

ZONING ORDINANCE

O-2007-10-03

for the
VILLAGE OF
NEW KNOXVILLE, OHIO



Approved by
New Knoxville Village Council
10/10/2007

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1 **TITLE AND PREAMBLE**

2
3 An ordinance to regulate, restrict and limit the location and use of buildings, structures and land, for trade, industry,
4 residence or other purposes; to regulate the height of structures; to provide a method of administration and enforcement;
5 and to prescribe penalties for violation of the provisions within.

6 WHEREAS, it is determined by the Council of the Village of New Knoxville, Ohio, that it is in the interest of the public
7 health, safety, convenience, comfort, prosperity and general welfare of the Village of New Knoxville, Ohio, to regulate,
8 restrict, and limit the location and use of buildings, structures and land for trade, industry, residence, or other purposes and
9 for said purposes, to divide the Village of New Knoxville, Ohio into such districts or zones as are deemed best suited for
10 said purposes; to provide a method of administration and enforcement; and to prescribe penalties for violation of the
11 provisions thereof. Now, therefore, be it ordained by the Council of the Village of New Knoxville, State of Ohio.
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15 **SECTION 100 Establishment of Districts**

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17 That, for the purpose of regulating and restricting the location of buildings and other structures and of premises to be used
18 for trade, industry, residence or other specified uses; and for the purpose of regulating the location of buildings and other
19 structures hereafter erected or altered, setback building lines and other structures hereafter erected or altered, setback
20 building lines and the area of yards, courts and other open spaces; and for the purpose of regulating and limiting the height
21 of buildings and other structures hereafter erected or altered, the Village of New Knoxville is hereby divided into classes of
22 use districts, termed respectively:

- 23 R-1 Single Family Residential District; (as of 12/14/2004, there is not an R-1 district);
24 R-2 Single and Double Family Residential District;
25 R-3 Multi-Family Residential District;
26 C-1 Central Commercial District;
27 C-2 General Commercial District
28 I-1 Industrial District;
29 P-1 Planned Unit Development District (as of 12/14/2004, there is not a P-1 district);

30 all as shown on the Official Zoning District Map (Appendix B) which accompanies this Ordinance and is hereby declared a
31 part thereof. The Districts designated on said Zoning Map or described hereafter are hereby established, and no buildings
32 or premises shall be erected, altered or used except in conformity with the regulations herein prescribed for the Districts in
33 which such buildings or premises are located.
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37 **SECTION 120 Zoning Map Interpretation – (reference Appendix B)**

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39 When definite distances in feet are not shown on the Zoning Map, the district boundaries on the Zoning Map are intended
40 to be along existing street, alley or property lines or extensions of or from the same, and if exact location of such line is not
41 clear it shall be determined by either supplemental detail drawings or rules of interpretation, adopted by the concurring
42 vote of four (4) members of the Board of Appeals.

43 When the streets or alleys on the ground differ from the streets or alleys shown on the Zoning Map, the Board of Appeals
44 may apply the district designations on the map to the property on the ground in such manner as to conform to the intent and
45 purposes of this section in the judgment of the said Board.
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1 **SECTION 140 Interpretation and Purposes**

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3 In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted
4 for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard areas required by
5 this Ordinance for a particular building shall not be diminished and shall not be included as a part of the required lot or
6 yard areas of any other building. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with
7 any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be
8 adopted or issued pursuant to law relating to the use of buildings or premises; provided that where this Ordinance imposes
9 a greater restriction upon the use of buildings or premises or upon the height of buildings or required larger lots or yards
10 than are imposed or required by such rules or regulations the provisions of the Ordinance shall control.
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14 **SECTION 160 Required Conformance**

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16 1. No land shall be used except for a purpose permitted in the District in which it is located;
17 2. Every person, partnership, company, corporation or any other type of personal or business entity or organization, shall
18 have, prior to the time any construction begins within the corporation limits of the Village, a building
19 application/permit obtained from the Zoning Administrator of the Village of New Knoxville.
20 Said building application/permit is required whenever any one of the following conditions is to be done:
21 1. There is new construction of a building or structure. Replacement items are excluded (i.e., new siding,
22 roofing, painting, replacement doors and windows).
23 2. There is an alteration that will change the use (i.e., residential to commercial), or occupancy (i.e., from a
24 single to a multiple family dwelling).
25 3. There is an addition such as a garage, accessory building, cistern, breezeway or den; or conversion to another
26 use.
27 4. Whenever anyone walls in, or attaches a patio to a house.
28 5. Whenever a fence is to be built that exceeds the fence specifications of the various districts of this
29 Ordinance.
30 6. Whenever a building is being moved to a different location.
31 3. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building
32 be used, except for a use permitted in the District in which such building is located;
33 4. Every building hereafter erected or structurally altered should be located on a lot as herein defined and in no case
34 should there be more than one (1) principal building on one (1) lot except as otherwise provided in this Ordinance, nor
35 shall any building be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit
36 herein established for the District in which such building is located;
37 5. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any parcel of
38 land described by meets and bounds or any lot hereafter be created which does not conform and meet the requirements
39 of this Ordinance;
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1 **SECTION 180 Rules for Text Interpretation**

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3 In the construction of these regulations, the rules of interpretation contained in this Section shall be observed and applied,
4 except when the context clearly indicates otherwise. The following rules of construction apply to the text:

- 5 1. The particular should control the general.
- 6 2. In case of any difference of meaning or implication between the text and any caption or illustration, the text should
7 control.
- 8 3. The word "shall" should be mandatory and not discretionary. The word "may" should be permissive.
- 9 4. Words used in the present tense should include the future; and words used in the singular number should include the
10 plural, and the plural the singular, unless the context clearly indicates the contrary.
- 11 5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
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15 **SECTION 200 Nonconforming Uses**

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17 Any lawful use existing at the time of the effective date of this Ordinance except as hereinafter specified may be continued
18 although such use does not conform to the provisions of this Ordinance, provided the use does not constitute a public health
19 or safety issue:

- 20 1. A nonconforming use of a building may be changed to another nonconforming use only by the Board of Zoning
21 Appeals, restricted as follows:
- 22 1a. The Board may permit substitution of a new nonconforming use in place of an existing nonconforming use,
23 provided that the Board determines that any change of use will be less detrimental to the neighborhood than the
24 existing use.
- 25 2. A nonconforming use of a building or premises which has been abandoned shall not thereafter be returned to a
26 nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following
27 conditions exist:
- 28 2a. When the use has been discontinued for a period of six (6) months, except for reasons beyond the owner's control,
29 or when the nonconforming use has been replaced by a conforming use, or when it has been changed to another
30 permitted or conditionally permitted use by permit from the Board.
- 31 3. Except as hereinafter specifically provided, no nonconforming use, except when required to do so by law or ordinance,
32 shall be enlarged, extended, reconstructed, or structurally altered.
- 33 3a. Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming
34 building or structure.
- 35 3b. No nonconforming building or structure shall be moved in whole or in part to any other location unless such
36 building or structure and the yard and other open spaces provided are made to conform to all the regulations of the
37 district in which such building or structure is to be located.
- 38 3c. The reconstruction of a nonconforming use which has been damaged by fire, explosion, or extreme weather
39 conditions to the extent that the building must be demolished, may be allowed by the Board. However, the
40 reconstructed building may not exceed 100% of the ground floor area of the original building.
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1 **SECTION 220 Pending Application for Building Permits**

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3 Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any
4 development, building, structure or part thereof for which official approvals and required building permit have been legally
5 granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been
6 started within six (6) months of the effective date of this Ordinance and completed in a normal manner within a subsequent
7 two (2) year period and not discontinued until completion except for reasons beyond the builder's control. All permits, for
8 which construction has not begun within six (6) months of the effective date or amendment of this Ordinance are hereby
9 revoked and void.

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13 **SECTION 240 Miscellaneous Provisions**

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15 1. **Street Frontage Required:** Except as permitted by other provisions of this Ordinance, all lots created after
16 the adoption of this Ordinance shall have frontage as a public debt.
17 2. **Corner Lots:** Lots formed at the intersection of two (2) streets shall not be required to provide two (2) front
18 yard setbacks. Only on one side abutting either street shall the front setback be required, on the remaining
19 side, a setback of one-half (1/2) the otherwise required setback shall be provided.
20 3. **Annexation:** Any territory hereafter annexed to the Village of New Knoxville shall be placed in a Zoning
21 District classification to be determined at the time of annexation by the Village Council with advice of the
22 Planning Commission.
23 4. **Prohibited Uses:** Within the Village of New Knoxville, Ohio no lot, land premises, place or buildings shall be
24 used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed to be
25 used for any of the following specified uses:
26 4a. Abattoirs and slaughter houses, distillation of bones, manufacture or storage of explosives, fireworks,
27 or gun powder, quarrying, mining or petroleum production, hog farms, pyroxylin or celluloid
28 manufacture, and manufacture of explosive or inflammable pyroxylin products, stockyards,
29 manufacture or industrial use of sulfurous, sulfuric, nitric, hydrochloric, or other corrosive or offensive
30 acids, tanning, curing, or storage of raw hides or skins, or similar dangerous and noisome uses.
31 4b. No mobile homes, or recreational vehicles used as residences.
32 4c. Billboards.
33 4d. Rear dwellings.
34 4e. Junk yards.
35 4f. Race Tracks
36 5. **Vision Clearance in Residential Districts:**
37 5a. On a corner lot, no fence or other structure more than three and one-half (3-1/2) feet in height above
38 the plane of the established grades of the streets or alleys shall be erected on any part of the front yard
39 or side yard. No planting or foliage shall be placed or maintained within such area that in the judgment
40 of the Zoning Administrator will materially obstruct the view of a driver of a vehicle approaching the
41 street or alley intersection.
42 5b. No fence which is more than three and one-half (3-1/2) feet in height above the plane of the finished
43 grade of the lots at the division line between lots shall be erected, unless no part of said fence is within
44 twenty (20) feet of any residence building located on the abutting lot.
45 5c. A privacy fence which exceeds three and one-half (3-1/2) feet in height may be erected in any rear yard
46 around a patio or private swimming pool, and may be attached to the residence structure, as long as
47 said fence meets the required side and rear setbacks for the Zoning District in which said fence is to be
48 constructed.
49 6. **Accessory Buildings:**
50 6a. No accessory building shall be erected in any yard other than a rear yard or side yard.
51

1 **7. Temporary Building Structures:**

2 7a. Within the corporation limits of the Village of New Knoxville, Ohio; no person, partnership, company,
3 corporation, or any other entity of any kind or combination of persons of any kind, shall construct,
4 erect or maintain a temporary building structure beyond the specifications and allowances of this
5 subsection. Hereafter in this subsection, "temporary building structure" shall be referred to as
6 "enclosure(s)" per definition in Section 540.

7 **7b. Policy on Use and Duration:**

8 In order to clarify the allowable use and duration of temporary enclosures, the following definitions are
9 provided. There are three (3) types of temporary enclosures addressed here as follows:

10 **Construction Related:**

11 If a building permit has been issued for construction of a new building on the same property, the
12 applicant may also install a temporary office, shop or storage enclosure on the property if the use is
13 directly related to the new construction activity and the temporary enclosure is removed upon
14 completion of the construction project. Temporary construction related restroom facilities may also
15 be used. For residential projects, the length of use is limited to twelve (12) months unless approved
16 by the Zoning Administrator for a longer period. Note that this category of temporary enclosures are
17 specifically related to construction projects.

18 **Event Related:**

19 These enclosures are often tents or reviewing stands and can be set up for a maximum of two (2) weeks
20 and are intended to serve a special event such as a store opening, carnival, parade, wedding,
21 graduation, family gathering or similar short term event. Event related enclosures may be set up a
22 maximum of two (2) times per year on the same property. Temporary restroom facilities may also
23 be used.

