirements.

60.11 LANDSCAPING, BUFFERING, GREEN SPACE

There are no landscaping requirements in this District.

60.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

60.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

60.14 RESIDENTIAL USES

1. In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired or altered in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.
2. New construction including an enlargement shall comply with all the applicable provisions of this Article.

ARTICLE 64

LI LIMITED INDUSTRIAL DISTRICT

64.1 PURPOSE

The purpose of the Light Industrial District is to allow for the development of business uses associated with the processing or combining of raw products or materials.

64.2 PERMITTED USES

1. Manufacturing
2. General offices and service businesses
3. Contracting and building trades businesses
4. Food processing, baking
5. Commercial laundry or dry cleaning
6. Molding, casting, fabricating
7. Printing, binding, publishing
8. Assemblage
9. Research and product development
10. Machine shops and metal working
11. Wood working shops
12. Warehousing, distribution and wholesaling
13. Moving, cartage, trucking, and storage
14. Building material yards
15. Heavy vehicle service and repair
16. Automotive repair, body shop
17. Places of incarceration
18. Veterinary hospitals, kennels
19. Crematory
20. Bottling or packaging facility
21. Public Utility Distribution Facilities
22. Water towers, observation towers, transmission towers, flagpoles, television and radio antennas.
23. Recycle Transfer Point.
24. Recycle Processing Point
25. Scrap Metal Transfer Facility.

64.3 ACCESSORY USES

One sleeping unit attached to a permitted use.

64.4 CONDITIONAL USES

1. Any other use that is determined by the Board, to be of the same general character as the above permitted uses, except for those uses first permitted in the GI District
2. Schools
3. Clinics and institutions for human care
4. Enlargement of an existing one family dwelling.

64.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

64.6

DISTRICT STANDARDS

1. The floor area in this District is unlimited.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than twenty-five percent of the lot area exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by Planning Commission for compliance with the City's current Development Regulations. The items to be considered in determining compliance include, but are not limited to, the following items: roadway improvements, access management or traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.
5. Intentionally left blank.
13. No building customarily used for night operation shall have any opening, other than stationary windows or required fire exits, within 200 feet of any R-District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 150 feet of any R-District.
14. No residential uses shall be permitted in the LI District, except as accessory uses to a permitted use.
15. Intentionally left blank.
16. All work shall be conducted inside a building or structure.
17. No gaseous or liquid discharges, dust, ash, odors, noise, or vibration created from any process may be released into the environment.
18. The industrial processes involved may not carry the risk of explosion, or create an explosive product.
19. All outside storage of materials shall be screened from any adjacent R District in accordance with Section 125.3(1).
20. Intentionally left blank.
21. When a Recycle Transfer Point, Recycle Processing Point and/or Scrap Metal Transfer Facility is proposed, the applicant shall, in addition to meeting other provisions of this Code, submit a site plan, which has been approved by the Planning Commission. The site plan shall delineate site specific criteria including: location and square footage of existing and proposed buildings; existing and proposed vehicular circulation including access drives, parking and loading areas; existing and proposed landscaping, buffering, and fencing; yard dimensions; and any other information requested by the Planning Commission.

64.7

HEIGHT RESTRICTIONS

Within 200 feet of any R-District, no structure shall exceed three stories or 50 feet in height, and no structure otherwise shall exceed in height the distance measured to the centerline of any street.

Water towers, observation towers, transmission towers, flagpoles, television and radio antennas shall not be limited in height.

64.8

LOT AREA & SETBACKS¹

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area (sq. ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard ² (ft)	Rear Yard ³ (ft)	Distance between any two Building
All Uses	None	None	50	25	40 2 story 50 3 story	25

- (1) For residential uses on a lot of record see Article 105.
- (2) Except when adjoining an R District then 50.
- (3) The rear yard depth shall be increased 5 feet for each story above 3 stories.

64.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

64.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

64.11 LANDSCAPING ,BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

64.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained in the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

64.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

64.14 RESIDENTIAL USES

In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired or altered in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.

ARTICLE 66

GI GENERAL INDUSTRIAL DISTRICT

66.1 PURPOSE

The purpose of the General Industrial District is to allow for the development of business uses associated with the processing or combining of raw products or materials in which the process may create noises, odors, or other objectionable attributes to neighboring districts.

66.2 PERMITTED USES

1. Uses permitted in Section 64.2 (LI)
2. Rail road yard or shop.
3. Sawmill.
4. Petroleum bulk plant.
5. Brewery.
6. Meat packing.
7. Concrete or asphalt plant.
8. Water towers, observation towers, transmission towers, flagpoles, television and radio antennas.
9. Recycle Process Points.

66.3 ACCESSORY USES

One sleeping unit attached to a permitted use.

66.4 CONDITIONAL USES

1. Any other use that is determined by the Board, to be of the same general character as the above permitted uses.
2. Adult Entertainment Businesses per Article 96 (see Section 66.8, exception #2).
3. Landfills.
4. Poultry houses, or other livestock feed operations, with aggregate buildings being larger than 20,000 square feet.
5. Vehicular race courses, drag strips.
6. Airport.
7. Enlargement of an existing one family dwelling.
8. Construction and Demolition Waste Disposal Facility.
9. Salvage Yard.
10. Junk Yard.
11. Scrap Metal Transfer Facility.
12. Scrap Metal Processing Facility.
13. Scrap Tire Yard.
14. Solid Waste Facility
15. Solid Waste Disposal Facility.
16. Solid Waste Transfer Facility

66.5 ACCESSORY STRUCTURES

Accessory structures shall comply with Article 86.

66.6

DISTRICT STANDARDS

1. The floor area in this District is unlimited.
2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than twenty-five percent of the lot area exclusive of any lot area in the floodway.
3. New construction, including additions, shall be reviewed by Planning Commission for compliance with the City’s current Development Regulations. The items to be considered in determining compliance include, but are not limited to, the following items: roadway improvements, access management, traffic congestion prevention, storm water management, floodplain management, public utility connections, FAA requirements and landscaping requirements.
4. All uses in this district shall comply with the applicable requirements of Article 140.5 through 12. Intentionally left blank.
13. No building customarily used for night operation shall have any opening, other than stationary windows or required fire exits, within 200 feet of any R-District, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 150 feet of any R-District.
14. No residential uses shall be permitted in the GI District, except as accessory uses to a permitted use.
15. For permitted or conditional uses occurring out side of a building, no activity shall be permitted within fifty feet of any property line and not within two hundred feet of a residential district.
- 16 through 19. Intentionally left blank.
20. For uses permitted in Section 66.4, items 7 through 16, operations shall be conducted within and area enclosed on all sides with a solid wall or uniform fence not less than eight feet in height.
21. Intentionally left blank.
22. For all uses in this district which require a license from a separate agency, the applicant shall provide proof of such approval.
23. For uses in this district dealing in solid waste materials, construction and demolition materials, junk, salvage materials, recyclable household materials and scrap metal materials, the applicant shall comply with the relevant and appropriate Ohio Revised Code sections, in addition to other relevant City of Newark ordinances.

66.7

HEIGHT RESTRICTIONS

Within 200 feet of any R-District, no structure shall exceed three stories or 50 feet in height, and no structure otherwise shall exceed in height the distance measured to the centerline of any street.

Water towers, observation towers, transmission towers, flagpoles, television and radio antennas shall not be limited in height.

66.8

LOT AREA & SET BACKS ¹

The following minimum requirements shall apply, except as provided in Article 80 and 82.

Use	Lot Area ² (sq. ft)	Lot Frontage (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard ³ (ft)	Distance between any two Buildings
All Uses	5 acres	None	100	50	40 2 story 50 3 story	25

- 1) For uses permitted in the LI District you may follow the standards of the LI District except that the front yard depth shall be a minimum of 100 feet.
- 2) The minimum lot area for an Adult Entertainment Business is one acre.
- 3) The rear yard depth shall be increased 5 feet for each story above three.

DISTANCE FROM R DISTRICTS

With the exception of uses occurring at the time of the enactment of this Zoning Code, and of those substitution uses considered by the Board to be of the same general character of the pre-existing uses, buildings in the General Industrial District shall be located no less than two hundred feet from any R District.

66.9 OFF-STREET PARKING AND LOADING

Off street parking and loading spaces shall be provided in accordance with Article 125.

66.10 CORNER LOTS

Corner lots shall meet the requirements of Section 6.11.

66.11 LANDSCAPING, BUFFERING, GREEN SPACE

Landscaping, buffering, and green space shall be provided in accordance with Article 130.

66.12 PUBLIC AND PRIVATE ROADWAYS

Front yard setbacks from public and private roadways shall be modified in accordance with the thoroughfare maps maintained by the office of the City Engineer.

Lots with no legal access to an adequate public right-of-way shall obtain approval from the Planning Commission for the proposed access prior to issuance of a zoning certificate. Approval of a lot split by the Planning Commission is evidence of an acceptable legal access.

66.13 OTHER STANDARDS/REGULATIONS

Deed restrictions and covenants may establish additional restrictions.

66.14 RESIDENTIAL USES

In this district, a one family dwelling and related accessory structures on a single lot or parcel in existence at the time of the adoption of this Code may be repaired or altered in accordance with Article 7, 16, 18 or 22 as determined by the Zoning Inspector.

ARTICLE 70

PLANNED UNIT DEVELOPMENT

70.1 OBJECTIVES FOR PLANNED UNIT DEVELOPMENT

It shall be the policy of the City of Newark to promote progressive development of land and construction thereon by encouraging planned unit development to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types.
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets.
5. A development pattern in harmony with neighboring land uses, infrastructure and community facilities.

The City may accept greater density in the development than that allowed by other zoning options provided the developer can demonstrate that increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

70.2 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT

Because of the special characteristics of Planned Unit Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of this Code, the provisions of this Article shall govern.

70.3 USES PERMITTED

Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in PUD Districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property or any residential component of the PUD, or the public health, safety, and general welfare of the development of the City.

70.4 MINIMUM PROJECT AREA

The gross area of the tract to be developed under the Planned Unit Development approach shall comply with the following schedule:

<u>Type of PUD</u>	<u>Minimum Area (Acres)</u>
Residential	20
Commercial	10
Industrial	30
Residential-Commercial	30
Commercial-Industrial	40
Residential-Commercial-Industrial	50

When the PUD is a mixture of residential and commercial uses, no more than 20 percent of the tract may be devoted to commercial activities. When the PUD is a mixture of residential and commercial or industrial uses, no more than 30 percent of the tract may be devoted to the commercial or industrial uses.

70.5 PROJECT OWNERSHIP

The project land may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

70.6 COMMON OPEN SPACE

A minimum of 20 percent of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational facilities. Land located within any floodway shall not be considered as any part of the 20 percent open space. Land encumbered by public utility lines shall not account for more than 25 percent of the open space.

The required amount of common open space land reserved under Planned Unit Development shall either be held in corporate ownership by owners of the project area for the use of property owners within the development or be dedicated to the City and retained as common open space for parks, recreation, and related uses. All land dedicated to the City shall comply with the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the City unless such land or right-of-way is usable as a recreation trail and paved by the developer, or for similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces, including those dedicated to the City, shall be specified by the developer before approval of the final development plan.

Unless otherwise agreed to by the Planning Commission and City Council, the developer shall create a property owner association, which shall have the right and responsibility to assess property owners within the PUD to pay the cost for proper maintenance of the open space. Planning Commission and the Developer shall agree to the level of maintenance required before approval or the final development plan.

70.7 UTILITY REQUIREMENTS

Underground utilities, including telephone and electrical systems, shall be within the limits of all planned unit developments. Appurtenances to these systems, which can be effectively screened, may be exempt from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

70.8 MINIMUM LOT SIZES

Lot widths may be varied to allow for a variety of structural designs. Setbacks may also be varied within the development.

70.9 LOTS TO ABUT UPON COMMON OPEN SPACE

Seventy five percent of one family lots developed under the planned unit development approach should be designed to abut upon common open space or similar areas. The clustering of dwellings is encouraged. In areas where townhouses or other attached

dwellings are used, there shall be no more than eight townhouses in any contiguous group.

70.10 HEIGHT REQUIREMENTS

For each foot of building height over the maximum height regulations as specified for each District in the appropriate Article of this Code the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by 3 feet..

70.11 PARKING

Off-street parking, loading, and service areas shall be provided in accordance with Article 125 of this Code. Off-street parking and loading areas shall not be permitted within 15 feet of any residential use.

70.12 ARRANGEMENT OF COMMERCIAL USES

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points at intersections with thoroughfares. Planting screens and mounding shall be provided on the perimeter of the commercial area abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient

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 Planning Commission.

70.13 ARRANGEMENT OF INDUSTRIAL USES

Planned unit development districts may include industrial uses.

Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and woodlands as buffers to screen lighting, parking areas, loading areas or docks, or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of utility services. Thoroughfares shall be kept to a minimum throughout a planned industrial area.

Side yards of 40 feet and a rear yard of 50 feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and the project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

70.14 PROCEDURE FOR APPROVAL OF PUD DISTRICTS

Planned unit development districts shall be approved in accordance with the procedures in Sections 70.15 through 70.27.

70.15 PRE-APPLICATION MEETING

The developer shall comply with the Zoning Inspector and Planning Commission prior to the submission of the preliminary development plan. At the meeting the parties shall discuss early and informally the purpose and effect of this Code and the criteria and standards contained herein, and familiarize the developer with the comprehensive development plan, the major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage sewer, and water systems of the County and the City.

70.16 CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN

An application for approval of preliminary plans for a planned unit development shall be filed with the Service Director's Office for submission to City Council in accordance with Section 155.2 by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of applicant.
2. Name, address, and phone number of registered surveyor, registered engineer, or urban planner assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Description of existing use.
5. Current Zoning district(s).
6. A vicinity map at a scale approved by the Planning Commission, showing property lines, streets, utility lines, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the planned unit development to the comprehensive plan and to existing schools and other community facilities and services.
7. A preliminary development plan at a scale approved by the Planning Commission showing topography at two foot intervals; location and type including maximum density of residential, commercial, and industrial land uses; a sketch design of a possible layout of the proposed development, showing lots, proposed streets, rights-of-way, open spaces; approximate dimensions of lots and location of setback lines.
8. Proposed schedule for the development of the site.
9. Evidence that the applicant has sufficient control over the land in question and adequate financing to initiate the proposed development plan within five years.
10. List of all adjoining property owners and their mailing addresses who are within 200 feet of any portion of the property.

The application for preliminary planned unit developments shall be accompanied by a written statement by the developer setting forth the reasons why, the planned unit development would be in the public interest and would be consistent with the City's objectives for planned unit developments in Section 70.1 of this Code.

70.17 PUBLIC HEARING BY PLANNING COMMISSION

Within 30 days after referral of the preliminary development plan from City Council, the Planning Commission shall hold a public hearing, with notice per Section 155.2.7.

70.18 APPROVAL BY PLANNING COMMISSION OF PRELIMINARY PLAN

Within 30 days after the public hearing required by Section 70.17, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Code whether the proposed development

advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationships with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission shall approve the preliminary development plan prior to submitting a recommendation to approve PUD Zoning to Council. The Planning commission may seek assistance in making its recommendation from any appropriate source.