24 **Fabric Covered Enclosures:**

25 These enclosures are typically used to protect materials during short term storage, recreational purposes,
26 for repairs to automobiles, boats or equipment and for weather protection at special events. These
27 enclosures may be set up for a maximum of four (4) weeks with a maximum of two (2) times per
28 year on the same property. Automobile, boat or equipment covers which are totally supported by the
29 piece of equipment are not regulated. Window or door awnings totally supported by a building are
30 not regulated. Enclosures bearing on the ground and another structure are regulated.
31

- 1 **8. Adult Entertainment Facilities:** Adult Entertainment Facilities are conditionally permitted in the General
2 Commercial District C-2 (Section 340), provided they meet the requirements and the following conditions for
3 approval:
- 4 8a. No adult entertainment facility shall be located within five hundred (500) feet of any R-District.
5 8b. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any
6 school, library, or teaching facility that is attended by persons under eighteen (18) years of age.
7 8c. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any park
8 or recreational facility attended by persons under eighteen (18) years of age.
9 8d. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any
10 permanently established place of religious services.
11 8e. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any day
12 care center or any type A or B family day care home as established by the Ohio Revised Code.
13 8f. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any other
14 adult entertainment facility.
15 8g. No adult entertainment facility shall be located within a radius of one thousand (1000) feet of any two
16 of the following:
17 1. Cabarets, clubs, or other establishments which feature adult type of entertainment.
18 2. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
19 3. Pool or billiard halls.
20 4. Pinball palaces or halls.
21 5. Dance halls or discotheques.
22 6. Massage parlors.
23 7. Video arcades, or establishments known by other descriptions, which provide video and/or other
24 games for entertainment attended or participated in by persons under (18) years of age.
25 8h. Measurement Standards - distances shall be measured from the property lines of any lot of land on
26 which an adult entertainment facility is located and the location from which a distance of separation is
27 specified in items (a) through (g) of this section.
28 8i. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be
29 visible to the public from pedestrian sidewalks or walkways, or from other public areas, semi-public
30 areas, or quasi-public areas.
31 8j. All building openings, entries, windows, etc. for adult use shall be located, covered, or serviced in such
32 a manner as to prevent a view into the interior from any sidewalk, or any street. For new construction,
33 the building shall be oriented so as to minimize any possibility of viewing the interior from any public,
34 semi-public, or quasi-public areas.
35 8k. No screens, speakers, or sound equipment shall be used for any adult motion picture theater, or other
36 adult entertainment facility that can be seen or discerned by the public from any public, semi-public, or
37 quasi-public areas.
38 8l. Adult entertainment facilities shall be open to the public only between the hours of 7:00 p.m. and
39 2:30 a.m.
40 8m. The establishment of an adult entertainment facility shall include the opening of such business as a
41 new business, the relocation of such business, or the conversion of an existing business location to any
42 of the uses defined to constitute an adult entertainment facility.
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9. **Automobile Car Washes:** Automobile Car Washes are conditionally permitted in the Commercial Districts C-1 and C-2 and the Industrial-1 District, provided they meet the requirements of the specific districts and the following conditions:
- 9a. All washing facilities shall be included entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
 - 9b. Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the front yard, a side yard facing a street, or in any yard adjoining an R-District.
 - 9c. The following hard-surfaced, dust-free, off-street parking shall be provided:
 - 1. Two (2) waiting spaces for each car washing device or stall where vehicles await entrance to the washing process.
 - 2. Two (2) employee parking spaces.
 - 3. Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.
 - 9d. A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.
 - 9e. Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.
 - 9f. A solid fence, wall or hedge six (6) feet high shall be required when an automobile car wash is adjacent an R-District.
10. **Zero Lot Lines, Lot Splits & Condominium Agreements:**
- 10a. Zero lot lines and lot splits without approval of the Village Planning Commission and Village Council are prohibited. That the approval of any lot splits or zero lot lines is not intended to establish a precedent for residential lots, and is to be done only on a case by case basis.
 - 10b. That any construction of two (2) or more owner occupied units on a single lot shall enact a condominium enabling declaration and bylaws pursuant to Section 5311 of the Ohio Revised Code. Parties wishing to establish a condominium document shall contract with a licensed attorney for such services.
11. **Wind Turbines:** Wind Turbines are not permitted.
12. **Geo Thermal Systems:**
- 11a. Open loop geo thermal systems are not permitted.
 - 12b. Closed loop geo thermal systems are permitted within property setbacks.
13. **Beehive Boxes:** Commercial or noncommercial or not permitted.

1 **SECTION 260 R-1 Single Family Residential District**

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3 **1. Principal Permitted Uses:**

- 4 1a. Residential: Single family detached dwelling; the dwelling unit having a Front Entrance; constructed on a
5 Permanent Foundation.
6 1b. Recreational: Public parks, playgrounds, recreational, and community center buildings and grounds, tennis
7 courts, and similar public recreational uses of a non commercial nature; provided that any principal building
8 used therefore shall be located not less than forty (40) feet from any other lot in any residential district.

9 **2. Conditionally Permitted Uses:** The following uses may be permitted in the R-1 District if expressly authorized by the
10 Board of Appeals in accordance with the provisions of Section 480, and subject to any limitations and restrictions
11 deemed necessary by the Board of Appeals.

- 12 2a. Recreational: Private noncommercial recreational areas and facilities such as swimming pools and tennis
13 courts.
14 2b. Public Facilities and Utilities: Structures and installations which are necessary public facilities and utilities
15 and require location in the R-1 District.
16 2c. Customary home occupations, provided that such home occupation meets the definition in Section 540.
17 2d. Children's playhouse structures exceeding one hundred sixty (160) square feet or eight (8) feet in height shall
18 require a building permit. All playhouse structures, regardless of size, shall meet the setback requirements of
19 the district.

20 **3. Accessory Building:**

- 21 3a. As defined in Section 540. See Section 420 footnote (D) for required setbacks pertaining to garage entrances.
22 3b. Any accessory building upon a lot which would exceed 720 square feet in area, shall not contain more than
23 40% of the square footage of the ground floor living area of the principal building; and in no case shall the
24 total of all accessory buildings on a lot comprise more than 35% of the allowable building area of the lot on
25 which they are located. All accessory buildings shall be constructed on permanent foundations. No more
26 than one (1) detached accessory building is permitted on a lot. An accessory building shall in no case have a
27 height greater than the principal building. An accessory building shall not have a door height greater than
28 eight (8) feet.

29 **4. Signs:** The only signs permitted in the R-1 district shall be as follows:

- 30 4a. One (1) temporary unlighted real estate sign advertising the sale or rental of the premises on which it is
31 maintained, not exceeding a total area of nine (9) square feet, and located at least twelve (12) feet from all
32 street right-of-way lines or flat against the building.
33 4b. One (1) temporary unlighted sign not exceeding fifty (50) square feet in area in a real estate development
34 containing fifteen (15) lots or more. Such sign shall be set back from every street line or any other lot in any
35 residential district at least a distance equal in feet to the front yard requirement of that district. Such sign
36 shall be removed within three (3) years from the date of its construction.
37 4c. Any unlighted sign of not over two (2) square feet in area and attached directly to the building, for home
38 occupation, is permitted.

1 **5. Off-Street Parking Space:**

2 5a. Dwelling Units: A minimum of three (3) off-street parking spaces for each dwelling unit. At least two (2)
3 required spaces for each dwelling unit must be within a garage structure with all sides enclosed, and which
4 compliments the architectural style of the residence it serves. Entrances or exits to a garage shall not be
5 computed as any part of a required parking space unless they meet the specifications of the diagram below.
6 See Section 420 footnote (D) for required setbacks pertaining to garage entrances.

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8 5b. Recreational: Other types of recreational uses permitted in the R-1 District shall provide adequate off-street
9 parking space to accommodate the maximum number of expected automobiles. Entrances or exits shall not
10 be computed as any part of a required parking space or area.

11 5c. Semis or tractor trailers are not permitted to be parked overnight.

12 **6. Area, Setback, and Height Requirements:** As defined in Section 420 for the R-1 District.

13 **7. Private Swimming Pool:** No private swimming pool, exclusive of portable swimming pools with an inside diameter
14 of less than twelve (12) feet or with an inside area of less than one hundred thirteen (113) square feet, or of a
15 pond, shall be allowed in any residential or commercial district except as an accessory use, and shall comply with
16 the following requirements:

17 7a. The pool shall not be located in any yard except the rear yard.

18 7b. The rear yard setback requirement is thirty-five (35) feet.

19 7c. An in-ground pool facility is required to be at least fifteen (15) feet from all property lines.

20 7d. The swimming pool or other attractive nuisance, or the entire property on which it is located, shall be walled
21 or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence
22 or wall shall be no less than five (5) feet in height and shall be maintained in good condition with a self-
23 closing gate and lock. Such five (5) foot fence or wall may be the extension of the sidewalls of the swimming
24 pool.

25 7e. Portable spas/hot tubs shall be exempt from this requirement, provided the spa/hot tub has the locking safety
26 cover which meets ASTM ES 13 or latest revision.

1 **SECTION 280 R-2 Single and Double Family Residential District**

2
3 **1. Principal Permitted Uses:**

- 4 1a. Any use or structure permitted in Section 260.1 of the R-1 District.
5 1b. Residential: Single and double family detached dwellings; each dwelling unit having a Front Entrance;
6 constructed on a Permanent Foundation.
7 1c. Institutional and Cultural: Churches and other places of worship, not including funeral chapels or mortuary
8 chapels, provided that church buildings and buildings used for worship shall be located not less than
9 twenty (20) feet from any other lot in any residential district; schools and institutions for academic instruction
10 shall be located not less than forty (40) feet from any lot in any residential district.
11 1d. Recreational: Public parks, playgrounds, recreational, and community center buildings and grounds, golf
12 courses, country clubs, tennis courts, and similar public recreational uses of a non commercial nature;
13 provided that any principal building used therefore shall be located not less than forty (40) feet from any other
14 lot in any residential district.

15 **2. Conditionally Permitted Uses:** The following uses may be permitted in the R-2 District if expressly authorized by the
16 Board of Appeals in accordance with the provisions of Section 480, and subject to any limitations and restrictions
17 deemed necessary by the Board of Appeals.

- 18 2a. Recreational: Private noncommercial recreational areas and facilities such as swimming pools and tennis
19 courts.
20 2b. Hospitals: Medical center or clinic or similar facilities for human care.
21 2c. Public Facilities and Utilities: Structures and installations which are necessary public facilities and utilities
22 and require location in the R-2 District.
23 2d. Customary home occupations, provided that such home occupation meets the definition in Section 540.
24 2e. Children's playhouse structures exceeding one hundred sixty (160) square feet or eight (8) feet in height shall
25 require a building permit. All playhouse structures, regardless of size, shall meet the setback requirements of
26 the district.

27 **3. Accessory Building:**

- 28 3a. As defined in Section 540. See Section 420 footnote (D) for required setbacks pertaining to garage entrances.
29 3b. Any accessory building upon a lot which would exceed 720 square feet in area, shall not contain more than
30 40% of the square footage of the ground floor living area of the principal building; and in no case shall the
31 total of all accessory buildings on a lot comprise more than 35% of the allowable building area of the lot on
32 which they are located. The maximum size (measured at the base) of an accessory building that is not on a
33 permanent foundation is one hundred sixty (160) square feet with a maximum height of twelve (12) feet. No
34 more than one (1) accessory building that is not on a permanent foundation is permissible. An accessory
35 building shall in no case have a height greater than the principal building. An accessory building shall not
36 have a door height greater than eight (8) feet.

37 **4. Signs:** The only signs permitted in the R-2 district shall be as follows:

- 38 4a. Any sign permitted in Section 260.4 of the R-1 District.
39 4b. One (1) bulletin board not exceeding twelve (12) square feet in area for any church, school, or other public or
40 semi-public institution.

41 **5. Off-Street Parking Space:**

- 42 5a. Dwelling Units: A minimum of two (2) off-street parking spaces for each dwelling unit. The two (2) required
43 spaces for each dwelling unit must be within a garage structure with all sides enclosed, and which
44 compliments the architectural style of the residence it serves. See Section 420 footnote (D) for required
45 setbacks pertaining to garage entrances.
46 5b. Institutional and Cultural: Churches, schools, an similar uses shall provide one (1) off-street space per
47 eight (8) seats in a principal auditorium, or one (1) off-street space per seventeen (17) classroom seats,
48 whichever is greater. Entrances or exits shall not be computed as any part of a required parking space or area.
49 5c. Recreational: Other types of recreational uses permitted in the R-2 District shall provide adequate off-street
50 parking space to accommodate the maximum number of expected automobiles. Entrances or exits shall not
51 be computed as any part of a required parking space or area.
52 5d. Semis or tractor trailers are not permitted to be parked overnight.

53 **6. Area, Setback, and Height Requirements:** As defined in Section 420 for the R-2 District.

54 **7. Private Swimming Pool:** As defined in Section 260.7 of the R-1 District.
55

1 **SECTION 300 R-3 Multi-Family Residential District**

2
3 **1. Principal Permitted Uses:**

4 1a. Any use or structure permitted in Section 280.1 of the R-2 District.

5 1b. Residential: Multi-family detached dwellings; each dwelling unit having a Front Entrance; constructed on a
6 Permanent Foundation.

7 **2. Conditionally Permitted Uses:** The following uses may be permitted only if expressly authorized by the Board of
8 Appeals in accordance with the provisions of Section 480, and subject to any limitations and restrictions deemed
9 necessary by the Board of Appeals.

10 2a. Any conditionally permitted uses as regulated in Section 280.2 of the R-2 District.

11 **3. Accessory Building:** As defined in Section 280.3 of the R-2 District.

12 **4. Signs:** As defined in Section 280.4 of the R-2 district.

13 **5. Off-Street Parking and Loading:** As defined in Section 280.5 of the R-2 District.

14 **6. Area, Setback, and Height Requirements:** As defined in Section 420 for the R-3 District.

15 **7. Private Swimming Pool:** As defined in Section 280.7 of the R-2 District.

1 **SECTION 320 C-1 Central Commercial District**

2
3 **1. Principal Permitted Uses:**

- 4 1a. Retail and Services: Department stores, dry goods and apparel stores, mail order houses, variety stores, art or
5 antique shops, furniture and appliance stores, self-service laundries, dry cleaning shops, hardware stores, shoe
6 stores, business offices, specialty shops.
7 1b. Entertainment: Motion picture theaters, dance halls, studios, bowling alleys, swimming pools, skating rinks,
8 lounges.
9 1c. Food and Services: Food stores, restaurants, delicatessens.
10 1d. Printing and Publishing: Commercial printing establishments, and newspaper publishing, specialty printing,
11 and the like, provided that the business is in an enclosed building and does not require outside storage of
12 materials or products and is not objectionable by reason of smoke, noise, dust, odor, cinders, vibration, fumes,
13 glare or light.
14 1e. Public Facilities and Utilities: Any public facility or utility not detrimental to the character and nature of the
15 C-1 District.

16 **2. Conditionally Permitted Uses:** The following uses shall be permitted only if expressly authorized by the Board of
17 Appeals in accordance with Section 480, and subject to any limitations and restrictions deemed necessary by the
18 Board.

- 19 2a. Any other retail business or service establishment which the Board of Appeals determines to be of the same
20 character and nature as those specifically allowed, but not including those uses which are first permitted in the
21 C-2 District, except that gasoline filling stations may be permitted as a conditional use in the C-1 District.
22 2b. Residential: Dwelling units are not permitted as a principal use in the C-1 District; however, dwelling units
23 may be allowed as a secondary use, where it is clearly demonstrated that the residential use is not the
24 principal use of the structure, and is located within the principal structure.
25 2c. Automobile Car Wash: See Section 240.9.

26 **3. Accessory Building and Uses:** Accessory building and uses customary and incidental to any of the foregoing
27 permitted uses and otherwise not prohibited.