70.19 PUD ZONING APPROVAL BY COUNCIL

1. Within two business days after the vote of Planning Commission, the Commission's written recommendation shall be forwarded to the Clerk of City Council.
2. City Council shall schedule at least one Public Hearing, with notice to the public in accordance with Section 155.2.7.1 and 155.2.7.2.
3. City Council shall complete all Public Hearings within 30 days after receipt of Planning Commission's written recommendation.
4. Within 60 days after receipt of Planning Commission's written recommendation, Council shall vote on the application. An affirmative vote of at least six council members shall be necessary to adopt a zoning district which the Planning Commission has approved. An affirmative vote of at least seven Council members shall be necessary to adopt a zoning district to which is against the recommendation of the Planning

70.20 FINAL DEVELOPMENT PLAN

After approval by City Council to change zoning to a PUD, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan. Five copies of the final development plan shall be submitted and shall be endorsed by a qualified professional team which may include an urban planner, licensed architect, registered land surveyor, registered civil engineer, or registered landscape architect.

70.21 CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN

An application for approval of the final development plan shall be filed with the Planning Commission by at least one owner or lessee of property for which the planned unit development. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the approval shall expire or may be revoked if construction on the project has not begun within five years from the date of approval. At a minimum, the application shall contain the following information:

Name, address and phone number of the applicant.

Name, address and phone number of registered surveyor, registered engineer or urban planner assisting in the preparation of the preliminary development plan.

Legal description of the property.

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All the information required on the preliminary development plan; the location and sizes of one family lots and setbacks, location of roadways, utilities, individual utility connections, storm water drainage and retention facilities, location and proposed density of non-one family dwelling units, and the location and maximum square footage of non-residential buildings.
3. A schedule for the development of units to be constructed and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the

proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit; the standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.

4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development.
5. Site plan(s), showing building(s), various functional use areas, circulation, and their relationship.
6. Building plans, including floor plans and exterior elevations.
7. Landscaping plans.
8. Deed restrictions, protective covenants, or other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

70.22 SECOND PUBLIC HEARING BY PLANNING COMMISSION

Within 30 days after submission of the final development plan, the Planning Commission shall hold a public hearing with notice in accordance with Section 155.2.7.

70.23 DECISION BY PLANNING COMMISSION

Within 30 days after the second public hearing, the Planning Commission shall approve or disapprove the final development plan.

70.24 CRITERIA FOR DECISION BY PLANNING COMMISSION

Before making its decision as required in Section 70.23, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within five years of the date of approval.
2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses.
3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
4. Any proposed commercial development can be justified at the locations proposed.
5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with this Article and the policy of the Planning Commission and the City Council.
6. The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development.
7. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.
8. The construction drawings are approved by the City Engineer as to the construction and installation of any roadways and utilities to be dedicated for public use.

70.25 COMMENCEMENT OF DEVELOPMENT

Upon receipt of the final approval of the final development plan from the Planning Commission, the applicant shall have the right to commence development under the terms and conditions of the approved final plan.

70.26 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In approving any planned unit development district, the City Council may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Code and punishable under Section 145 of this Code.

70.27 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a final development plan for a planned unit development district shall be for a period not to exceed five years. If no construction has begun within five years after approval is granted, the final development plan shall be void and the land shall revert to the RS district. An extension of the time limit to begin construction or modification of the final development plan may be approved if the Planning Commission finds that such extension or modification is in the public interest. Any modification of the final development plan shall be made only after the property owner, or designated representative, submits to planning commission a written request to modify the original plan and proceeds through the steps outlined in Section 70.16, 70.17, 70.21, 70.22, 70.23 and 70.24.

No Zoning Code amendment passed during the time period the final development plan is in force and effect shall in any way alter the terms of the planned unit development plan.

ARTICLE 74

OVERLAY HISTORIC DISTRICT

74.1 PURPOSE

The purpose of the Overlay Historic District is to provide for residential uses and those public and semi-public uses normally considered an integral part of the historic or cultural heritage of the City. The foremost consideration in creating an overlay historic district shall be maintaining the integrity of the existing architecture and its placement within the boundaries of the designated district.

74.2 REQUIRED CONDITIONS

The Overlay Historic District may be designated for no fewer than six adjacent properties, provided that the following conditions are met:

1. For Historic Overlay Districts involving between 6 and 10 adjacent properties, a petition demonstrating support from 100% of the involved property owners.
2. For Historic Overlay Districts involving more than 10 adjacent properties, a petition demonstrating support from 90% of the involved property owners.
3. For properties within the Historic Overlay District, letters from two different architects or architectural firms, certifying that the properties within the proposed district represent historic properties of architectural significance.

74.3 APPLICATION PROCESS

The application process outlined in Article 155 shall be used to establish the Overlay Historic District. In addition to the requirements outlined in Section 155.3, the items in Section 74.2 shall also be provided.

74.4 ALTERATIONS, ENLARGEMENTS, NEW CONSTRUCTION

Once the Historic Overlay District has been designated, no exterior alterations, enlargements, fences or other exterior construction will be permitted without statements by two different architects or architectural firms indicating that such alterations are compatible with exiting architectural designs in the district.

74.5 ADMINISTRATION

The provisions of this Article shall be administered and enforced by a commission created by Council. The creation of an Overlay Historic District shall not become effective until Council has created the corresponding Commission to administer and enforce the provisions of the District.

ARTICLE 80

YARD AND FRONTAGE MODIFICATION IN R-DISTRICTS

80.1 CORNER LOTS

On lots fronting at the intersection of two streets, the setbacks along both frontages shall be the front yard set back. The lot owner shall have the right to determine which is the rear yard and which is the side yard for the purposes of establishing those setbacks. The front yard and side yard shall be determined by and opposite the street fronted by the entrance to any building located on the lot.

80.2 DOUBLE FRONTAGE LOTS

Buildings on lot sharing frontage on two nonintersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of a rear yard; the lot shall comply with the front yard requirement applicable to the District where the lot is located, on each non-intersecting streets.

80.3 FRONTAGE MODIFICATIONS

In the case of curvilinear streets and cul-de-sacs a reduction of the otherwise specified lot frontage shall be permitted in an R-District, provided that:

1. The lot width measured at the building line shall equal the frontage required in the district where located.
2. The front lot line shall not be less than 40 feet.
3. Such reduction of frontage shall not result in a reduction of the required lot area.

ARTICLE 82

YARD PROJECTIONS IN R-DISTRICTS

82.1 PROJECTIONS OF ARCHITECTURAL FEATURES

Certain architectural features may project into required yards or courts as follows:

1. Front and Side Yards: Into any required front yard, or required side yard adjoining a side street lot line.
 1. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two feet, six inches.
 2. Fire escapes may project a distance not exceeding four feet, six inches.
 3. An uncovered stair and necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet in height.
 4. Bay windows, balconies and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate more than 1/3 of the length of the building wall on which they are located.
 5. An uncovered porch may project a distance not to exceed six feet provided the floor surface shall not extend above the entrance floor of the building.
2. Interior Side Yards: The features listed in Section 82.1(1) may project into any required side yard adjoining an interior side lot line. Such projection shall not exceed 1/5 of the least width of such side yard required by the District in which the lot is located, but in no case shall the projections extend beyond three feet into the side yard. Gutters connected to the fascia board may project an additional 6 inches into the side yard.
3. Rear Yards: The features listed in Section 82.1(1) may project into any required rear yards the same distances they are permitted to project into a front yard except that an uncovered porch is not limited in size other than it may not be closer than six feet to any lot line.

ARTICLE 84

LOT AREA REQUIREMENTS – PRIVATE WATER OR SEWAGE DISPOSAL SYSTEM

84.1 EVIDENCE OF APPROVAL – COMMERCIAL AND RESIDENTIAL

When a private water or sewage disposal system is to be installed, the applicant shall include with his application evidence of approval by the authority exercising regulatory jurisdiction.

84.2 RESIDENTIAL

For a residential water or sewage disposal system, the applicant shall include with his application evidence of approval by the Health Department with jurisdiction over the location.

84.2.1 LOT OF RECORD (no minimum lot size)

Subject to Section 84.1, a private water or household sewage disposal system may be installed on any official lot of record.

84.2.2 LOT SPLIT (applicable to a maximum lot size of 10 acres)

Subject to Section 84.1, a private water or household sewage disposal system may be installed on a lot, which has been legally split from another lot when the new lot:

1. Is a minimum of 2 acres in size exclusive of easements and rights-of-way and
2. Has a minimum frontage of 175 feet

84.2.3 NEW DEVELOPMENT

Subject to Section 84.1, a private water or household sewage disposal system may be installed on lots in a newly developed subdivision when the lot:

1. Is a minimum of 5 acres in size and
2. Has a minimum frontage of 250 feet.

84.3 COMMERCIAL

For a commercial water or sewage disposal system, the applicant shall include with his application evidence of approval by the Health Department with jurisdiction over the location, the Ohio EPA or any other regulatory agency with jurisdiction

ARTICLE 86

ACCESSORY STRUCTURES

86.1 ACCESSORY STRUCTURES ALL DISTRICTS

For purposes of this Article, accessory structures are detached from the principal building.

Any structure connected to another is considered attached when it is joined by a common architectural feature such as a roof, which does not allow snow or rain

Buildings and structures are not considered attached when the connection is open such as a trellis.

When an accessory structure is attached to a principle building, the resulting combined structure shall comply with all setback requirements for the principle building.

86.2 ACCESSORY STRUCTURES IN THE CD, AD, RMH, SFC, MFR, MFC and MFH DISTRICTS

Accessory structures in these districts shall comply with the standards required in the applicable district.

86.3 ACCESSORY STRUCTURES IN THE RS, RL, RM, RH, RZLL AND TFR DISTRICTS

1. GENERAL

There shall be no more than two accessory structures per lot.

No accessory structure may be erected or constructed prior to the erection or construction of the principal or main building.

No accessory structure shall be located in any yard or court except the rear yard or as provided in Section 86.3.4.

Setback distances shall be measured to the wall or supporting elements of a structure with the limitation of a 12 inch maximum projection of items including, but not limited to overhangs. Gutters connected to the fascia board may project an additional 6 inches.

2. LOT AREA AND SETBACKS

No accessory structure or combination of structures shall occupy more than 35 percent of the rear yard.

Accessory structures shall be a minimum of 3 feet from any lot line of an adjoining lot, 5 feet from any lot line adjoining an alley along the rear of the lot, and 10 feet from any lot line adjoining an alley along the side of the lot.

3. CORNER LOTS

In the case of a corner lot the accessory structure shall be setback from the lot line adjoining the side street a distance equal to the front yard setback of the district plus 5 feet but in no case less than 25 feet.

4. STEEP SLOPES – FRONT YARD GARAGE

In any R-District where the natural grade of a lot within the front yard has a slope of such a degree that it is not practicable to provide a driveway to a private garage, such garage may be located within the front yard when authorized by the Board in accordance with Article 150.

86.4 ACCESSORY STRUCTURES IN THE CSI, LO, GO, LB, MB, GB, HB, LC, GC, LI, GI DISTRICTS

1. GENERAL

No accessory structure shall be located in the front or side yard. There shall be no more than one accessory structure for each principle structure.

2. SETBACKS

Accessory structures shall comply with the setback requirements of the district for principal buildings, unless otherwise allowed in the applicable District.

86.5

ACCESSORY STRUCTURES IN THE DC DISTRICT

1. GENERAL

No accessory structure shall be located in the front or side yard. There shall be no more than one accessory structure for each principle structure.

2. SETBACKS

No accessory structure shall be less than 25 feet from a property line adjoining a public street and there shall be a minimum of 3 feet from any lot line of an adjoining lot; 5 feet from any lot line adjoining an alley along the rear of the lot; and 10 feet from any lot line adjoining an alley along the side of the lot.

86.6

ACCESSORY STRUCTURES IN THE PUD DISTRICT

1. GENERAL

The size and location of all accessory structures shall be approved by the Planning Commission.

ARTICLE 88

FENCES, WALLS AND SIMILAR STRUCTURES

88.1 CD, AD AND R-DISTRICTS

Fences, walls and similar structures may be located in required yards as follows:

1. Any Yard: Not exceeding four feet above the adjacent ground.
2. Side and Rear Yard: Not exceeding six feet above the adjacent ground.
3. Corner Lot: Installation of a fence, wall, or similar structure shall comply with Section 6.11. For purposes of this section, a lot on the corner of any two public rights-of-way with vehicular traffic shall be considered a corner lot.
4. Barbed – Wire Fences: Fences, walls and similar structures having wire, metal prongs, spikes or cutting points or edges of any kind whatsoever, shall be prohibited.
5. Electric Fences: Fences charged with electricity shall be prohibited.

88.2 CSI AND OBCI DISTRICTS (except LI & GI per Section 88.3)

Fences, walls and similar structures may be located in required yards as follows:

1. Any Yard: Not exceeding four feet above the adjacent ground
2. Side and Rear Yard: Not exceeding six feet above the adjacent ground.
3. Corner Lot: Installation of a fence, wall, or similar structure shall comply with Section 6.11. For purposes of this section, a lot on the corner of any two public rights-of-way with vehicular traffic shall be considered a corner lot.
4. Barbed Wire Fences: When approved by the Board, a fence using wire, metal prongs, spikes, cutting points or edges may be installed per the approval.
5. Electric Fences: When approved by the Board, an electric fence may be installed per the approval.

88.3 LI AND GI DISTRICTS

1. Any Yard: Fences not exceeding eight feet in height may be located in any yard.
2. Barbed Wire: A portion of a fence with wire, metal prongs, spikes, cutting points or edges shall be a minimum of seven feet above ground level.
3. Electric Fences: When approved by the Board, an electric fence may be installed subject to any limitations established in the approval

88.4 TRAFFIC VISIBILITY ACROSS CORNER LOTS

See Section 6.11.

ARTICLE 90

HEIGHT MODIFICATIONS

90.1 HEIGHT LIMITATIONS

Intentionally left blank.

ARTICLE 96

ADULT ENTERTAINMENT BUSINESSES

96.1

DEFINITIONS

ADULT ENTERTAINMENT BUSINESS: One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult novelty business, adult personal service business, and adult services business.

ADULT BOOK STORE: An establishment which utilizes twenty percent or more of its rental or sales area for the display of, books, magazines, or other periodicals, films, tapes, cassette tapes and video discs which materials have as their major or dominant theme matter depicting, describing or relating to 'specified sexual activities' or specified anatomical areas' as defined herein. (See Section 96.2.)

ADULT MOTION PICTURE THEATRE: An establishment which utilizes twenty percent or more of its total viewing time per month for presentation of materials for viewing by its patrons which have as their major or dominant theme matter depicting, describing, or relating to 'specified sexual activities' or 'specified anatomical areas' as defined herein.

ADULT NOVELTY BUSINESS: A business, which has as a principal activity the sale of devices of simulated human genitals, devices designed for sexual stimulation or other items customarily considered as adult novelties.

ADULT PERSONAL SERVICE BUSINESS: A business having as a principal activity one person, while nude or partially nude, providing personal services for hire for another person on an individual basis in a closed room. Such businesses include, but are not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities or services performed by persons licenses issued to such persons licensed by the State of Ohio.