28 **4. Signs:** Each business shall be permitted one (1) flat or wall on-premise sign. Projection of wall signs shall not exceed
29 two (2) feet measured from the face of the main building. The area of all permanent on-premise signs for any
30 single business enterprise may be an area equivalent to one and one half (1-1/2) square feet of sign area for each
31 lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum of
32 one hundred (100) square feet.
33 Free standing on-premise signs not over thirty (30) feet in height, having a maximum total sign area of one
34 hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line
35 and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business
36 establishments. There shall be only one (1) free standing sign for each building, regardless of the number of
37 businesses conducted in said building.

38 **5. Off-Street Parking and Loading:** 100% of floor area. Secondary residential uses must meet the off-street parking
39 requirements established in Section 300.5 for the R-3 District.

40 **6. Area, Setback and Height Requirements:** As defined in Section 420 for the C-1 District.
41

1 **SECTION 340 C-2 General Commercial District**

- 2
- 3 1. **Principal Permitted Uses:** Any use permitted in Section 320.1 of the C-1 District, and the following:
- 4 1a. Wholesale and Warehousing: Any wholesale business, storage, warehousing and the like.
- 5 1b. Entertainment: Drive-in theaters, provided that the screen be so located as to make the picture not visible
- 6 from adjacent streets or highways.
- 7 1c. Animal Hospitals: Animal hospitals, kennels, housing, or boarding or caring for animals.
- 8 1d. Commercial Recreation: Baseball fields, golf driving ranges, amusement parks, and similar open air facilities.
- 9 1e. Building and Related Trades: Carpenter shops, electrical plumbing and heating shops, furniture upholstery
- 10 and similar establishments.
- 11 1f. Automotive Service: Gasoline service station, repair garages, body shops, and the like.
- 12 1g. Funeral Homes.
- 13 1h. Hotels and motels.
- 14 2. **Conditionally Permitted Uses:** The following uses shall be permitted only if expressly authorized by the Board of
- 15 Appeals in accordance with the provisions of Section 480, and subject to any limitations and restrictions deemed
- 16 necessary by the Board.
- 17 2a. Any other retail, wholesale, or service establishment which the Board of Appeals determines to be of the same
- 18 character and nature of those specifically allowed, but not to include those uses first permitted in the
- 19 Industrial District.
- 20 2b. Adult Entertainment Facilities: See Section 240.8.
- 21 2c. Automobile Car Wash: See Section 240.9.
- 22 3. **Accessory Uses:** Accessory uses and structures as permitted in Section 320.3 of the C-1 District, and such other
- 23 accessory uses and structures customary and incidental to any of the foregoing permitted uses and otherwise not
- 24 prohibited.
- 25 4. **Prohibited Uses:** No single, double or multi family residential dwelling units are allowed.
- 26 5. **Signs:** Any sign permitted in Section 320.4 of the C-1 district.
- 27 6. **Off-Street Parking:** In connection with every commercial, business, trade, institution, recreational, or dwelling use,
- 28 and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following
- 29 schedule:
- | | |
|--|---|
| 30 Animal Hospitals | 100% of floor area. |
| 31 Automobile sales and service garages | 100% of floor area. |
| 32 Bowling Alleys | 5 spaces for each alley. |
| 33 Churches and Schools | 1 space for each 8 seats in a principal auditorium or 1 space for |
| | each 17 classroom seats, whichever is greater. |
| 35 Dance Halls, Assembly Halls | 200% of floor area used for dancing or assembly. |
| 36 Funeral Homes, Mortuaries | 4 spaces for each parlor or 1 space for each 50 square feet of |
| | floor area, whichever is greater. |
| 38 Furniture and Appliance Stores, Household | |
| 39 Equipment or Furniture Repair Shops | 100% of floor area. |
| 40 Hospitals | 1 space for each 2 beds (bassinets are not considered beds.) |
| 41 Hotels, Lodging Houses | 1 space for each bedroom. |
| 42 Restaurants, Taverns, and Night Clubs | 200% of floor area. |
| 43 Theaters, Assembly Halls with fixed seats | 1 parking space for each 4 seats. |
| 44 Wholesale Establishments or Warehouses | 1 space for each employee or 10% of the floor area whichever |
| 45 | is greater. |
| 46 6a. In case of any building, structure, or premises, the use of which is not specifically mentioned herein, the | |
| 47 provisions for a use which is so mentioned and to which said use is similar shall apply as determined by the | |
| 48 Board of Zoning Appeals. | |
| 49 6b. Parking lots or areas adjacent to public streets shall have driveways or openings not to exceed | |
| 50 twenty-five (25) feet in width at the curb line. All such lots or areas shall have protective wall or bumper | |
| 51 blocks at least five (5) feet from any street right-of-way. | |
| 52 6c. Entrances, exits, or driveways shall not be computed as any part of a required parking lot area. | |

1 **SECTION 360 I-1 Industrial District**
2

- 3 1. **Principal Permitted Uses:** Any industrial or manufacturing or processing establishment not otherwise prohibited in
4 Section 240 (Miscellaneous Provisions).
5 1a. Industrial and manufacturing uses.
6 1b. Research and development establishments.
7 1c. Warehouse and wholesale establishments.
8 1d. Building materials and storage yards.
- 9 2. **Conditionally Permitted Uses:** The following uses shall be permitted only if expressly authorized by the Board of
10 Appeals in accordance with Section 480, and subject to any limitations and restrictions deemed necessary by the
11 Board.
12 2a. Any other industrial or manufacturing activity which, in the opinion of the Board of Zoning Appeals, will not
13 emit detrimental or obnoxious noise, vibrations, smoke, odor, dust, heat, or light, or create other objectionable
14 conditions beyond the limits of the District in which it is located.
15 2b. Automobile Car Wash: See Section 240.9.
- 16 3. **Accessory Uses:** Accessory uses and structures customary and incidental to any permitted use shall be allowed.
- 17 4. **Prohibited Uses:** No building or structure located within the I-1 District shall be used for any type of dwelling unit,
18 tourist home, rooming house, or group dwelling.
- 19 5. **Area, Setback, and Height Requirements:** As defined in Section 420 for the I-1 District.
- 20 6. **Off-Street Parking:**
21 6a. One (1) off-street parking space for each employee. If more than one (1) shift, use the combined total of
22 employees of the first two (2) shifts. In addition to employee parking, visitor parking shall be provided with
23 one (1) space per 6,000 square foot of floor space.
- 24 7. **Signs:** Any sign permitted in Section 320.4 of the C-1 District, and Section 340.5 of C-2 District.
25

1 **SECTION 380 P-1 Planned Unit Development District**

2
3 **Purpose:**

4 The purpose of planned unit development approval is to allow diversification in the relationships of various buildings,
5 structures, and open spaces in planned building groups and the allowable heights of the buildings and structures, while
6 insuring substantial compliance with the district regulations and other provisions of this Ordinance, in order that the
7 intent of this Ordinance in requiring adequate standards related to the public health, safety, and general welfare, shall
8 be observed without unduly inhibiting the advantages of modern large-scale site planning for residential, commercial,
9 or industrial purposes.

10 **Minimum Area:**

11 No application shall be made for an area of less than five (5) acres for a planned unit development.

12 **Streets and Sidewalks:**

- 13 (1) For safety and visibility, street construction shall conform to the Ohio Department of Highway's regulations in
14 effect on the date of the approval of the preliminary plat.
15 (2) Sidewalks and Curbs shall be required on both sides of the street in all residential subdivisions and for all
16 commercial lots.

17 **Drawings and Plans:**

18 The application shall be accompanied by a general development plan showing the use or uses, dimensions and
19 locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public
20 uses such as school and playgrounds, landscaping, and other open spaces, and architectural drawings and sketches
21 demonstrating the design and character of the proposed uses and the physical relationship of the uses. Such other
22 pertinent information shall be included as may be necessary to a determination that the contemplated arrangement or
23 use makes it desirable to apply regulations and requirements differing from those ordinarily under this Ordinance.

24 **Findings of Board:**

25 In order to grant a planned unit development permit, the Board shall find the following:

- 26 (a) The proponents of the planned unit development have demonstrated that they intend to start construction within
27 six (6) months of the approval of the project and any necessary zoning district change, and that they intend to
28 complete the construction within a reasonable time as determined by the Board.
29 (b) In the case of proposed residential developments:
30 That such development will constitute a residential environment of sustained desirability and stability, that it will
31 be in harmony with the character of the surrounding neighborhood and will result in an intensity of land utilization
32 no higher than, and standards of open spaces at least as high as permitted or specified otherwise for such
33 development in this Ordinance.
34 (c) In the case of proposed commercial developments:
35 That traffic congestion will not likely be created by the proposed center, or will be obviated by presently projected
36 improvements and by demonstrable provision in the plan for proper entrances and exits; and by internal provisions
37 for traffic and parking; that the development will be an attractive and efficient center which will fit harmoniously
38 into and will have no adverse effects upon the adjacent surrounding development.
39 (d) In the case of proposed industrial developments:
40 That such development is fully in conformity with applicable standards and will constitute an efficient and well
41 organized developments, with adequate provisions for railroad and/or truck access service and necessary storage;
42 that such development will have no adverse effects upon adjacent or surrounding development.
43 (e) The development of a harmonious, integrated whole justifies exceptions, if such are required, to the normal
44 requirements of this Ordinance.

45 **Revocation of Permit:**

46 A planned unit development permit may be revoked in any case where the conditions of such permit have not been or
47 are not being complied with, in which case the Board shall give the permittee notice of intention to revoke such permit
48 at least ten (10) days prior to review of the Permit by the Board. After conclusion of such review, the Board may
49 revoke such permit if it finds that a violation in fact exists and has not been remedied prior to such hearing.

50 **Expiration of Permit:**

51 In any case where a planned unit development permit has not been used within six (6) months after the date of granting
52 thereof, then without further action, the permit shall be null and void.
53

1 **SECTION 400 Special Purpose Flood Damage Prevention**

2
3 **SUBSECTION 1.0**
4 **STATUTORY AUTHORIZATION, FINDINGS OF FACT**
5 **PURPOSE AND OBJECTIVES**
6

7 **1.1 STATUTORY AUTHORIZATION**
8

9 ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and
10 control measures for promoting the health, safety and general welfare of its citizens. Therefore, the COUNCIL OF
11 THE VILLAGE OF NEW KNOXVILLE, State of Ohio does ordain as follows:
12

13 **1.2 FINDS OF FACT**
14

- 15 (1) The flood hazard areas of New Knoxville are subject to periodic inundation which may result in loss of life and
16 property, health and safety hazards, disruption of commerce and governmental services, extraordinary public
17 expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the
18 public health, safety and general welfare.
19
20 (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which
21 increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that
22 are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood
23 loss.
24

25 **1.3 STATEMENT OF PURPOSE**
26

27 It is the purpose of SECTION 400 of this Ordinance to promote the public health, safety and general welfare, and to
28 minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 29 (1) protect human life and health;
30 (2) minimize expenditure of public money for costly flood control projects;
31 (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the
32 expense of the general public;
33 (4) minimize prolonged business interruptions;
34 (5) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and
35 sewer lines, streets and bridges located in areas of special flood hazard;
36 (6) help maintain a stable tax base by providing for the proper use and development of areas of special flood
37 hazard so as to minimize future flood blight areas;
38 (7) ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
39

40 **1.4 METHODS OF REDUCING FLOOD LOSSES**
41

42 In order to accomplish its purposes, SECTION 400 of this Ordinance includes methods and provisions for:

- 43 (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or
44 which result in damaging increases in flood heights or velocities;
45 (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against
46 flood damage at the time of initial construction;
47 (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which
48 help accommodate or channel flood waters;
49 (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
50 (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or
51 which may increase flood hazards in other areas.
52

SUBSECTION 2.0
FLOOD DAMAGE PREVENTION DEFINITIONS ONLY

Unless specifically defined below, words or phrases used in this flood damage prevention SECTION 400 of this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this SECTION 400 its most reasonable application.

ACCESSORY STRUCTURE: means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

APPEAL: means a request for review of the New Knoxville Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD: means the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.

BASE FLOOD: means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.

BASEMENT: means any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT: means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): means the agency with the overall responsibility for administering the National Flood Insurance Program.

FLOOD OR FLOODING: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODWAY: means the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

FLOOD HAZARD BOUNDARY MAP: means the official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

FLOOD INSURANCE STUDY: means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

HISTORIC STRUCTURE: means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- (4) Individually listed on the inventory of historic places maintained by New Knoxville's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

1
2 **LOWEST FLOOR:** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood
3 resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area,
4 is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design
5 requirements specified in SECTION 400 of this Ordinance for enclosures below the lowest floor.
6

7 **MANUFACTURED HOME:** means a structure, transportable in one (1) or more sections, which is built on a permanent
8 chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term
9 "manufactured home" does not include a "recreational vehicle".
10

11 **MANUFACTURED HOME PARK:** means a parcel (or contiguous parcels) of land divided into two (2) or more
12 manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01
13 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.
14

15 **MANUFACTURED HOME SUBDIVISION:** means a parcel (or contiguous parcels) of land divided into two (2) or
16 more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in
17 Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.
18

19 **NEW CONSTRUCTION:** means structures for which the "start of construction" commenced on or after the initial
20 effective date of the New Knoxville Village's Flood Insurance Rate Map, and includes any subsequent improvements to
21 such structures.
22

23 **RECREATIONAL VEHICLE:** means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when
24 measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty
25 truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational,
26 camping, travel, or seasonal use.
27

28 **START OF CONSTRUCTION:** means the date the building permit was issued, provided the actual start of construction,
29 repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date.
30 The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of
31 slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the
32 placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as
33 clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation
34 for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the
35 property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the principal
36 building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling,
37 floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
38

39 **STRUCTURE:** means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally
40 above ground.
41

42 **SUBSTANTIAL DAMAGE:** means damage of any origin sustained by a structure whereby the cost of restoring the
43 structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the
44 damage occurred.
45

46 **SUBSTANTIAL IMPROVEMENT:** means any reconstruction, rehabilitation, addition, or other improvement of a
47 structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of
48 construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of
49 the actual repair work performed. The term does not, however, include:

- 50 (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety
51 code specifications which have been identified by the local code enforcement official and which are the minimum
52 necessary to assure safe living conditions;
- 53 (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued
54 designation as a "historic structure"; or
- 55 (3) Any improvement to a structure which is considered new construction.
56

57 **VARIANCE:** means a grant of relief from the standards of SECTION 400 of this Ordinance consistent with the variance
58 conditions herein.
59

1 **VIOLATION:** means the failure of a structure or other development to be fully compliant with this ordinance.
2
3

**SUBSECTION 3.0
GENERAL PROVISIONS**

3.1 LANDS TO WHICH SECTION 400 OF THIS ORDINANCE APPLIES

Section 400 of this ordinance shall apply to all areas of special flood hazard within the jurisdiction of New Knoxville as identified by the Federal Emergency Management Agency and referenced in subsection 3.2, including any additional areas of special flood hazard annexed by the Village.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study Auglaize County, Ohio and Incorporated Areas" effective September 6, 1989. This study, with accompanying "Flood Insurance Rate Map Auglaize County, Ohio and Incorporated Areas" effective September 6, 1989, and any revisions thereto is hereby adopted by reference and declared to be part of this ordinance. The study and map are on file at the Municipal Building, 101 South Main Street New Knoxville, Ohio 45871.

3.3 COMPLIANCE

No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of SECTION 400 of this Ordinance and all other applicable regulations which apply to uses within the jurisdiction of SECTION 400 of this Ordinance, unless specifically exempted from filing for a development permit as stated in Subsection 4.2, Exemption from Filing a Development Permit.

3.4 ABROGATION AND GREATER RESTRICTIONS

SECTION 400 of this Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where SECTION 400 of this Ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of SECTION 400 of this Ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body;
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of SECTION 400 of this Ordinance may be in conflict with a state law, such state law shall take precedence over the ordinance.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by SECTION 400 of this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. SECTION 400 of this Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. SECTION 400 of this Ordinance shall not create liability on the part of New Knoxville Village, any officer or employee thereof, of the Federal Emergency Management Agency, for any flood damage that results from reliance on SECTION 400 of this Ordinance or any administrative decision lawfully made there under.

1 **3.7 VIOLATIONS AND PENALTIES**

2
3 Violations of the provisions of SECTION 400 of this Ordinance or failure to comply with any of its requirements
4 shall constitute a misdemeanor of the fourth degree. Any person who violates SECTION 400 of this Ordinance or
5 fails to comply with any of its requirements (including violations of conditions and safeguards established in
6 connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the New
7 Knoxville Village. Each day such violation continues shall be considered a separate offense. Nothing herein
8 contained shall prevent the New Knoxville Village Council from taking such other lawful action as is necessary to
9 prevent or remedy any violation. The New Knoxville Village Council shall prosecute any violation of SECTION 400
10 of this Ordinance in accordance with the penalties stated herein.
11

12 **3.8 SEVERABILITY CLAUSE**

13
14 Should any section or provision of this ordinance be declared by the court to be unconstitutional or invalid, such
15 decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to
16 be unconstitutional or invalid.
17
18

**SUBSECTION 4.0
ADMINISTRATION**

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained from the New Knoxville Village Administrator before construction or development begins within any area of special flood hazard established in Subsection 3.2, Basis for Establishing the Areas of Special Flood Hazard. Application for a Development Permit shall be made on forms furnished by the New Knoxville Village Administrator and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required;

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
- (2) Elevation in relation to mean sea level to which any proposed structure will be flood proofed in accordance with Subsection 5.2-2(1) where base flood elevation data are utilized.
- (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Subsection 5.2-2(1) where base flood elevation data are utilized;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

4.2 EXEMPTION FROM FILING A DEVELOPMENT PERMIT

An application for a Development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000.00. Any proposed action exempt from filing for a Development permit is also exempt from the standards of SECTION 400 of this Ordinance.

4.3 DESIGNATION OF THE FLOOD DAMAGE PREVENTION ADMINISTRATOR

The New Knoxville Village Administrator is hereby appointed to administer and implement SECTION 400 of this Ordinance by granting or denying development permit applications in accordance with its provisions.

4.4 DUTIES AND RESPONSIBILITIES OF THE NEW KNOXVILLE VILLAGE ADMINISTRATOR

The duties and responsibilities of the New Knoxville Village Administrator shall include but are not limited to:

4.4-1 PERMIT REVIEW

- (1) Review all development permits to determine that the permit requirements of SECTION 400 of this Ordinance have been satisfied.
- (2) Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
- (3) Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Subsection 5.3(1) is met.
- (4) Inspect all development projects before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this ordinance.

4.4-2 USE OF OTHER BASE FLOOD ELEVATION AND FLOODWAY DATA

Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Subsection 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, are designated as Zone A on the community's Flood Insurance Rate Map (or Flood Hazard Boundary Map). Within these areas, the New Knoxville Village Council shall obtain review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Subsection 5.2-6, SUBDIVISIONS AND LARGE DEVELOPMENTS, in order to administer Subsection 5.2-1. SPECIFIC STANDARDS, Residential Construction; 5.2-2, SPECIFIC STANDARDS, Non-residential Construction and 5.3, FLOODWAYS.

4.4-3 INFORMATION TO BE OBTAINED AND MAINTAINED

Where base flood elevation data is utilized within areas of special flood hazard on a community's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply;

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor.
- (2) For all new or substantially improved flood proofed non residential structures:
 - (i) verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and,
 - (ii) maintain the flood proofing certifications required in Subsection 4.1(3).
- (3) Maintain for public inspection all records pertaining to the provisions of SECTION 400 of this Ordinance.

4.4-4 ALTERATION OF WATERCOURSES

- (1) Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A water course is considered to be altered if any change occurs within its banks.
- (2) Maintain engineering documentation required in Subsection 4.1(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
- (3) Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

4.4-5 INTERPRETATION OF FLOOD BOUNDARIES

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (i.e., where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 4.5, VARIANCE PROCEDURE.

4.5 VARIANCE PROCEDURE

4.5-1 Appeal Board

- (1) The appeal board as established by the Council of the Village of New Knoxville shall hear and decide appeals and requests for variances from the requirements of SECTION 400 of this Ordinance.
- (2) The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Village Administrator in the enforcement of SECTION 400 of this Ordinance.
- (3) Those aggrieved by the decision of the appeal board or any taxpayer, may appeal such decision to the Auglaize County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
- (4) In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, standards specified in other sections of Ordinance SECTION 400, and;
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage.
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;

- (v) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vi) the necessity to the facility of a waterfront location, where applicable;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of Subsection 4.5(4) and the purposes of SECTION 400 of this Ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of SECTION 400 of this Ordinance.
- (6) The Village Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

4.5-2 CONDITIONS FOR VARIANCES

- (1) Variances shall not be issued within any designated floodway if any increase in base flood levels would result.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Subsection 4.5(4) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (5) Variance shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (iii) a determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in SECTION 400 of this Ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection 4.5-1(4), or conflict with existing local laws or ordinances.
 - (iv) a determination that the structure or other development is protected by other methods to minimize flood damages.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (7) Variances may only be issued where due to physical characteristics of the property compliance with requirements of this ordinance creates an exceptional hardship. Increased cost or inconvenience of meeting the requirements of this ordinance do not constitute an exceptional hardship.

SUBSECTION 5.0
PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazard the following standards are required:

5.1-1 ANCHORING

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All manufactured homes, not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designated and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 UTILITIES

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code;

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

- (1) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of Subsection 5.2-6 SUBDIVISIONS AND LARGE DEVELOPMENTS.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data have been provided as set forth in Subsection 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD; Subsection 4.4-2, USE OF OTHER BASE FLOOD ELEVATION AND FLOODWAY DATA; or Subsection 5.2-6, SUBDIVISIONS AND LARGE DEVELOPMENTS, the following provisions are required:

1 **5.2-1 RESIDENTIAL CONSTRUCTION**

- 2
3 (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including
4 basement, elevated to the base flood elevation.
5

6 **5.2-2 NONRESIDENTIAL CONSTRUCTION**

- 7
8 (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall
9 either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together
10 with attendant utility and sanitary facilities, shall:
11 (i) be flood proofed so that the structure is watertight with walls substantially impermeable to the passage of
12 water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the
13 structure should be flood proofed at least one (1) foot above the base flood elevation.
14 (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of
15 buoyancy; and,
16 (iii) be certified by a registered professional engineer or architect that the design and methods of construction are
17 in accordance with accepted standards of practice for meeting the standards of this subsection. Such
18 certification shall be provided to the official as set forth in Subsection 4.1(3).
19

20 **5.2-3 ACCESSORY STRUCTURES**

- 21
22 (1) A relief to the elevation or dry flood proofing standards may be granted for accessory buildings (e.g., sheds,
23 detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the
24 encroachment provisions of Subsection 5.3(1) and the following additional standards:
25 (i) they shall not be used for human habitation;
26 (ii) they shall be designed to have low flood damage potential;
27 (iii) they shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of
28 flood waters;
29 (iv) they shall be firmly anchored to prevent flotation; and,
30 (v) service facilities such as electrical and heating equipment shall be elevated or flood proofed.
31

32 **5.2-4 MANUFACTURED HOMES AND RECREATIONAL VEHICLES**

33
34 The following standards shall apply to all new and substantially improved manufactured homes not subject to the
35 manufactured home requirements of Section 3733.01, Ohio Revised Code:

- 36 (1) Manufactured homes shall be anchored in accordance with Subsection 5.1-1(2).
37 (2) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured
38 home is at the base flood elevation.
39

40 These standards also apply to recreational vehicles that are either;

- 41 (i) located on sites for 180 days or more, or
42 (ii) are not fully licensed and ready for highway use.
43

44 **5.2-5 ENCLOSURES BELOW THE LOWEST FLOOR**

45
46 The following standards apply to all new and substantially improved residential and nonresidential structures which
47 are elevated to the base flood elevation using pilings, columns, or posts. Fully enclosed areas below the lowest floor that
48 are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject
49 to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry
50 and exit of floodwaters. Designs for meeting this requirement must:

- 51 (1) Be certified by a registered professional engineer or architect, or,
52 (2) Must meet or exceed the following criteria:
53 (i) a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square
54 foot of enclosed area subject to flooding shall be provided.
55 (ii) the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with
56 screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of
57 floodwaters.
58

5.2-6 SUBDIVISIONS AND LARGE DEVELOPMENTS

In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Subsection 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Subsection 4.4-2, USE OF OTHER BASE FLOOD ELEVATION DATA, the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):

- (1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
- (2) If Subsection 5.2-6(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection 5.1, GENERAL STANDARDS, and Subsection 5.2, SPECIFIC STANDARDS.

5.3 FLOODWAYS

A floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The Flood Insurance Rate Map (or Flood Hazard Boundary Map) does not designate a floodway. However, floodways may be delineated in other sources of flood information as specified in Subsection 4.4-2. The following provisions apply within all delineated floodway areas:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Subsection 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection 5.2, SPECIFIC STANDARDS.
- (3) Any encroachment within the floodway that would result in any increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Village Administrator to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.

SECTION 420 Table of District Regulations

The following table provides the minimum parcel or lot size, minimum floor area per family, minimum lot width, minimum setbacks, and height limitations for all zoning districts in the Village of New Knoxville. When more than one footage condition applies, the maximum footage condition shall always take precedence.

ZONING DISTRICT	MINIMUM LOT SIZE SQUARE FEET	MINIMUM FLOOR AREA PER FAMILY SQUARE FEET (J)	MINIMUM LOT WIDTH (B)	MINIMUM BUILDING SETBACK LINES Note: When more than one setback condition applies below, the maximum footage condition shall always take precedence. (C)			MAXIMUM BUILDING HEIGHT (A)
				Front	Side	Rear	
R-1: Single Family	13,560 Corner Lot, 15,000	Single 1600; 2000 other than one story	90 FEET	35 FEET (D)	15 FEET (E) (F) (D)	35 FEET 10 FEET FOR ACCESSORY BUILDING (D)	35 FEET
R-2: Single & Double Family	10,560 Corner Lot, 12,000	Single 1300; 1600 other than one story Double 950; 1200 other than one story	80 FEET	35 FEET (D)	10 FEET (E) (F) (D)	35 FEET 10 FEET FOR ACCESSORY BUILDING (D)	35 FEET
R-3: Multi Family	10,560 Corner Lot, 12,000 5,200 per unit	Single – same as R-2 District Double – same as R-2 District Multi 840; 1000 other than one story	80 FEET	25 FEET (D)	10 FEET (E) (F) (D)	25 FEET 10 FEET FOR ACCESSORY BUILDING (D)	40 FEET
C-1: Central Commercial	10,000	N/A	80	25 (D)	8 FEET (D) (G)	25 FEET	45 FEET
C-2: General Commercial	10,000	N/A	85 FEET	40 FEET (D)	8 FEET (D) (G)	25 FEET	45 FEET
I-1: Industrial	20,000	N/A	125 FEET	50 FEET (D)	20 FEET (H)	35 FEET (H)	45 FEET
P-1: Planned Unit Development	To Be Determined	To Be Determined	To Be Determined	To Be Determined	To Be Determined	To Be Determined	To Be Determined

Footnotes:

- (A) The Maximum Building Height shall be measured to the highest point of the roof structure excluding chimneys.
- (B) The Minimum Lot Width required for each district shall also be the minimum frontage (Front Lot Line) required on an improved and dedicated street.
- (C) Any roof overhang including drain spouting (gable extension or eave) extending past the principal building more than thirty (30) inches, shall have that portion of the overhang figured into the setback requirements for the building. Also see Section 540 definitions (Setback Line).
- (D) Twenty (20) feet for an accessory building if there is a vehicular entrance to the building from a street or alley, and the vehicular entrance is perpendicular (90°) to the street or alley.
- (E) The following applies to lots that have less than seventy-five (75) foot frontage which were plotted before Ordinance 10-74 was put into effect, which was October 7, 1974. The minimum side yard width may be 10% of the frontage or 1/2 the height of the structure, whichever is greater, but never less than five (5) feet.
- (F) Or 1/2 the height of the structure, whichever is greater.
- (G) When abutting any residential district, a side yard of fifteen (15) feet is required.
- (H) When abutting any residential district, a side or rear yard, or both of fifty (50) feet is required.
- (J) A single story Principal Building must have a minimum left-to-right and front-to-back dimension of thirty (30) feet measured at the base; and have a minimum 4:12 roof pitch on all sections of the roof.