ADULT SERVICES BUSINESS: A business having as a principal activity one or more persons, while nude or partially nude, providing services and or entertainment for one or more persons on an individual or group basis in a closed or open room or space. Such businesses include, but are not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual or group theatrical performances. It does not include activities or services performed by persons licensed by the State of Ohio.

PARTIALLY NUDE: Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area or female breasts.

PRINCIPAL ACTIVITY: A use accounting for twenty percent (20%) or more of the business' novice display time per month, stock in trade, display space, or floor space.

SPECIFIED ANATOMICAL AREAS: Less than completely or opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola and human male genitals, in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal, acts of real or simulated masturbation, sexual intercourse, sodomy, fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, cunnilingus, fellatio, or sadomasochistic sexual abuse.

SADOMASOCHISTIC SEXUAL ABUSE: Actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially nude, fettered or bound for sexual gratification, abuse or otherwise in the context of a sexual relationship.

96.2

PROHIBITION

1. Any business meeting the definition of an adult book store regardless of the percentage of its rental or sales area devoted to the display of adult material shall limit access to such area to persons 18 years of age and older.
2. No adult entertainment business shall be established within any CD, AD, RS, RL, RM, RH, RZLL, RMH, SFC, TFR, MFR, MFC, MFH, CSI, LO, GO, LB, MB, HB, GB, LC, GC, DC, LI, or PUD District.
3. No adult entertainment shall be established within five hundred feet of any RS, RL, RM, RH, RZLL, RMH, SFC, TFR, MFR, MFC, MFH, CSI or PUD District.
4. Adult entertainment businesses may be established in a GI District upon securing a conditional use approval from the Board pursuant to Article 150 of this Code. The Board shall grant the conditional use permit provided all other applicable provisions of the zoning code are met and subject to the following limitations:
 1. No adult entertainment business shall be established within fifteen hundred feet of another adult entertainment establishment, any school, library, or teaching facility, which is attended by persons less than 18 years of age.
 2. No adult entertainment business shall be established within fifteen hundred feet of any park or recreational facility attended by persons less than 18 years of age.
 3. No adult entertainment business shall be established within fifteen hundred feet of any church, synagogue, or permanently established place of religious worship attended by persons less than 18 years of age.

96.3

PENALTIES

1. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this Code or any amendment or supplement thereto adopted by the City Council. Any person, firm, or corporation, violating any of the provisions of this Code, or any amendment or supplement thereto, shall be deemed guilty of an unclassified misdemeanor and upon conviction thereof, shall be fined not more than \$500.00. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, shall be deemed to be a separate offense.
2. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Code or any amendment or supplement thereto, the City Council, the Law Director, the Zoning Inspector or Code Administrator or any adjacent or neighboring property owner who would be specially damaged by such violation, may in addition to other remedies, provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection construction, reconstruction, alteration, conversion, maintenance, or use to restrain, correct or abate such violation; to prevent the occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 105

LOTS OF RECORD

105.1 DWELLING ON ANY LOT OF RECORD

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record in existence at the effective date of this Code. The requirements of Section 7.3 shall apply to such lots

ARTICLE 110

DWELLING GROUPS

110.1 APPLICABILITY

The provisions of this Article are applicable to a lot with more than one building containing a dwelling unit or dwelling units in the SFC, MFR, MFC, and MFH Districts.

110.2 SETBACKS AND DISTANCE BETWEEN BUILDINGS

110.2.1 SFC, MFR AND MFC DISTRICTS

In addition to the lot area and setback requirements of the applicable district, each building on the lot shall have open space on each side in accordance with the following:

1. Each side of a building, which has a primary entrance into the building/dwelling unit, shall have a minimum of 25 feet of open space.
2. Each side of a building not included in 1 above shall have a minimum of 18 feet of open space.
3. In 1 and 2 above, the space provided for each building may serve as the minimum open space required for the adjacent building.

110.2.2 MFH DISTRICT

In the MFH District, the development of a single lot with more than one building containing dwellings shall require the approval of the Planning Commission.

110.3 ACCESS ROAD – DISTANCE

Every entrance to a dwelling in the dwelling group shall be within 60 feet of a public street or a private access roadway or drive, having a minimum width of 20 feet, providing vehicular access from a public street, and the building containing the dwelling shall be within 500 feet, measured along the route of vehicular access, from a public street, and providing an adequate turn around.

110.4 COMPLIANCE – OTHER REQUIREMENTS

Except as modified in this Article, buildings or dwelling groups shall comply with all the requirements for the district where the building or dwelling groups are located.

110.5 FIRE DEPARTMENT REVIEW

The plan shall be for buildings or dwelling groups reviewed by the Fire Department to provide for adequate emergency vehicle access and fire hydrant location.

ARTICLE 115

PUBLIC & PRIVATE SWIMMING POOLS

115.1 PURPOSE

The purpose of this Article is to provide requirements for the installation and siting of swimming pools.

1. Swimming Pools

A swimming pool as regulated by this Article shall be any in-ground or above ground structure built to contain water for recreational purposes having a depth at any point greater than 24 inches. The provisions of this Article do not apply to swimming pools which are in a completely enclosed building. For purposes of this Article, hot tubs, lakes, streams, channels, ponds, storm water detention or retention basins are not swimming pools.

1. Private Pool

A private pool is permitted in any district. The pool shall be an accessory use and as such shall be used solely by the owner or occupants of the approved principal building

The pool may be located anywhere on the premises except in a required front yard, provided it shall not be located closer than ten feet to any property line provided further that the pump and filter equipment shall be located not closer than eighteen feet to any property line.

2. Public Pool

A public pool is permitted in those districts which permit outdoor recreational facilities. Any pool not meeting the accessory use requirements of a private pool is a public pool.

2. Barrier

Swimming pools shall be completely enclosed by a fence or physical barrier, which shall be a minimum of forty-eight inches in height. The height shall be measured on the side of the barrier which faces away from the swimming pool.

Where the top of the pool structure is above the ground level, such as an aboveground pool, the barrier may be built from ground level and the pool structure shall serve as a component of the barrier or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches, measured on the side of the barrier which faces away from the swimming pool.

When the pool structure is in-ground, the maximum vertical clearance between the ground and the bottom of the barrier shall be two inches, measured on the side of the barrier which faces away from the swimming pool.

All gates or doors in a barrier surrounding a in-ground swimming pool shall be self-closing, self-latching and lockable. When the release mechanism of the self-latching device is located less than fifty-four inches from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least three inches

below the top of the gate, and the gate and barrier shall have no opening greater than one-half inch within eighteen inches of the release mechanism.

On the side of the barrier facing away from the pool, the barrier shall be constructed without members that would create a ladder or otherwise permit or facilitate climbing up the barrier. Openings in the barrier shall not allow passage of a 4-inch-diameter sphere.

Where the aboveground pool structure is used as a barrier, or the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access, and shall not create an opening that allows the passage of a four inch diameter sphere. Otherwise, the ladder or steps shall have a surround which complies with the barrier requirements above. The ladder or steps shall be secured, locked, or removed when the pool is not in use.

Electronic detection devices shall not be used in place of the barrier.

3. Drainage

There shall be adequate provision for drainage of water from the swimming pool so as not to adversely affect any adjacent property.

4. Lighting

Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from adjacent properties.

5. Permit Required

No person, firm or corporation shall construct or install a swimming pool or make any alteration to property without first obtaining a zoning certificate.

ARTICLE 120

REGULATION OF SATELLITE SIGNAL RECEIVING ANTENNAS

120.1 DEFINITIONS

GROUND STATION: Also known as “earth station” or “satellite signal receiving antenna” shall consist of either of the following:

A signal receiving device, antenna, dish antenna, or dish type antenna, the purpose of which is to receive communication, radio, television, video or other signals from satellites in orbit and other extraterrestrial sources, or

A low noise amplifier (LNA) which is situated at focal point of the receiving component to magnify, store, transfer or transmit electronic or light signals.

RECEIVER: A television set or radio receiver.

DISH: That part of a satellite signal receiving antenna usually, but not necessarily, shaped like a saucer or dish.

120.2 PERMIT REQUIRED

No person, firm, partnership, corporation, trust or other legal entity shall commence construction of a ground station without a zoning certificate issued pursuant to the Code. A zoning certificate shall not be required for the installation of a ground station on a lot for use solely by a residence. The installation shall meet all other requirements of this Code.

120.3 SIZE, HEIGHT, LOCATION AND INSTALLATION.

1. The maximum size of any ground station shall not exceed 3 feet in length or diameter except for licensed television or radio broadcasters.
2. The maximum height above ground level for any ground station not attached to the primary structure shall be 6 feet.
3. No ground station may be located in any front or side yard.
A ground station located in a rear yard shall comply with the setback requirements of the applicable district as established for accessory structures. A ground station attached to an accessory building or structure shall not be attached to a side of the structure which is within ten feet of a property line other than a property line adjoining an alley.
A ground station attached to a primary building may be located on the rear or side of the structure does not project over a property line.
4. Construction of the structural support base of any earth station shall be in accordance with accepted engineering practice. Electrical accessories shall be installed in accordance with the applicable edition of the National Electrical Code.

120.4 VARIANCES

Subject to the provisions of Article 150, the Board may, upon application, grant a variance from the requirements of this Article relating to the location and size of ground stations.

120.5

EXEMPTIONS

Individuals, partnerships, corporations, or associations engaged in the wholesale or retail sale of ground stations shall be exempt from the provisions of this Article to the extent necessary to reasonably display merchandise held for sale; provided, however, that the foregoing exemption is limited to merchandise displayed for sale on the premises of the individual, partnership, corporation or association and; provided further, that no ground station shall be installed in such a manner as to constitute a traffic hazard or otherwise constitute a nuisance.

ARTICLE 125

OFF-STREET PARKING AND LOADING REGULATIONS

125.1 OFF-STREET PARKING

Off-street vehicle parking shall be provided on any lot subject to the requirements of Section 125.2. All parking areas shall be have vehicular access to a street or alley. Other than parking areas for one and two family dwellings not located on major thoroughfares, the design of all parking areas shall ensure that vehicles do not back-up into, onto or over a public right-of-way.

125.2 NUMBER OF OFF-STREET PARKING SPACES REQUIRED

For the purpose of computing the gross off-street parking area required for other than one and two family dwellings, the ratio of 250 square feet per parking space shall be used.

The number of off-street parking spaces required is set forth in the following table. Where the use of the premises is not specifically mentioned in the table, the requirements of the most similar use shall apply.

When the use is not known, the use in the table requiring the largest number of parking spaces shall apply.

When a new use replaces an existing use and the new use requires more spaces than the previous use, the new use shall create additional parking spaces to comply with the requirements of the new use.

When there is a mixed-use development such as a strip shopping center, the applicant shall identify the various potential uses, and number of required parking spaces shall be determined by the use requiring the largest number of spaces which shall apply to the total square footage of the development.

Parking spaces within an open or enclosed structure may be included when determining the number of spaces provided.

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
All Uses	- In the DC District no off street parking spaces shall be required
All Non-Residential Uses	- In all Districts except DC a minimum of 4 off street parking spaces are required regardless of floor area with the LB District requiring a minimum of 5.
Automobile or Machinery Sales and Services Garages	- 1 for each 600 sq. ft. of floor area
Business and Professional Offices	- 1 for each 300 sq. ft. of floor area
Banks	- 1 for each 250 sq. ft. of floor area
Bowling Alleys	- 7 for each lane
Churches	- 1 for each 5 seats in an auditorium or 1 for each 12 classroom seats; which-ever is greater

Dance Halls and Assembly Halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	- 1 for each 100 sq. ft. of floor area used for assembly or dancing
Residential:	
Single Family Residence or Condominiums	- up to 1100 sq ft 2 spaces over 1100 sq ft 4 spaces
Multi Family Dwellings and Units attached to another use	- one bedroom and efficiency units 2 spaces per unit - two bedroom units 2.5 spaces per unit - 3 or more bedroom units 3.5 spaces per unit
Funeral Homes, Mortuaries	- 1 for each 50 sq. ft. of floor area
Convenience Store	- 1 for each 200 sq. ft. floor area
Colleges, Universities, Adult Ed. Facilities, K-12 Schools	- As required by Planning Commission approved site plan.
Furniture & Appliance Stores,	- 1 for each 400 sq. ft. of floor area
Hospitals:	
Area with beds	- 1 for each bed
Area without beds	- 1 for each 200 sq ft of floor area
Hotels	- 1 for each bedroom, plus 10
Libraries	- 1 for each 250 sq. ft. of floor area
Mfg. Plants, Research or Testing Laboratories	- 1 for each 3 employees in the maximum working shift, or 1,200 sq. ft. of floor area, whichever is greater. Minimum of 12 with one space added for every 1,000 sq. ft. over 10,000 sq. ft.
Medical or Dental Offices	- 1 for each 200 sq. ft. of floor area
Motel and Motor Hotels	- 1 for each living or sleeping unit, plus 10
Public Recreation:	
Public Swimming Pool Recreation Facilities	- 1 for each 250 q. ft. of pool area - 1 for each 250 sq ft of floor area
Restaurants, Beer Parlors and Night clubs, of over 1,000 sq. ft. in area	- 1 for each 100 sq. ft. of floor area

Retail Stores:	
2,000-6,000	- 1 for each 150 sq. ft. of floor area, accessory structures and adjacent premises.
6,001-15,000	- 40 + 1 space for each additional 250 sq. ft.
15,001-unlimited	- 76 + 1 space for each additional 300 sq.ft. over 15,000.
Sanitariums, Convalescent Homes, Children's Homes, Nursing Homes, Assisted Living	- 1 for each 4 beds
Sports Arenas, Auditoriums, Theaters, Assembly Halls, Other than schools	- 1 for each 3 seats
Wholesale Establishments, Warehouses	- 1 for each 3 employees on maximum shift or for each 3,000 sq. ft. of floor area, whichever is greater; minimum of 5, with one space being added for each 3,000 sq. ft. over 10,000 sq. ft.
Veterinarians	- 1 for each 300 sq. ft. of floor area
Museum, Art Galleries	- 1 for each 400 sq. ft. of display area

125.3

DEVELOPMENT AND MAINTANCE OF PARKING AREAS

Every parcel of land used for off-street parking, shall be developed and maintained in accordance with the following requirements:

1. SCREENING AND LANDSCAPING: Off-street parking areas for more than 4 vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall, solid fence, or earthen mound of acceptable design. Such screening shall be between 4 and 6 feet in height and shall be maintained in good condition. Landscaping provided in lieu of such screening shall consist of a strip of land not less than 15 feet in width planted with an evergreen hedge, or planting of evergreen shrubs not less than 4 feet in height, providing a continuous 75% opaque buffer.
2. SURFACING: Any off-street parking area for more than 4 vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.
3. LIGHTING: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any "R" District
4. JOINT USE OF PARKING AREAS: Parking spaces may be located on a lot other than that containing the principal building with approval of the Board provided a written agreement establishing the terms of use, approved by the Law Director and accepted by the Planning Commission, shall be filed with the application for a zoning permit

125.4

OFF-STREET LOADING

In any district, in connection with every building or part thereof erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the delivery of material or merchandise by truck or other vehicle, there shall be provided and maintained, on the same lot with such building, at least 1 off-street loading space, plus 1 additional such loading space for each 10,000 square feet or fraction thereof in excess of 10,000 square feet

Each off street loading space shall meet the following requirements:

1. LOADING SPACE - DIMENSIONS: Each loading space shall be not less than 10 feet in width, 60 feet in length, and 14 feet in height.
2. LOADING SPACE - OCCUPY YARD: Subject to the limitations in Section 125.4 such space may occupy all or any part of any required yard.
3. LOADING SPACE - DISTANCE FROM "R" DISTRICTS: No loading space shall be closer than 50 feet to any other lot located in any "R" District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or earthen mound not less than 6' in height with additional evergreen screening in accordance with Section 125.3.1.