SECTION 430 Property Maintenance

Purpose and Intent

This Section shall be known as the "Property Maintenance Regulations of New Knoxville." The purpose of this Section is to protect the public health, safety, and general welfare by establishing minimum standards governing the exterior maintenance, condition and appearance of residential and non-residential structures and premises; to fix responsibilities and duties upon owners and occupants of structures with respect to sanitation, repair and maintenance; to authorize and establish procedures for the inspection of premises; and to fix penalties for violations of this Section.

Validity

The provisions in this Section shall not be construed to prevent the enforcement of other ordinances or regulations, which prescribe standards other than, are herein. In the event of conflict between any provisions of this Section, including any rules and regulations adopted pursuant to this Section and any provisions of the Section or ordinances of the Village, including rules and regulations adopted pursuant to such ordinances, the more restrictive provisions shall prevail.

Applicability

This Section shall apply to all structures and premises within the Village of New Knoxville,

Definitions

For the purpose of this Section, certain terms and words are hereby defined. 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"; and the word "shall" is mandatory and not discretionary.

- (a) **Deterioration** means the condition or appearance of the exterior of the building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect or lack of maintenance.
- (b) **Dumpster** means a large waste receptacle designed to be emptied into a refuse truck, or a large roll-off waste receptacle designed to be loaded on a truck. The dumpster is intended for construction related materials, and never for kitchen waste, yard waste or animal waste.
- (c) **Exterior of the Premises** means those portions of a building which are exposed to public view and the open space of any premises outside of any building.
- (d) **Garbage** means animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (e) **Infestation** means the presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.
- (f) **Nuisance** means that which is defined by the statutes of the State of Ohio and declared thereby to be a nuisance and also including conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist and where the conditions are perilous by active and negligent operation thereof and unsanitary conditions are anything offensive to the senses or dangerous to health.
- (g) **Occupant** means any person living and sleeping in a dwelling unit or having actual possession of said dwelling unit or any person who leases or rents a nonresidential building, structure or any portion thereof
- (h) **Owner** means any person, who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without the accompanying actual possession thereof; or shall have charge, care or control as owner or agent of the owner; or as executor, administrator, trustee, receiver or guardian of the estate, or as a mortgagee in possession.
- (i) **Person** includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee.
- (j) **Premises** mean a lot, plot or parcel of land, including the buildings or structures thereon.
- (k) **Property Maintenance Officer** means the Village Zoning Administrator of the Village of New Knoxville or his duly assigned representative(s).
- (l) **Refuse** means all putrescible and nonputrescible solid wastes (except body wastes) including but not limited to garbage, rubbish, ashes, dead animals, and industrial wastes; an accumulation of brush, broken glass, stumps and roots that present a safety hazard and includes garbage, trash and debris which present an unsanitary and/or safety hazard.
- (m) **Rubbish** means non putrescible solid waste consisting of both combustible and non-combustible wastes such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, crockery, plastics and similar materials.

1 **Maintenance Responsibility**

2 No owner, agent or occupant of any premises shall maintain or permit to be maintained at or on the exterior property areas
3 of such premise any condition, which deteriorates or debases the appearance of the neighborhood; or creates a fire, safety
4 or health hazard; or which is a public nuisance.

5
6 The owner shall be responsible for ensuring that the premises are maintained in good repair and appearance is in
7 compliance with this Section. Occupants shall be responsible for maintaining, in a clean and sanitary condition, these
8 premises or portion thereof, which they occupy and/or control. In the case of commonly held properties associated with
9 condominiums or similar projects, it shall be the responsibility of the designated homeowner's association or similar
10 organization to maintain those items that are under their direct ownership or control.

11
12 **Maintenance Required**

13 All exterior parts of every dwelling structure and accessory structures, including decorative additions, chimneys, fences
14 and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weather tight,
15 and so as to resist decay or deterioration from any cause.

16
17 Any dwelling structure or accessory structure whose exterior surface is deteriorated must be repaired or razed.

18
19 **Infestation**

20 All structures and the premises thereof shall be maintained free of vermin, rodents and other pests, and free of sources of
21 breeding, harborage and infestation by such vermin, rodents and other pests.

22
23
24 **EXTERIOR PROPERTY AREAS**

25
26 **Premises to be Maintained**

27 No owner or occupant of any premises shall maintain or permit to be maintained at or on the exterior property areas of such
28 premises any of the following:

- 29 (a) Broken or dilapidated fences, walls, or other structures.
30 (b) Rugs, rags, or other materials hung on lines or in other places or the premises, which materials are not being used for
31 general household or housekeeping purposes.
32 (c) Broken, dilapidated or unusable furniture, mattresses or other household furniture, broken glass, plastic materials,
33 paints, miscellaneous coverings, and/or any other material, including those described in this section, placed at or on
34 the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses.
35 (d) Any garbage of animal and vegetable waste resulting from handling, preparation, cooking and consumption of food.

36
37 **Dumpsters**

38 Pertaining to the use of in New Knoxville's residentially zoned districts: The use of dumpsters in all residentially zoned
39 districts is prohibited except for the temporary disposal of construction materials. A dumpster shall never be used for
40 kitchen waste, yard waste or animal waste. The maximum amount of time a dumpster may be on a residentially zoned lot
41 is thirty (30) days unless a longer period of time is requested by the property owner and approved by the Property
42 Maintenance Officer. The dumpster should always be located on private property. In the event it is impossible to locate
43 the dumpster on private property during the construction, the property owner must receive permission from the Village
44 Administrator to place the dumpster on a street, alley or other public property. If permission is given to place a dumpster
45 on public property, the Village Administrator may require the property owner to supply traffic barriers, reflectors, etc. to
46 the satisfaction of the New Knoxville Police Chief.

47
48 **Rank Vegetation**

49 Lawns and landscaping on private property and as well as within a public right-of-way shall be kept from becoming
50 overgrown and unsightly and shall be maintained so as not to constitute a blighting or deteriorating effect on the
51 surrounding neighborhood.

52
53 **Dead Trees and Branches**

54 No owner or occupant of any premises shall permit a dead tree to stand that might endanger anyone should all or part of it
55 fall. No such owner or occupant shall permit a dead branch to overhang a public sidewalk or roadway.

56
57 **Property Maintenance Officer**

58 It shall be the responsibility and duty of the Property Maintenance Officer to enforce and administer the provisions of the
59 Section.

1
2 **Responsibilities of Owner**

3 Owners shall have the duties and responsibilities as prescribed in this Section and no owner shall be relieved from any such
4 duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the
5 occupant is also responsible therefore and in violation thereof.
6

7 **Notice of Violation**

8 Where a violation of this Section is found to exist, a written notice from the Property Maintenance Officer shall be served
9 upon the person or persons responsible for the corrections thereof. Said notice shall specify the violation or violations
10 committed and a reasonable period of time to correct or abate said violation.
11

12 Service of said notice shall be by certified mail addressed to the owner and/or occupant at his residence or to the tax
13 mailing address as indicated by the records of the Village or by delivery to the residence of the owner and/or occupant by
14 delivery to said individuals at the premises.
15

16 **Time Extension for Compliance**

17 Where the owner and/or occupant of a premises is unable to comply with a notice of violation within the time period
18 specified; the owner, within two (2) weeks of the notice of nonconformance; may enter into a written agreement with the
19 Property Maintenance Officer detailing a program to abate non-conformance within a reasonable time limit.
20

21 **Failure to Comply**

22 Whenever the owner and/or occupant of a structure or premises fails, neglects, or refuses to comply with any notice of the
23 Property Maintenance Officer within the time period specified in said notice, the Property Maintenance Officer shall
24 proceed as provided by law.
25

26 **Abatement of Violations**

27 Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions within
28 the time period specified in said notice, the Property Maintenance Officer shall cause such violation to be corrected,
29 removed or abated. The Property Maintenance Officer may contract with a private person or firm to accomplish said task.
30 The actual cost of bringing the property into compliance plus 15% for inspections and administration shall be billed to the
31 owner. If said bill is not paid within thirty (30) days after submission, then the Clerk of Council shall certify said costs
32 together with a 10% penalty to the Auglaize County Auditor for placement on the tax duplicate to be collected as other
33 taxes for return to the Village.
34

35 **Prosecution of Violations**

36 Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions of this
37 Section, said owner or occupant shall be considered to be in violation of this Section and the Property Maintenance Officer
38 shall proceed at law to compel compliance and to prosecute said violation.
39

40 **Appeals**

41 Any owner and/or occupant who is served a notice of violation of any of the provisions of this Section may within ten (10)
42 days of receipt of said notice appeal the findings of the Property Maintenance Officer. Such appeal shall be made by filing
43 with the Village Mayor a "notice of appeal." Said appeal shall be scheduled for a hearing before the Board of Zoning
44 Appeals.
45

46 **UNLICENSED AND JUNK MOTOR VEHICLES**

47
48 (a) Purpose. The accumulation and storage of unlicensed, abandoned, wrecked, junked, partially dismantled or
49 inoperative motor vehicles, on private property, which motor vehicles are in the nature of rubbish or unsightly debris,
50 violates regulations of the Village and constitutes a nuisance detrimental to the health, safety and welfare of the community
51 in that such conditions tend to interfere with the enjoyment of and reduce the value of private property, invite plundering,
52 create fire hazards and other safety and health hazards to minors as well as adults, interfere with the comfort and well-being
53 of the public and create, extend and aggravate urban blight, and that the public health, safety and general welfare require
54 that such conditions be regulated, abated, and prohibited
55

56 (b) Storage on Private Property. No person shall park, store or leave, or permit the parking or storing of any
57 unlicensed motor vehicle or any vehicle in a wrecked, junked, partially dismantled, inoperative or abandoned condition,
58 whether attended or not, for a period of five (5) calendar days upon any private property within the Village, unless it is in

1 connection with a business enterprise operated in a lawful place and manner and licensed as such, when necessary to the
2 operation of the business enterprise.

3
4 (c) For the purposes of the section, a motor vehicle shall be deemed to be in wrecked or junk condition if any of the
5 following apply:

- 6
7 1. The vehicle is extremely damaged, including but not limited to any of the following:
8 Missing tires, wheels, motors or transmissions;
9
10 2. The vehicle is apparently inoperable;
11
12 3. The vehicle is unlicensed or
13
14 4. The vehicle is deemed to be detrimental to the aesthetics of the neighborhood.

15
16 d) Definitions. The following words or terms, when used herein, shall be deemed to have meaning set forth
17 below:

18
19 (1) Abandoned vehicle: the term "abandoned vehicle" shall include without
20 limitation, any vehicle trailer, and or trailer coach which has remained on private property for a
21 period of forty eight (48) continuous hours or more without the consent of the owner or occupant of the
22 property, or for a period of forty-eight
23 (48) continuous hours or more after the consent of the owner or occupant has been revoked or which
24 has not been removed as provided herein after notice that it is in
25 violation of this Ordinance.

26
27 (2) Dismantled vehicle: the term "dismantled vehicle" shall include dismantled and partially dismantled
28 vehicle, trailer, or trailer coach from which some part of parts which are ordinarily a component of such
29 vehicle, trailer, or trailer coach, have been removed or is missing.

30
31 (3) Vehicle: as used in this Ordinance, the term "vehicle" shall include but not be limited to mean any
32 motor vehicle which is designed to be driven upon a public highway or any other place, including a lake pond or stream
33 and which is self-propelled, or intended to be self-propelled, and which is otherwise known as a motor vehicle, car,
34 automobile, motorcycle, all-terrain vehicle, or motor boat.

35
36 (4) Trailer Coach: as used in this Ordinance, the term "trailer coach: shall include but not be limited to
37 any house trailer, trailer home, house car, or similar vehicle used or so constructed as to permit it being used as a
38 conveyance or to be conveyed upon the public streets or highways licensed or able to be licensed as such, including any
39 sled-propelled vehicle, so designed, constructed, reconstructed or added to by means of accessories in such manner as will
40 permit the occupancy thereof as a dwelling, a sleeping place, or a resting place for one or more person; and which shall
41 include any part of such vehicle regardless of whether the wheels have been removed or the main body being supported on
42 the ground by a foundation, blocks, jacks or other means of support.

43
44 (5) Trailer: as used in this Ordinance, the term "trailer" shall include any structure upon which wheels are
45 attached and which is intended to be towed or pulled behind a motor vehicle and which requires registration under the laws
46 of the State of Ohio.