125.5

PARKING AREAS MODIFIED

The Board may authorize on appeal a modification, reduction or waiver of the requirements of this Article, upon proof satisfactory to the Board of the peculiar nature of the residential, business, trade, industrial or other use, or that the exceptional shape or size of the property or other exceptional situation or condition.

ARTICLE 130

LANDSCAPING, BUFFERING, GREEN SPACE

130.1 PURPOSE

The purpose of this Article is to promote the public health, safety and general welfare through the preservation, replacement and planting of trees and other plants in order to lessen air pollution, intercept airborne particulate matter, reduce noise and light glare, moderate storm water runoff, reduce erosion and sedimentation, maintain wildlife habitats, provide visual screening, provide natural shading, and enhance the natural beauty of the community.

130.2 DEFINITIONS

BUFFERING: a visual screen installed to provide a barrier where an uncomplimentary use abuts another use.

CROWN SPREAD: the distance measured across the greatest diameter of the branch mass of a plant.

DECORATIVE WALLS AND FENCES: barriers constructed of wood, masonry or other appropriate material.

DEVELOPED AREA: that portion of a lot, plat or parcel of land upon which a building, structure, pavement, landscape material or other improvement, excluding public rights of way, has been placed.

DRIP LINE: the outer perimeter of the crown spread of a plant.

ENCROACH: any protrusion of a vehicle outside of a parking space, display area, storage area, and access way or access aisle into a landscaped area.

GREEN SPACE: Ground which has been covered with landscape material for 100 percent of the area and ground cover for 25 percent of the area.

GROUND COVER: natural low growing evergreen perennial plants other than trees or lawn grass installed in such a manner so as to form a continuous cover over the ground.

LANDSCAPING: the placement of landscape material in the planting area in accordance with the requirements of this Article.

LANDSCAPE MATERIAL: landscaping consisting of material including, but not limited to, living trees; shrubs; vines; lawn grass; ground cover; landscape water feature; and nonliving durable material commonly used in landscaping, including but not limited to, mulch, rocks, pebbles, sand, decorative walls, fences, brick pavers, sculpture and earthen mounds, but excluding pavement for vehicular use. Artificial plants shall be prohibited.

LARGE TREE CLASS SPECIES: trees that reach forty-five feet or greater in height at maturity.

MEDIUM TREE CLASS SPECIES: trees that reach from twenty-five feet to forty-five feet in height at maturity.

OWNER: the owner of the premises, a lessee of the premises, or an agent or any other person, firm, corporation or fiduciary directly in control of the premises.

PROPERTY LINE: See "Lot Line" in Article 4.

PUBLIC PLACES: includes all grounds other than streets and highways owned by the City.

PUBLIC TREES: all shade and ornamental trees now or hereafter growing along any street, highway or any public place.

STREET AND HIGHWAY: the entire width of every public way, easement or right-of-way when any part thereof is open to use by the public, as a matter of right, for the purposes of vehicular and pedestrian traffic, and shall include alleys.

D.B.H.: Diameter at Breast Height.

130.3 APPLICABILITY

The regulations of this Article shall apply to all lands in the City except as exempted in Section 130.4

All new construction and additions shall comply with the requirements of this Article. Plans with sufficient information to determine compliance with this Article shall be submitted for approval.

No zoning permit shall be issued for the construction of or addition to a building, without compliance with the provisions of this Article. In the case of an appeal in accordance with Section 130.10, the Zoning Inspector may issue a partial approval pending the decision of the Board and full approval shall be issued upon compliance with the requirements of the Board.

130.4 EXEMPTIONS

The following activities and properties are exempt from the regulations in this Article.

1. Properties in RS, RL, RM, RH, RZLL, TFR.
2. The removal of a tree on public property or within the street right-of-way.
3. The removal of trees necessary for the construction, operation and maintenance of drainage facilities, sanitary and storm sewers.
4. The removal of trees for construction of public roadways and improvements.
5. The removal of trees required for the installation, maintenance and repair of underground and overhead utilities.
6. Properties in the DC District except that the provisions of Section 130.7(3) shall be applicable.

130.5 BUFFERING OF LAND USES WITH A VISUAL SCREEN

In the case of new construction or a building addition, a visual screen, in addition to the provisions in Section 125.3, shall be required in accordance with Section 130.6.

The visual screen shall be a masonry wall, solid fence, earthen mound or landscaping. Such screening shall be between 4 and 6 feet in height and shall be maintained in good condition. When landscaping is used as the visual screen, it shall consist of a strip of land not less than 15 feet in width planted with an evergreen hedge, or evergreen shrubs not less than 4 feet in height providing a continuous 75% opaque buffer.

MINIMUM REQUIREMENTS OF VISUAL SCREENS AND LANDSCAPING

<u>Types of Use or District</u>	<u>Buffering</u> ¹	<u>Square Feet of Required Green Space</u> ²	<u>Minimum Total Number of Trees</u> ^{3,4 & 5}	<u>Minimum Caliper of Trees (inches)</u> ⁵	<u>OR</u>	<u>Minimum Height of Each Tree (feet)</u> ⁵
CD District	RMH, CSI, OBCI, PUD	N/A	N/A	N/A		N/A
AD District	RMH, CSI, OBCI, PUD	N/A	N/A	N/A		N/A
R Districts	RMH, CSI, OBCI, PUD	N/A	N/A	N/A		N/A
Manufactured Home Park	CSI, OBCI, PUD	SEE	ARTICLE 20	SECTION 20.11		
Two or Multi Family Lot	CSI, OBCI, PUD	see 6 below	see 6 below	2		6
CSI	OBCI, PUD	see 7 below	1 per 5,000 sq. ft. of building area (min. of 3)	2		8
OBCI	N/A	see 7 below	1 per 5,000 sq. ft. of building area (min. of 3)	2		8
PUD	OBCI	SEE	ARTICLE 70	SECTION 70.21		

1. When a use in a district in this second column is adjacent to a use or district in the first column, the use in this second column shall provide visual screening in accordance with Section 130.5 to buffer it from the use in the first column.
2. All green space shall be in the front or side yard in all districts except in a PUD.
3. All trees shall be in the front or side yard in all R-Districts and in the front yard in all CSI & OBCI Districts.
4. Any trees required to fulfill the buffering requirements of this Article shall not be counted in meeting the minimum tree requirements of this column.
5. At the time construction is completed the landscaping shall meet or exceed both the minimum number of trees and either the minimum caliper or the minimum height.

Continued on next page...

6. See Table 130.6.6

Table 130.6.6 Multi Family Tree and Green Space Requirements		
Unit number(s)	Square Feet of Green Space*	Number of Trees*
3	4500	5
4	add 500 per unit	add 1 per unit
beyond 4	add 500 per four units or fraction thereof	add 1 per four units or fraction thereof

* numbers in these columns are cumulative
 Example: 12 family = 8 trees and 10,000 sq. ft. of green space.

7. See Table 130.6.7

Table 130.6.7 Non-Residential Tree & Green Space Requirements		
Building Area (square feet)	Ratio of Square Feet of Green Space to Square Feet of Building Area*	Resulting Square Feet of Green Space
Up to 5,000	1 to 1	1 to 5000
5,000 to 10,000	1 to 2	5,001 to 7,500
10,000 to 20,000	1 to 3	7,501 to 10,800
20,000 and above	1 to 4	10,800 plus balance above 20,000

* numbers in these columns are cumulative
 Example: 60,000 sq. ft. bldg. = 20,800 sq. ft. green space.

130.7

TREES

1. All trees, shrubs and vegetation planted shall be native or common to Central Ohio or similar climates, in good condition and planted using accepted planting procedures.
2. New trees planted to meet the minimum tree standards and buffering requirements shall be at least two inches in caliper and at least six feet in height.
3. Prohibited trees:

Silver Maple, Soft Maple, White Maple, River Maple – Acer saccharinum
 Honey Locust – Gleditsia triacanthos
 Eastern Poplar, Eastern Cottonwood, Aspen – Populus deltoids
 Boxelder, Ash-leaved Maple – Acer negundo
 Basswood, American Linden – Tilia Americana

Willows, Osiers – Salix
Tree of Heaven – Ailanthus altissima
Common Horsechestnut, Euroean Chestnut – Aesculus hippocastrum
Carapla, Northern Catalpa, Western Catalpa, Hardy Catalpa – Catalpa speciosa
White of Common Mulberry – Morus alba
Ash – Fraxinus
Ginko – Ginkgoaceae
Any other tree which is known to be similar to species above.

130.8 INSTALLATION COMPLETE

Required landscaping, buffering and green space shall be in place in accordance with the approved plan prior to final inspection and occupancy of the building. If the weather season makes planting impractical, a certified letter of credit from a banking institution covering the full cost of landscape materials and installation may be posted, or a letter from the construction lender stating the funds will be held until the landscape material installation is complete and providing for release of such funds should the developer fail to install the required landscape material within six months thereafter. Failure to do so shall result in forfeiture to the City of the funds, which funds will be used for the installation of the required landscape material.

130.9 TREE PRESERVATION

All trees required by this Article shall be maintained in a healthy and living condition. Any tree required herein that dies or is removed for any reason shall be replaced with a new tree or trees to comply with the minimum schedule in Section 130.6.

130.10 APPEALS

When it is determined by the Zoning Inspector that a proposed plan does not comply with the requirements of this Article, the determination may be appealed to the Board in accordance with Section 150.9.

ARTICLE 135

DISPLAY SIGNS AND OUTDOOR ADVERTISING

135.1

DEFINITIONS

For the purposes of this Article the following definitions shall apply:

ALTERED SIGN: A sign that has been modified in some way other than by maintenance.

APARTMENT COMPLEX SIGN: A sign used solely to identify the name of an apartment complex with no additional information on the sign. [See 135.7]

AWNING: See Article 4.

AWNING SIGN: Any sign forming a part of or attached to an awning. [See 135.7]

BUILDING SIGN: A sign on or attached to a building or portion thereof including, but not limited to, an awning, canopy, hanging, projecting, roof or wall sign.

CANOPY: See Article 4.

CANOPY SIGN: Any sign forming a part of or attached to a canopy or marquee. [See 135.7]

DIRECTIONAL SIGN: A sign used to direct vehicular or pedestrian traffic. [See 135.7]

FREESTANDING SIGN: Any sign not attached to or forming a part of a building, including but not limited to pole and monument signs.

HANGING SIGN: A sign that hangs from an overhang, soffit, marquee, awning, canopy or similar structure and is above a walking or driving surface. [See 135.7]

HOST LOT: A lot upon which an off-premises, rear lot, or similar type sign is located.

ILLUMINATED SIGN: Any sign illuminated by electricity, gas or other artificial light.

ILLUMINATED SIGN, EXTERNALLY: A sign illuminated primarily by light directed toward it, across it or by backlighting from a source not from within.

ILLUMINATED SIGN, INTERNALLY: A sign whose light source is located in the interior of the sign, so that the light projects through the face of the sign, or which is attached to the face of the sign and is a design element of the sign.

JOINT IDENTIFICATION SIGN: A sign that displays advertising or information of more than one business, person or activity. [See 135.7]

MAINTENANCE OF SIGNS: Work performed on a sign face, cabinet or supporting structure, which is necessary to maintain the structural integrity of the structure, or the painting or changing of the sign face without changing the size or shape of the sign face.

MENU BOARD: A sign, which typically displays a list of items available for sale including but not limited to “Presell Menu Boards”, “Drive Thru Signs”, “Custom Order Sign” and other similar signs. [See 135.7.2.5]

MONUMENT SIGN: A freestanding sign with a maximum height of five and a half feet and having less than fifty percent of the sign separated from the ground by air. [See 135.5 and 135.7]

MULTIPLE MESSAGE ADVERTISING DEVICE: SEE DEFINITION FOR VARIABLE MESSAGE SIGN.

OFF-PREMISES SIGN: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon or within fifty feet of the premises where such sign is located. [See 135.10]

ON-PREMISES SIGN: Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon or within fifty feet of the premises where such sign is located. [See 135.8]

PERMANENT SIGN: Any sign except designated temporary signs.

POLE SIGN: A freestanding sign with a height exceeding five and a half feet or a freestanding sign having more than fifty percent of the sign separated from the ground by air.

PROJECTING SIGN: Any sign which projects from the exterior of a building more than eight inches. [See 135.7]

REAR LOT: See Article 4.

REAR LOT SIGN: A sign located on a lot, where the lot on which the sign is located is adjacent to a rear lot, and the display information, advertisement, announcement, or directions on the sign serves the business or activity on the adjacent rear lot. [See 135.9]

ROOF SIGN: Any sign erected upon the roof or parapet of a building or a building sign, which extends above the eave, overhang, gable end or parapet of the building to which it is attached. [See 135.7]

SIGN: A device that is self supporting or is attached to a structure and is arranged, intended, designed or used as an advertisement, announcement, menu board, or to give direction, including a billboard or advertising device of any kind.

SIGN FACE: The portion of a sign available for display of information, announcements, directions or other advertisements, which directs attention to any object, product, place, activity, person, institution, organization or business.

SIGN FACE AREA: The area of the geometric figure that comprises the sign face. [See 135.4 and 135.7]

SIGN HEIGHT: The vertical distance measured from the average grade surrounding the sign, excluding any mounding, to the highest portion of the sign, including the frame. [See 135.5]

SIGN SETBACK: The distance measured from the sign structure to the nearest adjacent property line. [See 135.6]

SUBDIVISION SIGN: A sign used solely to identify the name of a residential subdivision. [See 135.7]

TEMPORARY SIGN: Any sign placed in or on the ground, attached to or supported by a structure, or attached to which is not a permanent sign.

VARIABLE MESSAGE ELECTRONIC SIGN: A sign that changes the message shown on the face of the sign by means of an electronic system including, but not limited to, VARIABLE MESSAGE LIGHT EMITTING DEVICE SIGN and VARIABLE MESSAGE PROJECTION SIGN type systems. For purposes of this code, the largest individual face available for display at any one time determines the area of the sign. [See 135.7]

VARIABLE MESSAGE SIGN: A sign that changes the message shown on the face of the sign and includes, but is not limited to, a VARIABLE MESSAGE MECHANICAL SIGN, VARIABLE MESSAGE LIGHT EMITTING DEVICE SIGN, VARIABLE MESSAGE PROJECTION SIGN or MULTIPLE MESSAGE ADVERTISING DEVICE,. (For purposes of this code, the largest individual face available for display at any one time determines the area of the sign.) [See 135.7]

VARIABLE MESSAGE MECHANICAL SIGN: A sign that changes the sign face by mechanical means, including but not limited to rotating cubes or rotating vertical triangular slats.

VARIABLE MESSAGE LIGHT EMITTING DEVICE SIGN: A sign that changes the sign face by electronic means, including but not limited to turning lights on and off, remote numeric displays, scrolling messages, glow cubes, light emitting diodes, cathode ray tubes, or other similar technology.

VARIABLE MESSAGE PROJECTION SIGN: A sign that changes the sign face by electronic means, including, but not limited to projection, digital or similar technology.

WALL SIGN: Any sign on the exterior of the building that does not project more than eight inches from the face of the building to which it is affixed, painted, or attached. [See 135.7]

WINDOW SIGN: Any sign not exceeding 16 square feet and that is affixed to the interior surface of a window. [See 135.3, exception 5 and 135.11.11]

135.2 EXISTING SIGNS: Existing signs shall comply with sections 135.3, 135.7, 135.12, 135.13 and other applicable sections of this Article.

135.3 PERMIT REQUIRED

No sign shall be installed, erected, constructed, altered, enlarged, extended, replaced or relocated by any person, firm or corporation until a permit for the same has been issued. The permit shall be issued to the owner of the property, on which the sign is or is to be located, who shall be known as the permittee. See Section 135.11 for temporary signs.

Exceptions:

1. A sign with only the address of the building or structure.
2. A sign not exceeding one square foot of display surface, on a residence building stating the name of the occupant.
3. A sign of not more than one square foot on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business.

4. A sign, not exceeding ten square feet of a display surface, on a public building or institution giving the name and nature of the occupancy and information as to the admission to.
5. Window signs.
6. The repainting of an existing sign.
7. The changing of a sign face without changing the sign face size or shape.
8. A sign or graphics on a piece of equipment or machinery, describing the product or contents contained within the piece of equipment or machinery, including but not limited to an ice, food or beverage dispensing machine, a gasoline dispensing unit, or other similar devices.
9. A sign in the public right-of-way which sign shall be approved by the Service Director.

135.4 MEASUREMENT OF SIGN FACE AREA

A. BUILDING SIGNS:

The sign face area shall be computed as the area of the geometric figure, which encompasses the display information, announcement, direction, or other advertisement including a logo or similar symbol. In computing the sign face area, the area of a design feature, which is not part of a logo, a symbol or the lettering of the sign shall not be included in the sign face area.

B. FREESTANDING SIGNS:

The sign face area shall be computed as the area of the geometric figure, which encompasses the entire surface available for display information, announcement, direction, or other advertisement. In computing the sign face area, the area of the structural members shall not be included in the sign face area. The area between two sign faces is not considered a part of the sign face area when the two sign faces are not physically connected.

135.5 MEASUREMENT OF SIGN HEIGHT

The height of the sign shall be determined by measuring vertically from the average grade surrounding the sign, excluding any mounding, to the highest portion of the sign including the frame or structure surrounding the sign. In the case of a directional sign, the height is measured from the nearest driving surface.

135.6 MEASUREMENT OF SIGN SETBACK

The setback of the sign shall be determined by measuring from the closest property line or the property line adjoining the public right-of-way to the portion of the sign, including the frame or structure surrounding the sign, which is closest to the property line. The setback is measured on a line perpendicular to the property line.

When the location of the property line adjoining the public right-of-way is not known, the following alternate method for measuring the setback from the public right-of-way may be used: when approved by the Zoning Inspector, the measurement may be made from the improved road surface of the public right-of-way adding twenty feet to the minimum setback required by this Article.

GENERAL

A. ALLOWABLE NUMBER OF SIGNS PER LOT

1. Only one sign is permitted per lot in a CD, AD, R, LO and LB Districts.
2. In CSI, GO, MB, HB, GB, LC, GC, DC, LI and GI Districts:
 - a. BUILDING SIGNS: Each building on a lot is permitted to have one or more building signs. The combined sign face area of all signs on a given wall shall not exceed that which is allowed by 135.8.
 - b. FREESTANDING SIGNS: Each lot adjoining a public street is permitted to have one on-premises freestanding sign per lot. A rear lot may have one on-premises freestanding sign. For monument sign exception, see MONUMENT SIGN below. Note: Multiple occupants of a given lot may share the freestanding sign(s) allowed by this section.
 - c. REAR LOT/OFF-PREMISES SIGNS: A host lot shall be limited to having one rear-lot sign per 135.9, or one off-premises sign per 135.10.
 - d. REAR LOT: A rear lot shall not have more than one rear lot sign on a given host lot and shall not have more than one host lot.
 - e. MENU BOARD: In addition to the signs permitted in a-d above, a business with a drive thru facility may have one menu board.
3. Signs in a PUD District shall be approved by the Planning Commission.

B. REQUIREMENTS FOR DESIGN OF ALL SIGNS

Signs shall not closely resemble or approximate the shape, form or color of official traffic signs, signals or devices.

Signs shall not be placed so as to obstruct or interfere with a required doorway, or other required means of ingress or egress.

Signs shall not be placed so as to obstruct or interfere with the visibility of pedestrian or vehicular traffic on a public right-of-way.

A sign in or hanging over the public right-of-way shall be approved by the Service Director.

A sign that is not specifically permitted by this Code is prohibited.

C. REQUIREMENTS FOR CERTAIN TYPES OF SIGNS

The following standards are for specific types of signs. When there is a conflict between the standards set forth in this section and any other standards in this Code, the standards of this section shall apply.

APARTMENT COMPLEX SIGNS: In all districts a sign used to display the name and or address of an apartment building or complex is permitted. The maximum height of such signs shall be four and one-half feet. The maximum sign face area shall be based on the number of dwelling units as follows; one to three units – zero square feet; four to eleven units – four square feet; twelve to twenty-four units – eight square feet; twenty five or more units – twelve square feet. The sign shall not be internally illuminated. There shall not be more than one sign per

complex. The sign may be two sided with each side equal to the allowable areas set forth above. The sign shall be setback a minimum of fifteen feet from any property line or the public right-of-way.

AWNING SIGN: An awning sign shall not project beyond the horizontal width or vertical height of the awning on which the sign is located.

CANOPY SIGN: A canopy sign shall not project beyond the horizontal width or vertical height of the canopy on which the sign is located.

DIRECTIONAL SIGN: Directional signs, other than those approved to be placed in the public right-of-way, shall be on private property. Directional signs shall be not more than three feet in height above the adjacent driving surface and no more than two square feet in area. Directional signs may be illuminated. Directional signs in the public right-of-way shall be approved by the Service Director.

HANGING SIGN: Signs hanging above a private exterior walking surface shall be a minimum of eight feet above the walking surface measured to the bottom edge of the sign. Signs hanging above a public right-of-way shall be approved by the Service Director.

JOINT IDENTIFICATION SIGN: Any number of businesses, persons or activities may be displayed on such sign. The size, height and setback of the sign are limited to that which is permitted in the district in which the sign is located.

MONUMENT SIGN: Multiple monument signs may be installed on a lot and shall not be subject to the provisions of Section 135.7.A.2. All monument signs shall be spaced such that no monument sign is within a five hundred foot radius of another monument sign on the same lot, and shall be landscaped on all sides, for a minimum distance of five feet around the sign.

PROJECTING SIGN: Projecting signs shall allow a clear space of not less than ten feet below all parts of such signs over any walking or driving surface. Projecting signs shall not extend beyond the horizontal width or the vertical height of the wall on which the sign is attached. Signs projecting into the public right-of-way shall be approved by the Service Director.

ROOF SIGN: Roof signs shall be approved by the Board.

SIGN FACE AREA – MULTI-: The area of any double-sided or “V” shaped sign shall be the area of the largest single face. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty percent of the sum of the area of all faces of the sign. In the case of a multi-sided sign, no single face may exceed the allowable sign face area for the district in which it is located.

SUBDIVISION SIGN: In all districts a sign used solely to display the name of a residential subdivision is permitted. The maximum height shall be six feet; the maximum sign face area shall be ninety square feet. The sign shall not be internally illuminated. There shall be no more than one sign at each entrance to the subdivision. The material used to construct the base of the sign shall be brick or stone. The use of any other type of material to construct the base shall be approved by the Board. All portions of the sign shall be setback a minimum of fifteen feet from any property line or the public right-of-way.

VARIABLE MESSAGE ELECTRONIC SIGNS:

1. A Variable Message Electronic Sign proposed to be located within one hundred feet of an R-District shall be approved by the Board.
2. The operation of all signs utilizing a variable electronic message, including those in existence at the time of adoption of this Code, shall not have any animated or moving video.

WALL SIGN: Wall signs less than ten feet above a walking surface may project no more than eight inches from the building. A wall sign more than ten feet above a walking surface and projecting more than eight inches from the building shall be a projecting sign. A wall sign shall not extend beyond the horizontal width or the vertical height of the wall or surface on which it is located. A wall sign extending into or over a public right-of-way shall be approved by the Service Director.

135.8

ON-PREMISES SIGN LOCATION/SIZE/HEIGHT/SETBACK:

A. ON-PREMISES SIGNS

1. NON-VARIABLE MESSAGE SIGNS

All on-premises signs shall comply with this Code.

2. VARIABLE MESSAGE SIGNS

In addition to what may otherwise be required by this Code, on-premises signs shall also comply with the following:

- a. An on-premises variable message projection sign shall be approved by the Board, except as provided in 135.8(D)(6). Written notice by mail to property owners within two hundred feet is not required.

B. ON-PREMISES BUILDING SIGNS

1. ON-PREMISES BUILDING SIGN SIZE [See 135.4]

Except as may otherwise be provided by this Code, building signs shall comply with the following. [See 135.7]

- a. In the R Districts, the maximum sign face area permitted is one square foot.
- b. In the CD, AD, LO and LB Districts, the maximum sign face area permitted is sixteen square feet and the allowable sign face area may be divided between two or more signs.
- c. In the CSI, GO, MB, LC and DC Districts the maximum combined sign face area permitted is thirty-two square feet and the allowable sign face area may be divided between two or more signs.
- d. In the HB, GB, GC, LI and GI Districts, the maximum sign face area permitted is based on the length of the building and the allowable sign face area may be divided between two or more signs.

The maximum combined sign face area permitted on a given side of a building is, based on the length of that side of the building.

135.8 cont...

Each side of a building shall be permitted to have a building sign which is in compliance with this section.

When a building is divided into individual tenant spaces, the length used to determine the allowable sign face area for each tenant will be the length of that portion of the building occupied by that tenant.

The maximum sign face area permitted, based on the length of a building is:
[see Table 135.8(A)(1)(d)]

1. Buildings up to fifteen feet in length shall have a maximum combined sign face area of twenty square feet.
2. Buildings of more than fifteen and not more than twenty feet in length shall have a maximum combined sign face area of thirty-six square feet.
3. Buildings of more than twenty feet in length may have a maximum combined sign face area of thirty-six square feet plus additional area determined as follows:
 - 3.1 0.3 square feet for each lineal foot of building length more than twenty and not more than one hundred,
 - 3.2 0.6 square feet for each lineal foot of building length more than one hundred and not more than two hundred,
 - 3.3 0.9 square feet for each lineal foot of building length more than two hundred and not more than four hundred,
 - 3.4 0.6 square feet for each lineal foot of building length more than four hundred and not more than eight hundred, plus
 - 3.5 0.3 square feet for each lineal foot of building length more than eight hundred.
 - 3.6 The sign face area determined in 1-5 above is rounded up to the first whole number.

e. In the PUD Districts, the maximum sign face area shall be approved by the Planning Commission.

TABLE 135.8(A)(1)(d)

The following table illustrates the percentages listed in 1-5 above:

Building Length in Feet	Maximum Combined Sign Face Area
0-15	20 square feet
15-20	36 square feet
20-100	36 sq.ft. plus 0.3 sq.ft. per foot of building length beyond 20
100	60 square feet
100-200	60 sq.ft. plus 0.6 sq.ft. per foot of building length beyond 100
200	120 square feet
200-400	120 sq.ft. plus 0.9 sq.ft. per foot of building length beyond 200
400	300 square feet
400-800	300 sq.ft. plus 0.6 sq.ft. per foot of building length beyond 400
800	540 square feet
800+	540 sq.ft. plus 0.3 sq.ft. per foot of building length beyond 800

Example: A building wall 267 feet in length:
 (120 sq.ft.) plus (0.9 X 67) = 180.3 square feet
 The allowable combined sign face area for a 267-foot building wall is 181 square feet.

C. ON-PREMISES FREESTANDING SIGNS

1. ON-PREMISES FREESTANDING SIGN SIZE: [See 135.4]

Except as may otherwise be provided by this Code¹, freestanding signs shall comply with the following:

- a. Each freestanding sign shall comply with the following maximum sign face area.
- b. When there are two opposing sign faces, each may have the following maximum sign face area.

CD District-16 sq ft	CSI District-32 sq ft
AD District-16 sq ft	LO District-16 sq ft
RS District-1 sq ft	GO District-32 sq ft
RL District-1 sq ft	LB District-16 sq ft
RM District-1 sq ft	MB District-32 sq ft
RH District-1 sq ft	HB District-64 sq ft
RZLL District-1 sq ft	GB District-64 sq ft
RMH District-1 sq ft	LC District-32 sq ft
SFC District-1 sq ft	GC District-64 sq ft
TFR District-1 sq ft	DC District-16 sq ft
MFR District-1 sq ft	LI District-64 sq ft
MFC District-1 sq ft	GI District-64 sq ft
MFH District-1 sq ft	PUD District-Per Planning Commission

¹ Some sign face area sizes are addressed in Section 135.7.

2. ON-PREMISES FREESTANDING SIGN HEIGHT: [See 135.5]

Except as may otherwise be provided by this Code², freestanding signs shall comply with the following maximum height requirement:

CD District-5 feet	CSI District-8 feet
AD District-5 feet	LO District-5 feet
RS District-5 feet	GO District-8 feet
RL District-5 feet	LB District-5 feet
RM District-5 feet	MB District-20 feet
RH District-5 feet	HB District-20 feet
RZLL District-5 feet	GB District-20 feet
RMH District-5 feet	LC District-20 feet
SFC District-5 feet	GC District-20 feet
TFR District-5 feet	DC District-20 feet
MFR District-5 feet	LI District-20 feet
MFC District-5 feet	GI District 20 feet
MFH District-5 feet	PUD District-Per Planning Commission

² Freestanding monument signs are limited to 5.5 feet in height per definition. Some sign heights are addressed in Section 135.1 and 135.7.

3. ON-PREMISES FREESTANDING SIGN SETBACK: [See 135.6]

Except as may otherwise be provided by this Code, on-premises signs shall comply with the following minimum setback requirements from front, side and rear property line:

- a. Freestanding signs shall be setback a minimum of twenty feet.
- b. Monument signs shall be setback a minimum of fifteen feet.
- c. Directional signs are not required to comply with a minimum setback.
[See 135.7(c)]

D. ON-PREMISES MENU BOARD:

Except as may otherwise be provided by this Code, on-premises menu boards shall comply with the following requirements:

1. Menu boards are only permitted where there is a permitted vehicular drive thru.
2. Each lot shall be limited to two menu boards.
3. Each menu board shall have a maximum sign face area of thirty-two square feet.
4. Each menu board shall have a maximum sign height of eight feet.
5. Each menu board shall have a minimum setback of twenty-five feet from all property lines.
6. The menu boards may be a variable message electronic sign and does not require approval by the Board.