47
48 (6) Unused or Unusable vehicle, trailer, and/or trailer coach: an unused or unusable vehicle trailer, or
49 trailer coach includes but is not limited to vehicles, trailers, or trailer coaches which, because of
50 mechanical condition, structural integrity or missing parts thereon are inoperable or in violation of the
51 Ohio Revised Code, the Codified ordinances of the Village of New Knoxville, Ohio, the New Knoxville
52 Village Zoning Code or because of lack of insurance or registration by Ohio statutes for public roadway
53 use either of which is stored or parked for a period of thirty or more consecutive days in one location,
54 unused or unusable vehicle, trailer and/or coach shall include:
55

1
2 a. A vehicle or self-propelled trailer coach which by reason of dismantling, disrepair or
3 other cause is incapable of being propelled under its own power; or,
4

5 b. A vehicle, trailer or trailer coach which is eligible to be licensed for use upon the
6 highways of the State of Ohio, and which is not licensed for a period in excess of (6)
7 months; except unlicensed but operative motor vehicles which are kept as stock and trade of a regular
8 licensed and established new or used car dealer, trailer dealer or trailer coach dealer or lessor thereof or vehicles,
9 trailers or trailer coaches which are on the premises of a licensed junk dealer; or,
10

11 c. A vehicle, trailer, or coach not eligible to be licensed for use upon the highways of the
12 State of Ohio, but which is eligible to be registered under the laws of the State of Ohio
13 which is not registered pursuant to the laws of the State of Ohio, whether or not such
14 registration is mandatory.
15

16 304.02 REMOVAL REQUIRED

17

18 The accumulation and storage of one or more such motor vehicles in violation of the provisions of this section shall
19 constitute rubbish and unsightly debris, and shall constitute a nuisance detrimental to the health, safety and general welfare
20 of the inhabitants of the Village. It shall be the duty of the owner of such vehicle, and it shall be the duty of the person in
21 charge or control of the private property upon which such motor vehicle is located, whether owner, tenant, occupant,
22 lessee, or otherwise, to remove the same to a place of lawful storage, or to have the
23 motor vehicle housed within a building where it will not be visible from the street.
24

25 304.03 NOTICE TO REMOVE

26

27 Whenever there are reasonable grounds to believe that a violation of the provisions of this section exists, the Chief of
28 Police or Mayor, shall give or cause to be given, a written notice to the registered owner of any motor vehicle which is in
29 violation of this section, or to the owner or person in lawful possession or control of the private property upon which such
30 motor vehicle is located, whether owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful
31 storage, or to have the motor vehicle housed within a building where it will not be visible
32 from the street.
33

34 304.04 REMOVAL BY VILLAGE

35

36 If the registered owner of any motor vehicle which is in violation of this section, or the owner or person in lawful
37 possession or control of the private property upon which the same is located, fails, neglects, or refuses to remove or house
38 such abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle in accordance with the notice given
39 pursuant to the provisions of this section, the Chief of Police or Mayor may remove and dispose of such motor vehicle.
40

41 Whoever is in violation of this section is guilty of abandoning motor vehicle, a minor misdemeanor, and in addition to any
42 other penalty, shall be assessed any costs incurred by the municipality in disposing of such abandoned motor vehicle, less
43 any money accruing to the municipality from the disposal.
44

45 304.05 RIGHT OF ENTRY

46

47 The Chief of Police or Mayor, and any agent appointed by the Mayor, and employee of such appointed agent, and
48 authorized officer are hereby expressly authorized to enter upon private property for the purpose of enforcing the
49 provisions of the Ordinance. No person shall interfere, hinder, or refuse to allow them to enter upon private property for
50 such purposes and to remove any motor vehicle in accordance with the provisions of the section. Any person to whom
51 notice was given shall have the right to remove or house such motor vehicle in accordance with such
52 notice at his own expense at any time prior to the arrival of the Chief of Police or Mayor, for the purpose of removal.
53

54 304.06 PENALTY

55

1 Whoever violates this section is guilty of a minor misdemeanor, punishable by a fine of up to \$150. There is no jail time
2 for a minor misdemeanor. misdemeanor of the fourth degree.

3
4 Each day on which a violation occurs or continues shall be deemed a separate violation, the second violation invokes a
5 fourth-degree misdemeanor with a fine up to \$250 and possible 30 days in jail.

1 **SECTION 440 Dangerous Buildings**

2
3 **1. DEFINITION**

4 The term "dangerous buildings", as used in this chapter, is hereby defined to mean and include:

- 5 (a) Any building, shed, fence or other manmade structure which is dangerous to the public health because of its
6 condition and which may cause or aid in the spread of a disease or injury to the health of the occupants of such
7 structure or neighboring structures;
- 8 (b) Any building, shed, fence or other manmade structure which, because of faulty construction, age, lack of proper
9 repair or other cause, is especially liable to fire and constitutes or creates a fire hazard;
- 10 (c) Any building, shed, fence or other manmade structure which, because of faulty construction, age, lack of proper
11 repair or other cause, constitutes or creates a safety hazard;
- 12 (d) Any building, shed, fence or other manmade structure whose interior walls or other vertical structural members
13 list, lean or buckle to an extent that a plumb line passing through the center of gravity falls outside the middle
14 third of its base;
- 15 (e) Any building, shed, fence or other manmade structure which has been so damaged by fire, wind or other cause as
16 to be dangerous to the life, safety, morals or general health and welfare of the residents of the Village;
- 17 (f) Any building, shed, fence or other manmade structure which, by reason of faulty construction or any other cause,
18 is liable to cause injury or damage by collapsing or by the collapse or fall of any part of such structure; and
- 19 (g) Any building, shed, fence or other manmade structure which, because of its condition or because of lack of doors
20 or windows, is available to and frequented by malefactors or disorderly persons who are not lawful occupants of
21 such structure.

22
23 **2. DECLARATION OF NUISANCE**

24 All dangerous buildings, as defined in Section 440, are hereby declared to be public nuisances.

25
26 **3. RESPONSIBILITY OF OWNERS, OCCUPANTS AND CUSTODIANS**

27 No person shall maintain or permit the existence of any dangerous building in the Village. No owners, occupant or person
28 in custody of any dangerous building shall permit the same to remain in a dangerous condition or occupy such building or
29 permit it to be occupied which is or remains in a dangerous condition.

30
31 **4. ORDERS TO REPAIR OR RAZE**

32 Whenever the Village Administrator or his designated representative(s) is of the opinion that any building or structure in
33 the Village is a dangerous building, such official shall thereupon cause a written order to be served upon the owner thereof,
34 upon the occupant thereof, and upon the holder of any encumbrance of record, to repair and make safe said building or to
35 raze and remove said building, at the owner's option. Any repairs shall be made in accordance with the requirements of
36 any applicable law of the State or ordinance of the Village.

37
38 **5. CONTENTS AND SERVICE OF ORDERS**

39 Any order for the repair or razing of the structure as herein set forth shall specify a time period within which the owner
40 shall comply therewith, which period shall not be less than thirty (30) days, and shall specify the needed repairs. Said
41 order shall be served upon the owner of record and upon the holder of any encumbrance of record upon such real estate in
42 the manner provided for service of a summons by a court of record. If the owner or holder of an encumbrance of record
43 cannot be found, the order may be served by posting it on main entrance of a building and by publishing it once a week for
44 successive weeks in a newspaper authorized to provide service by publication.

45
46 **6. APPEAL OF ORDER**

47 Any interested person may appeal an order to repair or raze to the Board of Building Appeals.

48
49 **7. NONCOMPLIANCE WITH ORDER; REMEDY OF VILLAGE**

50 Whenever the owner of a property fails to comply with a repair or demolition order within the time prescribed, the Village
51 may cause the structure or part thereof to be repaired or razed and removed, either through an available public agency or
52 contract or arrangement with private persons, and the total cost of such repair or razing and removal shall be charged
53 against the real estate upon which the structure is located, in accordance with Ohio Revised Code 715.26, and shall be a
54 lien upon such real estate.

1 **8. BOARD OF BUILDING APPEALS**

2 The members of the New Knoxville Planning Commission as established by Section 713.01 of the Ohio Revised Code,
3 other than the Mayor and the Village Administrator, shall be designated as the Board of Building Appeals for the purposes
4 of appeals under this chapter. When acting as the Board of Building Appeals, a majority of the members of such Board
5 shall constitute a quorum. No member of the Board shall vote upon any question of which he or she has a financial or
6 personal interest, either directly or indirectly. Members of the Board shall serve without pay.

7
8 **9. MEETINGS, RECORDS AND PROCEDURE**

- 9 (a) Meetings of the Board of Building Appeals shall be held at the call of the Chairperson and at such other times as
10 the Board may determine. All hearings before the Board shall be open to the public. The Board shall keep
11 minutes of its proceedings, showing the vote of each member upon every question, or the absence or failure to
12 vote of each member upon every question, and shall also keep records of its examinations and other official
13 actions. Such minutes and records shall be public records.
14 (b) The Board shall establish rules and regulations of its own procedure which are consistent with the provisions of
15 this chapter. Board members shall, annually, by majority vote, select one of their number to serve as Chairperson
16 and until their successors are elected and qualified.

17
18 **10. POWERS**

19 The Board of Building Appeals shall have the power, subject to limitations and in a manner set forth in this Building Code, to:

- 20 (a) Affirm or reverse in whole or in part, or modify, any decision of the Village Administrator or his or her designee
21 in interpreting the provisions of this chapter;
22 (b) Vary the application of any provisions of this chapter to any particular case when, in its opinion, enforcement
23 thereof would be manifest injustice and/or would be contrary to the spirit and the purpose of this chapter or the
24 public interest;
25 (c) Determine any requirement for the strength or stability of an existing building or structure, or for the safety or
26 health of the occupants thereof, not specifically covered by this chapter or not readily interpretable from the
27 provisions of this chapter.

28
29 **11. APPEALS**

- 30 (a) Any person aggrieved by an action of the Village Administrator or his or her designee, may take an appeal to the Board
31 of Building Appeals.
32 (b) An appeal shall be made within ten (10) days from the date of the decision appealed by filing with the Village
33 Administrator or his or her designee and with the Board a notice of appeal, specifying the grounds therefore, and by
34 paying a fee of twenty dollars (\$20.00) with the Village Administrator or his or her designee. The Village
35 Administrator or his or her designee shall forthwith transmit to the Board all the papers pertaining to the decision from
36 which the appeal was made. Any expense of the Board in evaluating the merits of an appeal shall be borne by the
37 appellant.
38 (c) The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof, and at least ten (10) days
39 notice to the parties of interest, and decide upon the appeal within a reasonable time after it is submitted. At the hearing,
40 any party may appear in person, or by his or her agent or attorney.
41 (d) The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. Every decision of the
42 Board shall be in writing and shall indicate the vote upon a decision. Every decision shall be promptly filed with the
43 office of the Village Administrator or his or her designee and shall be open to public inspection. A certified copy shall
44 be sent by mail or otherwise to the appellant or other interested party, and a copy shall be kept publicly posted in the
45 office of the Village Administrator or his or her designee for two (2) weeks after filing.
46 (e) The Board, after a public hearing, may vary the application of any provision of this chapter to any particular case when,
47 in its opinion, enforcement thereof would be manifest injustice and/or would be contrary to the spirit and purpose of this
48 chapter or the public interest, or when, in its opinion, the interpretation of the Village Administrator or his or her
49 designee should be modified or reversed. A decision of the Board to vary the application of any provision of this
50 chapter or to modify an order of the Village Administrator or his or her designee shall specify in what manner such
51 variation or modification is made, the conditions upon which it is made and the reasons therefor.
52 (f) If a decision of the Board reverses or modifies a refusal, order or disallowance of the Village Administrator or his or
53 her designee, or varies the application of any provision of this chapter, the Village Administrator or his or her designee
54 shall take action immediately in accordance with such decision.
55 (g) Any person aggrieved by a decision of the Board, whether or not such person is a previous party to the decision, or any
56 Municipal Officer or official board of the Village, may apply to the appropriate court, in accordance with law.
57

1 **SECTION 460 Administration and Enforcement**
2

- 3 1. There is hereby established the office of Zoning Administrator. It shall be the duty of the Zoning Administrator to
4 enforce this Ordinance in accordance with the provisions hereof. The Zoning Administrator shall issue all zoning and
5 building permits.
- 6 2. Every request for a building, zoning, or location application/permit shall be accompanied by a \$20.00 fee. Every
7 application for a building and zoning permit, conditionally permitted use or variance shall be accompanied by a scale
8 drawing in duplicate showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in
9 whole or in part; the location, size, and height of any building or structure to be erected or altered; the existing or
10 intended use of each building or structure or part thereof, the number of families or housekeeping units the building is
11 designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be
12 made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to
13 determine and provide for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the
14 owner, when such plans have been approved by the Zoning Administrator, together with such building and zoning
15 permit as may be granted.
- 16 3. The Zoning Administrator shall act upon all applications on which he is authorized to act by the provisions of this
17 Ordinance within five (5) days after these are filed in compliance with all the applicable requirements. He shall either
18 issue a Building and Zoning Permit with said five (5) days or shall notify the applicant in writing of his refusal of such
19 permit and the reasons therefore. Failure to so notify the applicant in case of such refusal with said five (5) days shall
20 entitle the applicant to submit his request to the Board of Zoning Appeals.
21

1 **SECTION 480 Board of Zoning Appeals**

- 2
- 3 1. The Board shall consist of five (5) members, appointed by the Mayor and approved by the Village Council, for terms
- 4 of five (5) years. Vacancies shall be filled in the same manner for the unexpired term. Members currently serving per
- 5 Ordinance O-2004-12-02 may continue to serve their unexpired terms under this Ordinance O-2007-06-02. The
- 6 members of the Board shall serve at such compensation as may be fixed by ordinance.
- 7 2. The Board shall adopt rules and regulations consistent with this Ordinance. Regular meetings of the Board shall be
- 8 held at such times as the Board may determine, and shall be specified in the rules and regulations of the Board. The
- 9 Mayor shall appoint a chairman, vice-chairman, and a secretary. Special meetings may be called by the chairman or,
- 10 in his absence by the vice-chairman. There shall be a fixed place of meeting and all meetings shall be open to the
- 11 public.
- 12 2a. The Board shall keep minutes of its proceedings, showing the action of the Board and the vote of each member
- 13 upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of all its official
- 14 actions, all of which shall be filed promptly in the office of the Mayor and shall be a public record. The
- 15 presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of said
- 16 Board shall be necessary to reverse an order, requirement, decision, or determination of the Zoning
- 17 Administrator or the Planning Commission. The Board shall act by Resolution, and a copy of each Resolution
- 18 duly adopted shall be filed in the office of the Mayor.
- 19 3. The Board shall act in strict accordance with the procedures specified by this Section. All appeals made to the Board
- 20 shall be in writing, and shall be filed with the secretary at least fourteen (14) days before the meeting at which they are
- 21 to be heard. Each application or appeal shall refer to the specific provision of the Ordinance involved, and shall set
- 22 forth exactly the interpretation that is claimed, the use for which special exception is sought, a clear description of the
- 23 land involved, or the details of the variance that is applied for and the grounds upon which it is claimed that the
- 24 variance should be granted, as the case may be.
- 25 3a. An appeal to the Board may be taken by any property owner or tenant, other person aggrieved, or by a
- 26 governmental officer, department, board or bureau affected. Such appeal, in a form approved by the Board,
- 27 shall be filed within twenty (20) days after the decision of the Zoning Administrator. The appeal shall be filed
- 28 with the Zoning Administrator, who will transmit the same, together with all the scale plot drawings, plans,
- 29 specifications, and other papers pertaining to the appeal, to the secretary of the Board of Appeals.
- 30 3b. When an appeal has been filed in proper form and with the required data, the Secretary of the Board shall
- 31 immediately notify the Chairman, who will send notices stating the time, place and object of the hearing. Such
- 32 notices shall be served personally or by mail, at least ten (10) days prior to the date of such hearing, upon the
- 33 appellant, to all adjoining property owners, and to such persons as the Board may specify in its rules and
- 34 regulations. The Board shall also publish one or more notices of such hearing in a newspaper of general
- 35 circulation in the Village of New Knoxville at least ten (10) days prior to the public hearing. Any party may
- 36 appear at such hearings in person or by agent or attorney.
- 37 3c. The Board shall decide all appeals within sixty (60) days after completion of hearing. Such decision shall be
- 38 binding upon the Zoning Administrator. The terms and conditions of the decisions by the Board shall be
- 39 incorporated into any permit, whenever a permit is so authorized.
- 40 3d. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator
- 41 certifies to the Board, after notice of appeal shall have been filed with him that by reason of facts stated in the
- 42 appeal, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall
- 43 not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board
- 44 after notice to the Zoning Administrator, or by judicial proceedings.
- 45 4. Upon appeal from a decision by the Zoning Administrator, the Board will have the power to decide any question
- 46 involving the interpretation of Zoning Test or Map, as follows:
- 47 4a. In case there is a question as to the intended meaning of any provision of the zoning text, the Board may
- 48 interpret its meaning as it applies to a particular property. Before reaching a decision in response to any
- 49 request, the Board may obtain the opinion of the Village Solicitor thereon.
- 50 4b. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines as
- 51 shown on the Zoning Map, the Board, after notice of Public Hearing, shall interpret the Map in such a way as to
- 52 carry out the intent and purpose of this Ordinance for the particular section or district in question. In case of
- 53 any question as to the location of any boundary line between zoning districts, an application for interpretation of
- 54 the Zoning Map may be made to the Board, and a determination shall be made by said Board.
- 55 5. The Board may hear and decide, in accordance with the provisions of this Ordinance, applications for conditionally
- 56 permitted uses. In considering an application for a conditional use, the Board shall give due regard the nature and
- 57 condition of all adjacent uses and structures and the consistency herewith of the proposed use and development.
- 58 Before authorizing a use as a conditional use, the Board shall determine whether the proposed use would be hazardous,
- 59 harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration,

dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. Upon authorizing a conditional use, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Ordinance for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and public interest.

6. The Board shall have the power to authorize variances from the provisions or requirements of this Ordinance in accordance with the following:

6a. **Variance:** On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable lot size, bulk, and parking requirements of the Zoning Regulations unreasonable; and therefore, the procedure for variance from these requirements is to provide the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted. No variance shall be granted unless the Board of Zoning Appeals finds that all of the following conditions exist:

- (1) The special circumstances applying to the building or land in question are peculiar to such lot or property and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
- (2) That granting the variance requested will not confer on the applicant any special privilege that is denied by these Zoning Regulations to other lands or structures in the same Zoning District, unless the variance request meets the "special circumstances" of previous variance item (1).
- (3) That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity.

6b. **Application:** Two (2) copies of a provided application accompanied by a copy of the denied Building Permit and a statement of the reason for denial shall be filed with the Zoning Administrator not more than twenty (20) days from the date such denial of the Building Permit is issued. The application shall include the following:

- (1) Every request for a variance shall be accompanied by a \$40.00 fee.
- (2) The nature of the variance, including the specific provisions of the Zoning Regulations upon which the variance is requested.
- (3) A legal description of the property.
- (4) A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.
- (5) A statement showing that the special conditions and circumstances do not result from the actions of the applicant.
- (6) A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
- (7) Three (3) copies of a plot plan drawn to an appropriate scale showing the following:
 - (a) The boundaries and dimensions of the lot.
 - (b) The nature of the special conditions or circumstances giving rise to the application for approval.
 - (c) The proposed use of all parts of the lot and structures, including access ways, walks, off street parking and loading spaces, and landscaping.
 - (d) The relationship of the requested variance to the lot size, bulk, and parking requirements.
 - (e) The use of land and location of structures on adjacent property.
- (8) Such other information regarding the application for appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

6c. **Board of Zoning Appeals' Action:** The Board of Zoning Appeals shall hold a public hearing and either approve or deny the application for a variance based on the criteria stated in these Regulations. The Board of Zoning Appeals shall submit a written record of the reasons for its action to the applicant upon request.

6d. Every permit or variation of the application of the literal provisions of this Ordinance, allowed or granted, as provided in this Section, shall expire and be of no force or effect after the expiration of six (6) months from the date thereof, unless the beneficiary of such variation or permit shall have actually, within said period, put the subject property to the purpose for which such variation or permit use shall have been granted or allowed.

1 **SECTION 500 Amendments**

2
3 Procedure for Amendment or District Changes.

4 This Ordinance may be amended utilizing the procedures specified in Articles 1 - 12 of this section, inclusive of this
5 Ordinance.

6 **1. General:** Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village
7 Council may by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject
8 to procedures provide by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or
9 classification of property.

10 **2. Initiation of Zoning Amendments:** Amendments to this Ordinance may be initiated in one of the following ways:

- 11 1. By the adoption of a motion by the Planning Commission;
- 12 2. By the adoption of a resolution by Village Council;
- 13 3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be
14 changed or affected by said amendment.

15 **3. Contents of Application For Zoning Map Amendment:** Applications for amendments to the Official Zoning Map
16 adopted as part of this Ordinance shall contain at least the following information:

- 17 1. The name, address, and phone number of the applicant;
- 18 2. The proposed amending ordinance, approved as to form by the Village Legal Advisor;
- 19 3. A statement of the reason(s) for the proposed amendment;
- 20 4. Present use;
- 21 5. Present zoning district;
- 22 6. Proposed use;
- 23 7. Proposed zoning district;
- 24 8. A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares,
25 existing and proposed zoning, and such other items as the Zoning Administrator may require;
- 26 9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the
27 street or alley from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the
28 case. Addresses need not be included where more than ten (10) parcels are to be rezoned;
- 29 10. A statement of the ways in which the proposed amendment relates to the comprehensive plan;
- 30 11. A fee as established by the Village Council.

31 **4. Contents of Application For Zoning Text Amendment:** Applications for amendments proposing to change,
32 supplement, amend, or repeal any portion(s) of this Ordinance, other than the Official Zoning Map, shall contain
33 at least the following information:

- 34 1. The name, address, and phone number of the applicant;
- 35 2. The proposed amending ordinance, approved as to form by the Village Legal Advisor;
- 36 3. A statement of the reason(s) for the proposed amendment;
- 37 4. A statement explaining the ways in which the proposed amendment related to the comprehensive plan;
- 38 5. A fee as established by the Village Council.

39 **5. Transmittal to Planning Commission:** Immediately after the adoption of a resolution by the Village Council, or the
40 filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be
41 transmitted to the Commission.
42

- 1 **6. Recommendation by Planning Commission:** Within sixty (60) days from the receipt of the proposed amendment, the
2 Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may
3 recommend that the amendment be granted as requested, or it may recommend a modification of the amendment
4 as requested, or it may recommend that the amendment be denied. The written decision of the Planning
5 Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for
6 their determination that the proposed amendment is or is not consistent with the comprehensive plan.
7
- 8 **7. Public Hearing by Village Council:** Upon receipt of the recommendation from the Planning Commission, Village
9 Council shall schedule a public hearing. Said hearing shall be not more than sixty (60) days from the receipt of
10 the recommendation from the Planning Commission.
11
- 12 **8. Notice of Public Hearing in Newspaper:** Notice of the public hearing shall be given by Village Council by at least
13 one (1) publication in one (1) or more newspapers of general circulation in the Village affected. Said notice shall
14 be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth
15 the time and place of the public hearing and a summary of the proposed amendment.
16
- 17 **9. Notice to Property Owners by Village Council:** If the proposed amendment intends to rezone or redistrict ten (10) or
18 less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of
19 Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property
20 within, contiguous to, and directly across the street or alley from such area proposed to be rezoned or redistricted
21 to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list,
22 and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as
23 provided in this section shall not invalidate any such amendment. The notice shall contain the same information
24 as required of notices published in newspapers.
25
- 26 **10. Action by Village Council:** Within thirty (30) days after the required public hearing, the Village Council shall either
27 adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event
28 the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less
29 than three-fourths of the full membership of Village Council. No such ordinance shall be passed unless it has
30 been fully and distinctly read on three (3) different days except that such ordinance may become emergency
31 legislation if three-fourths of the members of Village Council vote to dispense with this rule.
32
- 33 **11. Effective Date and Referendum:** Such amendment adopted by Village Council shall become effective thirty (30)
34 days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is
35 presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to
36 not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a
37 Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the
38 Village for approval or rejection at the next general election.
39
- 40 **12. Annexation:** All land annexed to the Village subsequent to the adoption of this Ordinance shall remain subject to the
41 previous County or Township zoning district regulation until such time as the Official Zoning Map is amended
42 according to the provisions of this Section. All land annexed to the Village which, prior to annexation, is not
43 subject to County or Township zoning shall remain unzoned until the Official Zoning Map is amended according
44 to the provisions of this Section.
45
46
47

48 **SECTION 520 Essential Services** 49

50 The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any
51 building or structure of any public utility or public facility shall be permitted in any District provided every effort is made
52 to conform to the building design; lot and yard requirements for the District in which it is to be located; and proper
53 safeguards are provided to protect the character and general welfare of this district. A special permit from the Zoning
54 Administrator will be required to assure compliance with this Zoning Ordinance.
55

1 **SECTION 540 Definitions**

2
3 Certain words and phrases used in this Ordinance are defined for the purpose thereof as follows: Words used in the present
4 tense include the future; the singular number includes the plural, and the plural includes the singular; the word "person"
5 includes a corporation as well as an individual; the word "lot" includes the word "plot"; the word "building" includes the
6 word "structure"; the word "occupied" includes the word "designed" or "intended to be occupied"; the word "used"
7 includes the words "arranged", "designed", or "intended to be used"; the word "shall" is mandatory and not discretionary.
8 Whenever the term "Ordinance" appears or shall appear, it shall be interpreted to mean and to refer to the Zoning
9 Ordinance of the Village of New Knoxville, inclusive of all amendments and supplemental sections which have been or
10 may be added thereto.

11 **Accessory Building:** (see Building, Accessory).

12 **Accessory Use of Structure:** A use of a structure subordinate to the principal use of a building, and serving a
13 purpose customarily incidental to the use of the principal building.

14 **Adult Book/Video Store:** A facility, in which at least ten percent (10%) of the publicly accessible store area deals
15 in books, magazines, or other periodical, or video materials that display and are distinguished or
16 characterized by an emphasis on depiction of items listed under "specified sexual activities" or
17 "specified anatomical areas". A facility meeting this definition shall be regulated as a
18 commercial entertainment facility.

19 **Adult Entertainment Business:** Any commercial entertainment facility involved in the sale or services of products
20 characterized by salacious conduct appealing to prurient interest for the observation or
21 participation in by the patrons, the exposure or presentation of specified anatomical areas or
22 physical contact of live males or females. These activities are characterized by, but not limited
23 to, photography, dancing, stripping, reading, massage, male or female impersonation, and
24 similar functions which utilize activities as stated in "specified sexual activities".

25 **Adult Entertainment Facility:** A commercial entertainment facility having a significant portion of its function as adult
26 entertainment which includes "adult book/video store", "adult entertainment theater", or "adult
27 entertainment business".

28 **Adult Entertainment Theater:** A commercial entertainment facility used to a substantial extent for presenting material
29 distinguished or characterized by all items listed in "specified sexual activities" or "specified
30 anatomical areas".

31 **Alley:** A public right of way, primarily for vehicular access to the back or side of properties. An alley
32 should never be construed as a street.

33 **Alterations, Structural:** Any change in the supporting members of a building, such as walls, floors, columns, beams, or
34 girders.

35 **Apartment:** Two (2) or more rooms, designed for, arranged for intended for, or occupied as a residence by
36 one (1) family.

37 **Apartment House:** Any building housing three (3) or more apartment units providing said units are the principal
38 use of the building.

39 **Billboard:** Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for
40 advertising purposes of goods or services not offered on the premises, and other than those signs
41 specifically mentioned.

42 **Board:** The Board of Zoning Appeals of the Village of New Knoxville, Ohio.