135.9

REAR LOT SIGN LOCATION, SIZE, HEIGHT, SETBACK:

Except as may otherwise be provided by this Code, rear lot signs shall comply with the following requirements:

1. Rear lot signs shall only be permitted in the HB, GB, GC, LI and GI Districts.
2. A rear lot shall not have more than one rear lot sign on any host lot and shall not have more than one host lot.
3. A host lot shall be limited to one rear-lot sign or one off-premises sign.
4. The size, height and setback requirements of a rear lot sign shall be the same as those for on-premises signs.
5. A rear lot variable message projection sign shall be approved by the Board.

135.10

OFF-PREMISES SIGN LOCATION/SIZE/HEIGHT/SETBACK:

A. NEW OFF-PREMISES SIGNS

Except as may otherwise be provided by this Code, off-premises signs shall comply with the following requirements:

1. Off-premises signs shall only be located on lots identified on the off-premises sign map.
2. A host lot shall be limited to having one rear-lot sign or one off-premises sign, but not both.
3. There shall be a minimum of 1000 feet between off-premises signs measured along the centerline of the right-of-way and applies on both sides of the right-of-way.
4. An off-premises sign shall not advertise a product which is sold by a business on the same lot as the off premises sign or when the business is located on a lot which is within fifty feet of the sign.

135.10 cont...

5. No person, entity or business shall utilize an off-premises sign as an on-premises sign.
6. An off-premises sign used to advertise a business or a product for sale on the same lot where the sign is located or on a lot within fifty feet of the sign is a violation of the size limitations of Section 135.8.
7. A sign located on a vacant or unimproved lot shall be regulated as an off-premises sign, unless the sign complies with all of the requirements of a temporary sign or a rear lot sign.
8. An off-premises sign may have two opposing faces, but may not be a triangular shape with three faces, or a box shape with four faces.
9. No single side of an off-premises sign shall exceed a sign face area of three hundred seventy six square feet.
10. The lot on which an off-premises sign is located shall have a minimum of one hundred feet of lot frontage on a public right-of-way.
11. The off-premises sign height shall not exceed thirty feet.
12. Off-premises signs, whether freestanding or attached to a building, shall comply with the following setbacks:
 - a. Front setback: minimum twenty-five feet and maximum fifty feet.
 - b. Side setback: minimum thirty-five feet.
 - c. Rear setback: minimum one hundred feet.
13. Off-premises signs attached to a building shall lay flat against the building, be fully supported by securely attached to the building and shall not extend beyond the horizontal width or the vertical height of the wall or surface on which it is located.
14. An off-premises variable message projection sign shall be approved by the Board. Written notice by mail to property owners within two hundred feet is not required.

B. EXISTING OFF-PREMISES SIGNS

1. In an area where the off-premises signs map does permit off- premises signs:
 - a. An off-premises sign in existence at the time of the adoption of this Code shall establish an area in which no new signs may be installed. The area is indicated on the overlay map as an area extending 1000 feet on either side of such sign and parallel to the area in which signs are permitted. The area established by each such sign shall not change or be moved for any reason including the relocation of an existing sign in accordance with Section 135.10(B)(2)
 - b. The relocation of an existing off-premises sign is permitted under the following conditions:
 1. The sign is relocated along the same side of the public right-of way.
 2. The sign is relocated within five hundred feet of its location at the time of adoption of this Code.
 3. The relocation does not create an area where a new sign may be located.
 4. The sign may not exceed its current size or the size which is permitted by this Code whichever is less.
 5. The height of the sign may not exceed its current height or that which is permitted by this Code whichever is less.
 6. The sign shall comply with the setback requirements of this Code established for new signs.
 7. The off-premises sign may be replaced with a variable message electronic sign upon approval of the Board. Written notice by mail to property owners within two hundred feet is not required.

8. The construction of the relocated sign shall not begin until the existing sign has been removed.
 9. The relocation shall be completed within 365 days of the removal of the existing sign.
 10. An off-premises sign used to advertise a business or a product for sale on the same lot where the sign is located or on a lot within fifty feet of the sign is a violation of the size limitations of Section 135.8.
2. In an area where the off-premises sign map does not permit off premises signs:
- a. A sign may be maintained in its present location as long as it is not altered, enlarged or extended.
 - b. A sign may be replaced with one of the exact same size, height, shape, type, and in the same location, except that the replacement of any type of off-premises sign with a variable message electronic sign shall be approved by the Board.
 - c. A proposed modification to the size, height, shape, type or location of the sign shall be approved by the Board.
 - d. An off-premises sign used to advertise a business or a product for sale on the same lot where the sign is located or on a lot within feet of the sign is a violation of the size limitations of Section 135.8.

135.11

TEMPORARY SIGNS

GENERAL PROVISIONS

No temporary signs in a residential district shall be illuminated.

All temporary signs shall comply with Section 135.7 (B) and (C).

Any sign which does not comply with the provisions of this Section shall comply with all other provisions of this Article.

The provisions of this Section are not applicable to Federal, State, County and City governmental entities.

The Zoning Inspector may authorize the installation of temporary signs in accordance with the requirements of this Section.

For certain temporary signs an approval letter shall be required prior to installation. The height of a temporary sign, when the sign is installed flat against a building, shall not exceed the height of the building on the lot or the building height limitation of the district which ever is less, unless otherwise allowed.

Temporary signs as defined in this Code are not subject to fees.

Temporary signs shall include but are not limited to those described in 1-11 below:

1. POST SIGN: A sign installed on a post or structure (other than a building) and constructed of paper, cardboard, plastic, laminated cardboard, wood, metal or similar material shall not be permitted.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of a post sign in violation of this Code, the Zoning Inspector is authorized to remove such post sign. Where a post sign is located on a vacant lot,

no notification is necessary. Personal service upon the owner, tenant or employee at the premises shall be sufficient to satisfy the notification requirements of this Code.

2. **BANNER SIGN:** A sign normally fabricated of a flexible material such as a coated fabric, which is suspended between two or more poles or structures or attached to a building or other structure.

Prior to the installation of a banner sign, an approval letter shall be obtained from the Zoning Inspector. The approval letter may be issued to the property owner, tenant, or a representative of either party. No more than two approval letters shall be issued in a calendar year to a given address or business location with a minimum of 90 days between approval letters. The approval letter shall be displayed on the same property as the banner and shall be visible from the street.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of a banner sign in violation of this Code the Zoning Inspector is authorized to remove such banner sign. In the case of a vacant lot, no notification is necessary. Personal service upon the owner, tenant, or employee at the premises shall be sufficient to satisfy the notification requirements of this Code.

A banner sign shall comply with all applicable Sections of this Code and:

1. Must be removed within thirty days of placement.
2. Must not exceed six square feet in area in any R District or thirty square feet in any OBCI Districts.
3. Signs not exceeding six square feet in area must be placed at least ten feet back from the improved road surface. Any sign exceeding six square feet in area shall be placed at least 20 feet back from the improved road surface
4. Must not have any flashing, blinking, intermittent or moving lights.
5. Must not interfere with traffic visibility.

This Section shall not be applicable to signs of similar material attached to a sign frame permitted under other Sections of this code.

3. **INFLATABLE STRUCTURE:** A structure inflated with air or gas, which rests on the ground or another structure, or floats in the air and is affixed to the ground or a structure.

Prior to the installation of an inflatable structure, an approval letter shall be obtained from the Zoning Inspector. The approval letter may be issued to the property owner, tenant, or a representative of either party. No more than two approval letters shall be issued in a calendar year to a given address or business location with a minimum or ninety days between approval letters. The approval letter shall be displayed on the same property as the inflatable structure and shall be visible from the street.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of an inflatable structure in violation of this Code, the Zoning Inspector is authorized to remove such inflatable structure. Where the inflatable structure is located on a vacant lot, no notification is necessary. Personal service upon the owner, tenant or employee at the premises shall be sufficient to satisfy the notification requirements of this Code. An inflatable structure shall comply with all applicable Sections of this Code and:

1. Must be removed within fourteen days of placement, except as in 6 below.
 2. Inflatable structures shall not be permitted in R Districts. In all OBCI Districts, inflatable structures shall be placed at least twenty feet back from the improved road surface. An inflated structure shall be affixed to the ground or a structure at a location that should the inflated structure fall to the ground it will not fall onto an improved road surface or public right-of-way.
 3. Must comply with the sign height limitation of the District in which it is placed. The size of the structure is not limited.
 4. Must not have any flashing, blinking, intermittent or moving lights.
 5. Must not interfere with traffic visibility.
 6. Inflatable holiday decorations are permitted in OBCI & R Districts without a permit. There is no time limitation on holiday decorations.
4. PORTABLE SIGN: Any sign that is designed to be or is readily portable which does not match the description of one of the other Temporary Signs in this Section.

Prior to the installation of a portable sign, an approval letter shall be obtained from the Zoning Inspector. The approval letter may be issued to the property owner, tenant, or a representative of either party. No more than two approval letters shall be issued in a calendar year to a given address or business location with a minimum of ninety days between approval letters. The approval letter shall be displayed on the same property as the portable sign and shall be visible from the street.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of any portable sign in violation of this Code, the Zoning Inspector is authorized to remove such portable sign. Where a portable sign is located in a vacant lot, no notification is necessary. Personal service upon the owner, tenant or employee at the premises shall be sufficient to satisfy the notification requirements of this Code.

A portable sign shall comply with all applicable Sections of this Code and:

1. Must be removed within thirty days of placement
 2. Must not exceed six square feet in area in any R District or thirty two square feet in any OBCI Districts.
 3. Signs not exceeding six square feet in area must be placed at least 10 feet from the improved road surface. Any sign exceeding six square feet in area shall be placed at least twenty feet back from the improved road surface
 4. Must not have any flashing, blinking, intermittent or moving lights.
 5. Must not interfere with traffic visibility.
 6. Top of the sign shall not be more than five feet above grade in any R District, and not more than seven feet above grade in any OBCI District.
5. PROMOTIONAL SIGN: A sign promoting a community activity, event or opportunity which does not comply with the description of other Temporary Signs found in this Section. Prior to the installation of a promotional sign, an approval letter shall be obtained from the Zoning Inspector. The approval letter may be issued to the property owner, tenant, or a representative of either party. No more than two approval letters shall be issued in a calendar year to a given address or business location with a minimum of ninety days between approval letters. The approval letter shall be displayed on the same property as the portable sign and shall be visible from the street.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of any promotional sign in violation of this Code, the Zoning Inspector is authorized to remove such promotional sign. Where the promotional sign is located in a vacant lot, no notification is necessary. Personal service upon the owner, tenant or employee at the premises shall be sufficient to satisfy the notification requirements of this Code.

A promotional sign shall comply with all applicable Sections of this Code and:

1. Must be removed within thirty days of placement.
 2. Must not exceed six square feet in area in any R District or thirty two square feet in any OBCI Districts.
 3. Signs not exceeding six square feet in area must be placed at least ten feet from the improved road surface. Any sign exceeding six square feet in area shall be placed at least twenty feet back from the improved road surface
 4. Must not have any flashing, blinking, intermittent or moving lights.
 5. Must not interfere with traffic visibility.
 6. Top of the sign shall not be more than five feet above grade in any R District, and not more than seven feet above grade in any OBCI District.
6. **FRAMED SIGN:** A sign enclosed in a frame attached to the exterior surface of a building and constructed of a material such as paper, cardboard or similar material, which can be removed from its frame without the use of a tool. The size of a single framed sign shall be a maximum of six square feet. All signs on a single wall combined together shall be a maximum of twelve square feet. All signs on a building combined together shall be a maximum of eighteen square feet. Signs with interchangeable letters or messages are not framed signs and do require a permit.

No permit or approval letter is required for a framed sign.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of any framed sign in violation of this Code the Zoning Inspector is authorized to remove such framed sign. Where a framed sign is located in a vacant lot, no notification is necessary.

Personal service upon the owner, tenant or employee at the premises shall be sufficient to satisfy the notification requirements of this Code.

A framed sign shall comply with all applicable Sections of this Code and:

1. A framed sign in compliance with this Code may remain without time limits.
2. Must be placed flat against the wall of the building.
3. Must not have any flashing, blinking, intermittent or moving lights.
4. Must not be an illuminated sign.
5. Must have a maximum allowable projection of two inches beyond the face of the wall in which it is attached.

7. **CONTRACTOR SIGNS:** Signs announcing the name of contractors, subcontractors, material suppliers and others participating in the construction or design of a building.

No permit or approval letter is required for a contractors' sign.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of any contractors' sign in violation of this Code, the Zoning Inspector is authorized remove such contractors' sign. Where a contractors' sign is located in a vacant lot, no notification is necessary. Personal service upon the owner, tenant or employee at the premises shall be sufficient to satisfy the notification requirements of this Code.

A contractors' sign shall comply with all applicable Sections of this Code and:

1. Must be removed within fourteen days of completion of construction or when the structure is occupied which ever comes first.
2. Must not exceed thirty two square feet in area for all signs combined.
3. Signs not exceeding six square feet in area shall be placed at least ten feet from the improved road surface. Any sign exceeding six square feet in area shall be placed at least twenty feet from the improved road surface.
4. Shall not have any flashing, blinking, intermittent or moving lights.
5. Must not interfere with traffic visibility.
6. Top of the sign shall not be more than five feet above grade in any R District, and not more than seven feet above grade in any OBCI District.

8. **POLITICAL AND ANNOUNCEMENT SIGNS:** Signs announcing the names of candidates for political office and signs regarding issues on a ballot to be voted on by the general public.

No permit or approval letter is required for a political or announcement sign.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of any political or announcement sign in violation of this Code, the Zoning Inspector is authorized to remove such political or announcement sign. Where a political or announcement sign is located on a vacant lot, no notification is necessary. Personal service upon the owner, tenant or employee at the premises shall be sufficient to satisfy the notification requirements of this Code.

A political or announcement sign shall comply with all applicable Sections of this Code and:

1. No political sign shall exceed six square feet in area.
2. No political sign shall be placed within ten feet of the improved road surface
3. Must not have any flashing, blinking, intermittent or moving lights.
4. Must not interfere with traffic visibility.
5. Top of the sign shall not be more than five feet above grade in any R District and not more than seven feet above grade in any OBCI District.

9. **REAL ESTATE SIGNS:** Signs announcing real property for lease, rent or sale and signs announcing the development of commercial, industrial, and apartment sites.

No permit or approval letter is required for a real estate sign.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of any real estate sign in violation with this Code, the Zoning Inspector is authorized to remove of such real estate sign. Where the real estate sign is located on a vacant lot, no notification is necessary. Personal service upon the owner, tenant or employee at the premises shall be sufficient to satisfy the notification requirements of this Code.

A real estate sign shall comply with all applicable Sections of this Code and:

1. Signs announcing real property for lease, rent, sale or development shall be removed within ten days of the closing of the transaction or completion of the project.
2. Must not exceed six square feet in area in any R District or thirty two square feet in any OBCI Districts.
3. Signs not exceeding six square feet in area must be placed at least ten feet from the improved road surface.-Any sign exceeding six square feet in area shall be placed at least twenty feet from the improved road surface.
4. Must not have any flashing, blinking, intermittent or moving lights.
5. Must not interfere with traffic visibility.
6. Top of the sign shall not be more than five feet above grade in any R District, and not more than seven feet above grade in any OBCI District.

10. **DEVELOPMENT SIGNS:** A sign identifying a subdivision and the sale of lots within that subdivision.

No permit or approval letter is required for a development sign.

Upon written notification to the property owner, tenant, or a representative of either party of the existence of any development sign in violation of this Code, the Zoning Inspector is authorized to remove such development sign. Where a development sign is located in a vacant lot, no notification is necessary. Personal service upon the owner, tenant or employee at the premises shall be sufficient to satisfy the notification requirements of this Code.

A development sign shall comply with all applicable Sections of this Code and:

1. Must be removed when eighty five percent of the lots in the subdivision for which such sign is installed have been built upon
2. Must be set back at least twenty feet from the improved road surface, shall be within the subdivision being advertised, and not more than one sign per builder may be placed on any one street.
3. Must not exceed thirty-two square feet in area and may have two opposing faces of thirty-two square feet each.
4. Must not have any flashing, blinking, intermittent or moving lights.
5. Must not interfere with traffic visibility.
6. Top of the sign shall not be more than five feet above grade in any R District, and not more than seven feet above grade in any OBCI District.

11. WINDOW SIGN: The installation and display of a window sign, does not require a permit or an approval letter.

135.12 MODIFICATIONS REQUIRED OR BEING PERFORMED

All permanent and temporary signs and sign structures shall be kept in good repair and in a proper state of preservation. When the Zoning Inspector determines that a sign or sign structure is unsafe, has been or is being installed, erected, constructed, altered, enlarged, extended, replaced, relocated, or maintained in violation of the provisions of this Code, he shall give written notice of such condition to the permittee or the property owner on whose property such sign is located. If the permittee or property owner fails to comply with the terms and conditions of the notice such sign structure may be removed, altered by the Inspector at the expense of the owner of the property. The Inspector may cause any sign that is an immediate danger to persons or property to be removed summarily and without notice.

135.13 ABANDONED AND NONFUNCTIONAL SIGNS

Signs, which are abandoned, no longer functional, or which are located where no products are being sold, no service is being provided, or no legitimate business activity is being conducted, shall be removed by the tenant, permittee, or owner of the premises. Where a sign that is painted directly on the wall of a building, it is acceptable to paint over the sign.

Compliance with these provisions shall be completed within fourteen days after written notice from the Zoning Inspector or within thirty days of the cessation of the business, whichever comes first. Upon failure to comply with such notice, the Zoning Inspector is authorized to remove such sign. The owner of the property shall pay any expense incurred in the removal of the sign. If the owner fails to make payment of the amount due, the Zoning Inspector may certify such amount to Newark City Council who may, by Resolution, certify the amount due to the County Auditor to secure a lien upon the property. Personal service upon the tenant, an employee, the permittee or owner shall be sufficient to satisfy the notification requirements of this Article.

135.14 PENALTY

A violation of any provision of Article 135, as amended, shall be punished by a minor misdemeanor on the first offense. A second offense by the same permittee or owner, whether or not the second offense involves the same property as the first offense, shall be a misdemeanor of the fourth degree. Subsequent offenses by the same permittee or owner, whether or not such subsequent offenses involve the same property as the prior offenses, shall be a misdemeanor of the third degree.

ARTICLE 140

PERFORMANCE STANDARDS

140.1 COMPLIANCE REQUIRED

Subject to the provisions of this Article, no land or building in any District shall be used or occupied in a manner that creates for neighboring properties any dangerous, noxious, or otherwise objectionable condition.

Even though compliance with the performance standards may not be expressly required for a particular use, initial and continued compliance with performance standards is required of every use.

140.2 FIRE OR EXPLOSION HAZARD

Any activity involving the use of flammable or explosive materials shall require adequate fire-fighting and fire-suppression equipment and safety devices normally used in the handling of any such material. Rules and regulations for handling and storing of flammable or explosive materials, promulgated and enforced by Federal, State or City Ordinances shall be followed. The Newark City Fire Department shall regulate the burning of waste materials in an open fire.

140.3 RADIOACTIVITY

No activity shall be permitted which emits dangerous radioactivity at any point.

140.4 ELECTRICAL DISTURBANCE

No use shall be permitted which creates an electrical disturbance which adversely affects the operation of any equipment located on adjoining or surrounding property.

140.5 NOISE

Noise, which is objectionable, as determined by Code due to volume, frequency, or beat shall be muffled or otherwise controlled so as not to affect adjoining and surrounding property. This provision shall not apply to fire alarms, sirens, tornado warning systems, and noise generated by temporary construction operations, provided that such temporary construction operations take place only during daylight working hours.

140.6 VIBRATION

No vibration shall be permitted which is discernible, without instruments, on any adjoining or surrounding property. This provision shall not apply to vibration generated by temporary construction operations, provided that such temporary construction operations take place only during daylight working hours.

140.7 SMOKE AND AIR POLLUTION

Any discharge of smoke or other identified air pollutant into the air shall be controlled and regulated by any appropriate State and Federal rules and regulations, specifically including those promulgated by the Environmental Protection Agencies, and by City Code.

140.8 ODOR

No malodorous gas or matter shall be permitted which is discernible on any adjoining or surrounding property, with the exception of appropriate use of agricultural fertilizer in an agricultural or conservation district. This Section includes odors including, but not limited to those from paint spraying and similar operations.

140.9 GLARE

No direct or reflected glare shall be created which is visible from any adjoining or surrounding property or from any public street, road, or highway. This includes glare from security lighting which the Zoning Inspector has determined to be objectionable.

140.10 EROSION BY WATER OR WIND

All property shall be graded and maintained so as to prevent the discharge of water onto adjoining or surrounding property. All sources of water shall be arranged so as to not discharge water or other substances onto adjoining or surrounding property. No water drainage caused by, or resulting from, any construction, excavation, or topological modification, shall be permitted onto adjoining or surrounding properties, unless the discharge exists prior to construction, in which case drainage shall not be increased in the rate of discharge as determined by the City Engineer or Planning Commission. Any erosion, whether by wind or water, onto adjoining or surrounding properties shall be corrected and mitigated by the Owner of the property causing the erosion.

140.11 WATER POLLUTION

Discharge of pollutants into water shall be subject to the requirements and regulations established by appropriate Federal, State, and Local regulatory bodies and enforced by same.

140.12 PERMITTED AND CONDITIONAL USES WITHIN THE GI DISTRICT

Uses that are permitted by Sections 66.2 and 64.2 of this Code may not be required to meet the standard of Article 140, provided that those uses are in conformity with all other City Ordinances, and State and Federal laws and regulations; and provided that the Board has determined that the uses are appropriate considering the characteristics of the use, the property being used, and the neighboring properties.

140.13 PRE-EXISTING CONDITIONS

Uses existing on the effective date of this Code not in conformity with these Performance Standards shall be brought into compliance within twelve months after receipt of written notice of non-compliance from the Zoning Inspector. An extension, or waiver, maybe granted by the Board if the Owner, or Operator of the use, can demonstrate that compliance would create an unreasonable hardship without providing benefit to adjoining and surrounding properties.

ARTICLE 145

ADMINISTRATION

145.1 ZONING INSPECTOR

There is hereby established the office of Zoning Inspector and for the purpose of this Code. The Code Administrator of the City of Newark is hereby designated as the Zoning Inspector.

It shall be the duty of the Zoning Inspector to enforce this Code. In the performance of his duties, he shall act in accordance with the provisions of this Code.

When there is uncertainty as to the meaning or intent of a provision of this Code, or when this Code fails to address an issue, the Zoning Inspector shall interpret the intent and purpose of this Code, or submit a request to the Board in accordance with Section 150.6 of this Code.

An approval shall be null and void, if the Zoning Inspector grants the approval, acting outside the authority of this Code.

145.2 ZONING CERTIFICATE OF PLAN APPROVAL

145.2.1 APPLICATION

Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, as well as the exact location, size and height of any existing or proposed building or structure which is proposed to be erected or altered.

In the case of a proposed new building or structure or proposed alteration of an existing building or structure, drawings shall include the front, side, and rear elevations of the proposed building or structure.

The existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate, where no buildings are involved, the location of the present use and proposed use to be made of the land, and such other information with regard to the lot and neighboring lots as may be necessary to determine compliance with this Code shall be included with the application. All dimensions shown on the plans shall accurately reflect site conditions.

145.2.2 HEALTH DEPARTMENT CERTIFICATION

In every case where the lot is not provided with public water supply or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the appropriate Department of Health, for the proposed method of water supply, disposal of sanitary wastes, or both.

145.2.3 INSPECTOR TO ACT WITHIN 7 DAYS

The Zoning Inspector shall act upon all applications within 7 working days after they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Certificate within 7 working days or shall notify the applicant in writing of his denial of such Certificate and the reasons therefore. Failure to notify the applicant of either an approval or denial shall be considered a denial of a Zoning Certificate and entitles the applicant to appeals in accordance with Section 150.4, the applicant may consent to an extension of time for the Zoning Inspector to act.

145.2.4 APPROVALS

145.2.4.1 EXPIRATION

The Zoning Certificate is invalid if construction, erection, alteration or other work has not commenced within 12 months of the date of the grant of the Zoning Certificate.

One extension may be granted for an additional 12-month period if requested by the owner or their representative at least 10 days in advance of the expiration of the Zoning Certificate.

145.2.4.2 EXTENSION

If in the course of construction work is delayed or suspended for more than six months, the approval of plans or drawings and specifications or data is invalid. Two extensions shall be granted for six months each if requested by the owner at least ten days in advance of the expiration of the approval.

145.2.5 FEES

Fees shall be charged in accordance with orders and directions of Council.

145.3 PROHIBITED ACTIVITIES & USES

145.3.1 EXCAVATION OR CONSTRUCTION

It shall be unlawful for any owner or their agent to begin excavation or construction until the Zoning Inspector issues a Zoning Certificate.

145.3.2 USES

It shall be unlawful for any owner, lessee tenant or their agent to use or to permit the use of any structure, building, land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Inspector. Such Zoning Certificate shall show that such structure, building, land or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Code. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof, conform to all the requirements of this Code.

145.4 INSPECTION OR APPROVAL

The corners of the lot and the location of the proposed building or structure thereon shall be staked out on the ground in accordance with the approved plans. It shall be the duty of the Owner or their agent to notify the Zoning Inspector that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this Code to provide access to and means for inspection of such work and maintain at the site the Zoning Certificate and approved site plan. Work shall not be done beyond the point indicated in each successive inspection without first obtaining approval of the Zoning Inspector.

The Zoning Inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the owner or their agent if a portion of the construction fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Zoning Inspector.

Upon receiving notification that work is ready for inspection, the Zoning Inspector shall inspect the work within three business days. Failure to perform the inspection in accordance with the paragraph above shall constitute a denial of the approval and shall entitle the owner to an appeal in accordance with Section 150.4.1.3.

145.5 CERTIFICATE OF USE

It shall be unlawful for any owner, lessee or tenant to occupy any structure, building, land, or part thereof, hereafter erected, created, changed, converted or enlarged unless the Zoning Inspector has issued a Certificate of Use. Such Certificate of Use shall certify that such building, structure or land has been constructed, altered or improved in compliance with this Code and all conditions and requirements, stipulated by the Board .

145.6 VIOLATIONS AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this Code or any amendment or supplement thereto. Any person, firm, or corporation, violating any of the provisions of this Code, shall be deemed guilty of an unclassified misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, shall be deemed to be a separate offense.

145.7 VIOLATIONS – REMEDIES

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Code or any amendment or supplement thereto, Council, the Law Director, the Code Administrator, or any adjacent or neighboring property owner who would be specially damaged by such violation, may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use: to restrain, correct or abate such violation; to prevent the occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 150

BOARD OF ZONING APPEALS

150.1 TITLE OF THE BOARD

For the purpose of this Code the Board of Zoning Appeals shall be referred to in the Newark City Charter and elsewhere, and shall be referred to herein as the Board.

150.2 APPOINTMENT OF BOARD MEMBERS

The Board as constituted at the time of enactment of this Code shall continue in office. The Board shall consist of five citizens of Newark appointed by the Mayor, with consent of Council, for terms of five years. Upon the vacancy of any of the five seats on the Board, the vacancy shall be filled in a like manner. Members of the Board shall be removed for cause, upon written charges being filed, by the Mayor and with the consent of Council.

150.3 PROCEDURES OF THE BOARD

150.3.1 ORGANIZATION AND MEETINGS

The Board shall organize and elect a Chairman, Vice Chairman, and a Secretary from its membership. The Board shall then adopt rules for its own governance in accordance with this Code. Meetings shall be held, at minimum, once per month on a regularly scheduled basis with prior public notice of the meeting. At the time of enactment of this Code, the regularly scheduled meeting date is the fourth Thursday of each month at 5:30 P. M. in City Council Chambers, except for November and December's meeting which is held on the third Thursday. The Chairman, or in his absence the Vice Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Secretary shall keep minutes of the proceedings, indicating the vote of each member on each question,. The Secretary shall keep records of the Board's examination and other official actions. All decisions of the Board shall be immediately filed in the Division of Code Administration and become public record. The official minutes of the proceedings shall be filed with the Division of Code Administration no later than at the time of the Board's next monthly meeting.

150.3.2 QUORUM.

Three members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of the majority of the members of the Board present. In no case shall less than three members of the Board be necessary to reverse any order, requirement, decision or determination from which there has been an appeal.

150.3.3 ASSISTANCE

The Secretary of the Board may call upon the Planning Director, the Planning Commission, the employees of the City Engineering Department and the Division of Code Administration for assistance in the performance of duties of the Board.

APPEAL150.4.1 APPEAL – WHEN, HOW AND BY WHOM

An appeal to the Board may be made by any person aggrieved or by any office, department, board, or bureau of the City affected by any decision of the Zoning Inspector. Such appeal shall be taken within 60 days after the decision, by filing with the Division of Code Administration a Notice of Appeal specifying the grounds thereof.

1. APPEAL FORM AND CONTENT

The Notice of Appeal shall be of a standard form, which shall be readily available upon request from the Division of Code Administration. Included with the application shall be an accurate listing of the names and tax mailing addresses of all property owners located within 200 feet of any portion of the property, which is in the subject of the appeal. Each application shall be accompanied by a check, payable to the Treasurer of the City of Newark, or a cash payment, sufficient in amount to cover the cost of publishing, and mailing the notices of the hearing, but in no event shall it be less than \$50.00 dollars. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon, which the action appealed from was taken.

2. ZONING INSPECTOR FAILURE TO ACT ON APPLICATION

When the Zoning Inspector fails to act on an application within the time limit described in Section 145.2.3, the applicant may submit a written request to the Division of Code Administration, requesting to be included on the Board's Agenda for the next available meeting. The applicant is not required to submit a Notice of Appeal, or pay any filing fees. Written notice by mail to property owners within two hundred feet shall not be required.

3. ZONING INSPECTOR FAILURE TO ACT ON REQUESTED INSPECTION

When the Zoning Inspector fails to act on a requested inspection within the time limit described in Section 145.4, the applicant may submit a written request to the Division of Code Administration, requesting to be included on the Board's Agenda for the next available meeting. The applicant is not required to submit a Notice of Appeal, or pay any filing fees. Written notice by mail to property owners within two hundred feet shall not be required.

4. RULING FOR NEW OFF-PREMISES VARIABLE MESSAGE PROJECTION SIGN

When an applicant applies for a new off-premises variable message projection sign, the applicant shall submit a completed Notice of Appeal. Each application shall be accompanied by a check, made payable to the Treasurer of the City of Newark, or a cash payment, in the amount of \$25.00. Written notice by mail to property owners within two hundred feet shall not be required.

5. RULING FOR REPLACING EXISTING OFF-PREMISES SIGN WITH A NEW OFF-PREMISES VARIABLE MESSAGE PROJECTION SIGN

When an applicant applies to replace an existing off-premises sign with a new off-premises variable message projection sign, the applicant shall submit a completed Notice of Appeal form. Each application shall be accompanied by a check, made payable to the Treasurer of the City of Newark, or a cash payment, in the amount of \$25.00. Written notice by mail to property owners within two hundred feet shall not be required.

150.4.2 APPEAL - HEARINGS:

The Board shall fix a reasonable time for the public hearing of the application or appeal and shall give written notice by mail of the hearing to the parties of interest, including all property owners within 200 feet of any portion of the property in question. At the hearing, any party may appear in person or be represented by agent or attorney and shall be afforded an opportunity to speak.

Applications shall be submitted to the Division of Code Administration at least 21 days prior to the regularly scheduled meeting date to be heard at that meeting. It is the purpose of this time limit to allow for mailed written notice to reach all parties in interest. Applications filed less than 21 days prior to the regularly scheduled meeting date shall be heard at the following meeting of the Board.

150.4.3 APPEAL - STAY OF PROCEEDINGS

An appeal shall stay all proceedings in furtherance of the decision appealed from unless in the opinion of the Zoning Inspector, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed unless applicant obtains a restraining order granted by the Court of Common Pleas .

150.4.4 APPEAL – DECISION OF THE BOARD

The Board shall, except in those instances in which an appeal has been tabled at the request of the applicant, decide all applications and appeals within 72 hours after the date of the public hearing.

A certified copy of the Board’s decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, if a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of five business days from the date of such decision, unless the Board shall find it is necessary for the preservation of property or personal rights for the decision to have immediate effect and the Board shall so certify on the record.

150.5 POWERS OF THE BOARD

The Board shall have the powers granted in Section 150.6, 150.7, 150.8, 150.9, 150.10 and their respective subparagraphs.

150.6 INTERPRETATION

150.6.1 INTERPRETATION OF THE MAP

When there is a question concerning the exact location of district boundary lines or where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board shall interpret the map in such a way as to fulfill the intent and purpose of this Code.

150.6.2 INTERPRETATION OF THE CODE

Where the Zoning Inspector is uncertain as to the meaning and intent of a provision of the Code, a request for interpretation of the provision may be made to the Board and a determination shall be made by the Board.

150.7 USES

150.7.1 ADDITIONAL USES

Uses, other than those specifically mentioned in this Code as permitted uses in each of the districts may be allowed therein, provided that, in the judgment of the Zoning Inspector, such other uses are of similar character to those listed and will have no adverse effect or influence or no more adverse effect or influence on adjacent properties or the neighborhood or the community than the permitted uses specifically allowed in the district. When the Zoning Inspector is uncertain as to the proper classification of a use not included within the provisions of this Code, he may ask the Board for an interpretation in accordance with Section 150.6.

150.7.2 ADDITIONAL PROHIBITED USES

Uses other than those specifically prohibited in this Code in any district shall be prohibited, provided that in the judgment of the Zoning Inspector, such other uses are similar in character to those specifically prohibited and will have similar or more adverse effect or influence on adjacent properties or the neighborhood or the community than the uses specifically prohibited in the district. (See Section 6.3). When the Zoning Inspector is uncertain as to the proper classification of a use not included within the provisions of this Code, he may ask the Board for an interpretation in accordance with Section 150.6.

150.7.3 CONDITIONAL USES AND SPECIAL EXCEPTIONS

The Board shall have the power to hear and decide applications filed for conditional uses, special exceptions and for decisions on other questions upon which the Board is authorized to act.

In considering an application for a conditional use or a special exception, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions for the particular conditional use or special exception as the Board may deem appropriate for the protection of adjacent properties and the public interest.

Where a conditional use in an Industrial District the Board may require the installation, operation and maintenance of such devices or such methods of operation as may, in the opinion of the Board, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water, water-carried waste, fluids, noise, vibration, or similar objectionable features, and may impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties as will tend to prevent or reduce the harm or nuisance which might otherwise result from the proposed use of surrounding properties and neighborhoods.

150.7.4 CONDITIONAL USE AND SPECIAL EXCEPTION APPROVAL – TIME LIMIT

If after a conditional use or special exception approval is granted by the Board, the use or structure authorized shall not have started within twelve months of the date of the permit, the grant shall be void and of no force or effect. Thereafter, before such use can be established or construction on such structure undertaken, a new application for conditional permit shall be filed with the Board.

150.7.5 NONCONFORMING USES - SUBSTITUTIONS

The Board shall have the power to permit a nonconforming use existing at the time of enactment of the Code, to be replaced by another nonconforming use, if no structural alterations, except those required by law or resolution, are made; provided, the intensity of the substituted use is determined to be of the same, or less, intensity than the existing nonconforming use. In determining intensity of use the following factors are among those that shall be considered 1) traffic generated by the use 2) parking for the use 3) number of employees 4) amount of deliveries 5) signage 6) exterior storage on premises.

150.7.6 TEMPORARY USES

The Board may authorize the temporary use of a structure or premises in any District for a purpose or use that does not comply with the regulations prescribed elsewhere in this Code for the District in which it is located, provided that such use is of temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

150.8 VARIANCES

150.8.1 VARIANCE – LITERAL ENFORCEMENT WOULD CREATE UNDUE HARDSHIP

The Board shall have the power to authorize upon appeal variances from the terms, provisions or requirements of this Code that are not contrary to the public interest; provided, however, that such variances shall be granted only in such cases where, the literal enforcement of the provisions or requirements of this Code would result in practical difficulty, undue hardship, or the unnecessary deprivation of a valuable property right

150.8.2 VARIANCE – CONDITIONS PREVAILING

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property existing on the effective date of this Code, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Code would involve practical difficulty or would cause unnecessary hardship the Board may grant a variance and attach such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Code and in public interest. In authorizing a variance, with attached condition, the Board shall require such evidence, guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions established.

150.8.3 VARIANCE – FINDINGS OF THE BOARD

No variance of the provisions or requirements of this Code shall be authorized by the Board unless the Board finds, beyond reasonable doubt that all the following facts and conditions exist:

1. UNUSUAL CIRCUMSTANCES: There are circumstance or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or class of uses in the zoning district.
2. PRESERVATION OF PROPERTY RIGHTS: The variance is necessary to preserve for the applicant substantial property rights held by other properties in the same zoning district and in the same vicinity.
3. ABSENCE OF DETRIMENT: That authorizing the variance will not be a substantial detriment to adjacent property, and will not materially impair the purposes of this Code or the public interest.

150.9 BOARD MAY REVERSE OR AFFIRM ORDER

The requirements of notification contained in 150.4.2 of this Code are not applicable to the appeals filed under this Section.

The Board shall have the power to hear and decide appeals, filed as hereinbefore provided, where it is alleged by the applicant that there is error in any order, requirement, decision, determination, grant or refusal by the Zoning Inspector or other administrative official in the enforcement and interpretation of the provisions of this Code, or an appeal in accordance with Section 130.10.

In exercising its power, the Board may, in conformity with the provisions of statute and of this Code, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as the Board deems appropriate.

PERFORMANCE STANDARDS – PROCEDURE

The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a Zoning Certificate for uses that are subject to the performance standards procedure under Article 140 of this Code, as follows:

1. APPLICATION: An application for a Zoning Certificate for a use subject to performance standards shall be submitted in duplicate on a form prescribed by the Board, the applicant shall also submit in duplicate a plan of the proposed construction or development including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article 140 in accordance with rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of special reports that may be required to process the application.
2. REPORT BY SPECIALIST: If in its opinion, the purposed use may cause the emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise whether a proposed use will comply with the applicable performance standards specified in Article 140 for investigation and report. Such consultant or consultants shall report as promptly as possible after receipt of such application and completion of examination or investigation. A copy of such report shall be promptly furnished to the applicant.
3. REVIEW BY BOARD: Within 30 days after the Board has received the report, or within such further period as agreed to by the applicant, the Board shall determine whether the purposed use will comply with the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Certificate or require a modification of the proposed plan of construction specifications proposed equipment, or operation. Any Zoning Certificate so authorized and issued shall be contingent upon, among other things, the following: (a) that the applicant's buildings and installations when completed will comply with the applicable standards; and (b) that the applicant will pay the fees for services of the specialist or specialists advising the board as to whether or not the applicant's completed buildings and installation will comply with the applicable performance standards.
4. CONTINUED ENFORCEMENT: The Zoning Inspector shall investigate any reported violation of performance standards and, if there is reasonable grounds to constitute a violation. The Zoning Inspector shall notify the Board of the occurrence or existence of a probable violation of the performance standards. The Board shall investigate the alleged violation, and for such investigation may employ qualified experts as the Board deems necessary. The services of any qualified expert employed by the Board to advise in establishing a violation shall be paid for by the violator if a violation is established, otherwise the City shall pay the cost of such services.

APPEAL FROM DECISIONS OF THE BOARD:

Any person or persons, jointly or severally aggrieved by any decision of the Board, may present to the Court of Common Pleas of Licking County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 10 days after the filing of the decision in the office of the Board. Any such appeal shall be heard and determined by the Court without a jury.

ARTICLE 155

DISTRICT CHANGES AND REGULATION OF AMENDMENTS

155.1 COUNCIL MAY AMEND CODE

Whenever public necessity, public convenience, public welfare, good zoning practices, an annexation or a property owner request requires, Council may by code, after recommendation thereon by the Planning Commission and subject to the procedure provided in this Article, amend, supplement or change the regulations, district boundaries or classifications or property, now or hereafter established by this Code or amendments thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or agent for an owner of property within the area proposed to be changed or affected by this Code.

155.2 PROCEDURE FOR CHANGE

Applications for any change of district boundaries or classifications for a property or properties, or for any amendments to this Code shall follow these procedures:

1. A complete application shall be submitted to the office of the Service Director.
2. No later than five business days after receipt of the complete application, the Service Director shall forward the application to the Clerk of Council.
3. The Clerk shall forward the application to the Law Director to prepare the code. The Law Director shall prepare the Code and forward the Code and application to the Clerk.
4. The Clerk shall place the application on the agenda for the first reading before Council and for referral to the Planning Commission.
5. Within five business days, after its first reading before Council, the Clerk shall refer the application to the Planning Commission through the Service Director's office.
6. The Service Director's office shall schedule a public hearing on the agenda for the next Planning Commission meeting.
7. Planning commission shall hold at least one public hearing, with prior notice to the public being given by:
 1. Publication of notice in one newspaper of daily circulation in the City of Newark 4 days prior to the public hearing, and
 2. In those instances where less than five separate property owners are involved in the change of District or classification, notification by U.S. Mail to all property owners within 300 feet of any property seeking such change of district or classification.
8. Planning Commission shall complete all Public Hearings within 30 days after receiving the referral of the application from Council.
9. Planning Commission, following such procedures as Planning Commission may establish, shall within 30 days after the Public Hearing vote on a recommendation to be forwarded to Council. The Planning Commission shall recommend either approval as submitted, approval with modifications or restrictions, or denial.
10. Within five business days after Planning Commission's vote, the Planning Commission's written recommendation shall be forwarded to the Clerk of Council.
11. The Clerk of Council shall schedule at least one Public Hearing, with notice to the public to be published one time in a newspaper of daily circulation within the City

at least seven days prior to the date of the public hearing. Such public hearing shall constitute the second reading of the proposed code.

12. Council shall complete all Public Hearings within 30 days after receipt of Planning Commission's written recommendation.
13. Within 60 days after receipt of Planning Commission's written recommendation, Council shall vote on the application. An affirmative vote of at least six council members shall be necessary to adopt or defeat a zoning ordinance as to which the Planning Commission has recommended approval as submitted or approval as modified or restricted. An affirmative vote of at least seven Council members shall be necessary to adopt a zoning ordinance which Planning Commission has recommended against.

155.3 REQUIREMENTS OF APPLICANT

A complete application shall consist, at minimum, of the following:

1. A completed form, as may be prepared and modified from time to time by Planning Commission, describing the property, its current zoning, its current use, the owner, and the requested new zoning classification. The form shall be signed by the property owner or designated agent.
2. A legal description of the property in question. (When one piece of property is to be divided into more than one zoning district, each portion of the property separately zoned shall be separately described.)
3. A plat map from the County Engineer's office a surveyor's drawing showing not only the property in question, but also all properties within 500 feet of any part of the property to be zoned.
4. A drawing showing the location and uses of all buildings on the property to be zoned.
5. A list of names and tax mailing addresses for all owners of property lying within 300 feet of any part of the property to be zoned.
6. A check payable to the City of Newark with the fee established by Council.

155.4 REQUIREMENTS OF PLANNING COMMISSION

Prior to making a recommendation to Council on any rezoning, Planning Commission shall take into consideration matters of municipal planning and land use. Items to be considered may include, but are not be limited to, topography, utility availability and capacity, floodways and floodplains, traffic counts and flows, curb cuts and access issues, existing neighboring land uses, and potential future land uses of adjoining or nearby land.

155.5 MAP CHANGE PENDING – ZONING CERTIFICATE, BUILDING PERMIT

Whenever the Council has received a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, the Council shall notify the Division of Code Administration. In such case, the Division of Code Administration shall not issue a Zoning Certificate for sixty days; beginning on the date Council received the resolution, which would authorize the construction of a building or the establishment of a use, which would become nonconforming under the contemplated redistricting plan.

ARTICLE 160

VALIDITY AND REPEAL

160.1 VALIDITY

This Code and the various Parts, Articles, Sections, Subsections and Paragraphs thereof are declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of this Code is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Code shall not be affected thereby.

160.2 AUTHENTICATION

The Clerk of Council, is ordered and directed to certify to the passage of this Code. This Code shall be in effect and be in force from and after its passage, approval and publication.

160.3 REPEAL – CONFLICTING CODES

The “Zoning Code of the City of Newark,” all amendments thereof or supplementary thereto existing at the time of enactment of this Code, and all other ordinances of the City inconsistent herewith and to the extent of such inconsistency and no further, are repealed.

APPENDIX

The following terms were substituted throughout the document as deemed necessary:

meet	comply with
such as	including
such as	including, but not limited to
and/or	or
forward slash”/”	or
in the case of	for
in the case of	where
must	shall
Ordinance	Code
premise	premises
devise	device
display matter	display information
they are	said sign is
the written	written
mail of property	mail to property
not in compliance with	in violation of
hereby	(deleted)
cause the removal of	remove
any employee	employee
tenants	tenant
Board of Zoning Appeals	The Board
restrict traffic	interfere with traffic
when computing	in computing
concur	comply
conform	comply
right of way	right-of-way
said	the
single family	one family
article	Article
zoning inspector	Zoning Inspector
per section	in accordance with Section
as example	for example