43 **Boarding House, Rooming House, Lodging House or Dormitory:** A building or part thereof, other than a hotel or
44 restaurant, where meals and/or lodging are provided for compensation, for three (3) or more
45 persons and where no cooking or dining facilities are provided in individual rooms.

46 **Building:** Any permanent or movable structure having a roof supported by columns or walls, used or
47 intended to be used for the shelter or enclosure of persons, animals, or property. At no time
48 shall this definition be construed to include mobile homes.

49 **Building Permit:** (see Permit, Building, Zoning & Location)

50 **Building, Accessory:** An accessory building is a subordinate building which is customarily incidental to, and located
51 on the same lot as the principal building in the zoning district. The building may be separate
52 from the principal building or attached (e.g. attached garage) to the principal building. See
53 Section 420 footnote (D) for required setbacks pertaining to garage entrances.

1	Building, Height of:	The vertical distance from the average contact ground level at the front wall of the building to
2		the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge
3		for gable, hip or gambrel roofs.
4	Building, Principal:	The building in which the main or chief use permitted on the zoned lot is conducted.
5	Condominium:	A building or group of buildings, in which each family dwelling unit is individually owned and
6		occupied by the owner; but, the structure, common areas and facilities are owned on a
7		proportional, undivided basis by all of the owners.
8	Corner Lot:	(see Lot, Corner)
9	Coverage:	The percentage of the lot area which is covered by any building or part thereof.
10	Dwelling:	Any building or portion thereof designed or used as the residence of one (1) or more persons,
11		but not including a tent, cabin, recreational vehicle, mobile home, tree house, children's
12		playhouse or a room in a hotel or motel.
13	Dwelling Unit:	One (1) room, or a suite, or two (2) or more rooms designed for or used by one (1) family for
14		living and sleeping purposes and having only one (1) kitchen or kitchenette.
15	Dwelling, Detached:	A building having no party wall in common with another building.
16	Dwelling, Multi-Family:	A building or portion thereof designed for or used by three (3) or more families or housekeeping
17		units.
18	Dwelling, Rear:	A second dwelling on a lot, located to the rear of the principal building.
19	Dwelling, Single-Family:	A building designed for or used for residence purposes by one (1) family or housekeeping unit.
20	Dwelling, Two-Family:	A building designed for or used by two (2) families or housekeeping units.
21	Family:	A person living alone, or two (2) or more persons living together as a single housekeeping unit,
22		in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house,
23		dormitory, motel or hotel.
24	Filling Station:	Any building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion,
25		which can include space and facilities for washing, polishing greasing and serving motor
26		vehicles.
27	Floor Area:	The total horizontal floor area (square feet) of all areas suitable for year round living inclusive
28		of exterior and interior wall thickness. Floor area <u>shall not</u> include cellars, basements; elevator
29		and stair bulkheads; attic space; terraces; breezeways; patios; open porches; enclosed unheated
30		porches; entrance steps; garages. Measurements of the floor area shall be taken to the outside of
31		the exterior foundation.
32	Front Entrance:	A required entrance to each individual dwelling unit from the "Front Lot Line".
33	Garage, Private:	A detached accessory building or a portion of the principal building used only for the storage of
34		vehicles and incidental personal property.
35	Garage, Public:	A building or portion thereof, other than a private garage or filling station, used for equipping,
36		servicing, repairing, renting, selling or storing vehicles, or similar equipment.
37	Height of Building:	(see Building, Height of)

1	Home Occupation:	An occupation conducted in a dwelling unit, provided that: No person other than members of
2		the family residing on the premises shall be engaged in such occupation; The use of the dwelling
3		unit for the home occupation shall be clearly incidental and subordinate to its use for residential
4		purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the
5		dwelling unit shall be used in the conduct of the home occupation; There shall be no change in
6		the outside appearance of the building or premises, or other visible evidence of the conduct of
7		such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-
8		illuminated, and mounted on the wall of the principal building; There shall be no outside storage
9		of any kind related to the use, and only commodities produced on the premises may be sold on
10		the premises, no display of products may be visible from the street; No traffic shall be generated
11		by such home occupation in greater volumes than would normally be expected in a residential
12		neighborhood, and any need for parking generated by the conduct of such home occupation
13		shall be met off the street and other than in a required front yard; No equipment or process shall
14		be used in such home occupation which creates noise, vibration, glare, fumes, odors, or
15		electrical interference detectable to the normal senses off the lot. In the case of electrical
16		interference, no equipment or process shall be used in which creates visual or audible
17		interference in any radio or television receivers off the premises, or causes fluctuations in line
18		voltage off the premises.
19		All home occupation individuals shall be registered for New Knoxville Village Income Tax.
20	Hotel:	A building occupied primarily as the temporary abiding place of individuals who are lodged
21		with or without meals, and in which there are more than twelve (12) sleeping rooms or
22		apartments.
23	Junk Yard:	A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled,
24		packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used
25		lumber yards and places or yards for storage or salvaged house wrecking and structural steel
26		materials and equipment; but not including such places where such uses are conducted entirely
27		within a completely enclosed building, and not including pawn shops and establishments for the
28		sale, purchase, or storage of used furniture and household equipment, used care in operable
29		condition, or salvaged materials incidental to manufacturing operation.
30	Living Area:	(see Floor Area)
31	Lot:	A piece, parcel or tract of land occupied or intended to be occupied by a principal building or a
32		group of such buildings and accessory buildings or utilized for a principal use and uses
33		accessory thereto, together with such open spaces as required by this Ordinance, and having
34		frontage on a public street.
35	Lot Area:	The computed area (square feet) contained within the lot lines.
36	Lot Depth:	The mean horizontal distance between the front and the rear lot lines.
37	Lot Lines:	The property lines bounding the lot.
38	Lot Line, Front:	The line separating the lot from the street.
39	Lot Line, Rear:	The lot line opposite and most distant from the front lot line.
40	Lot Line, Side:	Any lot other than a front or rear lot line. A side lot line separating a lot from a street is called a
41		side street lot line. A side lot line separating a lot from another lot or lots is called an interior
42		side lot line.
43	Lot Size:	(see Lot Area)
44	Lot Width:	The width of the lot measured at the building setback line.
45	Lot, Corner:	A lot at the juncture of and fronting on two (2) or more intersecting streets.
46	Mobile Home:	A dwelling unit designed for transportation after fabrication; and upon arrival at a site and after
47		location on wheels, jacks, or permanent foundation, and connection of utilities is ready to be
48		occupied as a dwelling unit without any additional assembly other than minor non-structural
49		components. As specified in this Ordinance, mobile homes <u>are prohibited</u> in all zoning districts
50		within the Village of New Knoxville. This description is not intended to include recreational
51		vehicles.

Modular Home:	A single or two-family modular dwelling unit, designed for transportation after fabrication on streets, highways, land, air, or water; each section of the module containing "floor area" as defined by this Ordinance; and, upon arrival at the site it is final assembled, located on a Permanent Foundation, permanently connected to Village utilities, and occupied as a dwelling unit.
Motel or Tourist Court:	A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.
Nonconforming Use:	A building, structure or premises legally existing or used at the time of adoption of this Ordinance, and which does not conform with the use regulations prescribed by this Ordinance for the district in which located.
Off Street Parking:	(see Parking Space)
Parking Space:	The area required for parking one (1) automobile, which in this Ordinance is held to be an area no less than ten (10) feet wide and twenty (20) feet long, either within a structure or in the open, exclusive of driveways or access drives, each space having direct access to a street or alley. (see the diagram in Section 260.5a for additional explanation)
Permanent Foundation:	Masonry or concrete wall on a poured concrete footer; or a four (4) inch thick concrete slab with a minimum twelve (12) inch deep x six (6) inch wide perimeter, the entire slab being poured as a single unit.
Permit, Building, Zoning & Location:	A permit issued by the Zoning Administrator for the construction, alteration or location of any building or structure.
Race Track	A race track means any existing, proposed, or future race track, either open to the public or operated on a private or semipublic basis, whether or not operated for a profit, where there is operation of any motor vehicle or human powered land vehicle, including but not limited to: Go-Karts, ATVs, bicycles, remote controlled devices, scooters as well as animals of any kind including horses or dogs, whether for rides, rentals, demonstrations and/or testing.
Recreational Vehicle (RV):	A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a truck or automobile, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
Residence:	(see Dwelling Unit)
Setback Line:	The closest point at which a building may be constructed in relation to the lot lines with the following exclusions; <ul style="list-style-type: none"> (a) a thirty (30) inch maximum roof overhang (gable extension or eave) including any drain spouting; (b) non enclosed steps, porch or patio leading to a building entrance (non enclosed meaning: no roof over the steps, porch or patio).
Specified Anatomical Areas:	Areas of the human body as follows: <ul style="list-style-type: none"> (a) Human genitals, pubic region, buttock, and the areola area of the female breasts which are less than completely or opaquely covered; (b) Human male genitals in a discernible turgid state, even if completely or opaquely covered.
Specified Sexual Activities:	Activities such as: <ul style="list-style-type: none"> (a) Human genital in a state of sexual stimulation or arousal; (b) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.
Story:	The portion of a building included between the surface of any floor and the surface of the floor next above it, if there be no floor above it, then the space between the floor and the ceiling next above it.
Structure:	Anything constructed, the use of which requires location on the ground or attachment to something having a location on the ground.
Swimming Pool	A structure constructed or placed below ground or above ground, which contains water in excess of 24 inches in depth and is suitable or utilized for swimming or wading.

Temporary Building Structure: Any moveable, membrane type enclosure intended to provide temporary shelter or protection from the elements for stored materials, vehicles or other items. This would include structures covered with fabric, tarp, plastic, light weight sheet metal or similar light weight material, supported by metal, fiber glass, wood or similar frameworks, whether on a temporary or permanent foundation, or no foundation at all. A structure not designed to be incorporated into the architectural appearance of an existing permanent building on the same lot. These structures are typically not aesthetically nor architecturally compatible with surrounding buildings and other building features. Such temporary enclosures are to be considered structures under this Ordinance, and as such are governed by the same setback requirements as an accessory building governed by this Ordinance. The New Knoxville Zoning Administrator shall make a determination whether a proposed structure is subject to this definition and any regulations relating thereto. In this Ordinance, "temporary building structure" shall be referred to as "enclosure(s)".

Variance: A variation from a strict interpretation of the terms of this Ordinance, owing to peculiar conditions or circumstances which apply only to the property in question, and no other. As used in this Ordinance, a variance is authorized only for height, area, yard, or setback requirements.

Yard: An open space at grade between the edges of a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Front: An open space extending the full width of the lot between the edge of a building and the front lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided.

Yard, Rear: An open space extending the full width of the lot between the edge of a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Side: An open space extending from the front yard to the rear yard between the edge of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as otherwise provide herein.

Zoning Administrator: The person authorized to issue building, zoning and location application/permits and to enforce the zoning ordinance of the Village of New Knoxville, Ohio, as designated by the Mayor and approved by a majority vote of Council. The Zoning Administrator may be removed without cause by the Mayor with the consent of a majority of the Council; or may be removed without cause by the affirmative vote of three-fourths (3/4) of the members elected to the Council without the consent of the Mayor.

1 **SECTION 560 Penalty for Violation**

2
3 Any person, partnership, company, corporation, or any other entity of any kind or combination of persons of any kind not
4 complying with this Ordinance or with any of the requirements thereof, or who shall build or alter any building in violation
5 of any detailed statement or plan submitted and approved there under, shall for each and every violation or non-compliance
6 be guilty of a misdemeanor, and upon conviction thereof shall be fined \$50.00 per day for the first thirty (30) days, and
7 \$100.00 per day for each day thereafter, and each day shall be considered a separate offense. The owner or owners of any
8 building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, and any
9 architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in
10 the commission of any such violation, shall each be guilty of a separate offense and upon conviction thereof shall be fined
11 or imprisoned as herein provided.
12
13
14

15 **SECTION 580 Invalidity of a Part**

16
17 If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid by a
18 Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
19
20
21

22 **SECTION 600 Repeal of Existing Ordinances**

23
24 All ordinances or parts of ordinances inconsistent with or in conflict with this Zoning Ordinance, and all additions and
25 amendments thereto are hereby repealed by the adoption of this Ordinance.
26

1 **SECTION 620 Date of Effect**

This emergency Ordinance is hereby declared to be necessary for the immediate preservation of the public peace, health and safety of said Village; and for the further reason that the immediate passage of said Ordinance is necessary to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; wherefore, this Ordinance shall be in full force and take effect from and after the earliest period allowed by law.

Passed August 11, 2021.

ATTEST:

Abigail Homan
Abigail Homan
Village Fiscal Officer

Keith Leffel
Keith Leffel
Mayor

Jason This
Jason This
Village Solicitor

AFFIDAVIT OF POSTING

STATE OF OHIO, COUNTY OF AUGLAIZE:

I, Abigail Homan, Village Clerk/Treasurer, Village of New Knoxville, Ohio, being first duly sworn, depose and say that on the 11th day of August, 2021, I posted Ordinance O-2021-08-02 as provided.

Abigail Homan
Abigail Homan
Fiscal Officer

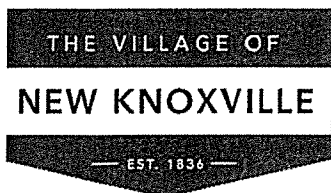
Sworn in my presence this 11th day of August, 2021.

Jason This
Jason This
Notary Public

2



JASON E. THIS, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Sec 147.03 R.C.



VILLAGE OF NEW KNOXVILLE

101 South Main Street
PO Box 246
New Knoxville, Ohio 45871-0246
Phone: 419-753-2160
Fax: 419-753-2119
www.newknoxville.com

The Village of New Knoxville Community Improvement Corporation (CIC) and Planning Commission met on July 28, 2021 @ 7:00 pm in the Village's Town Hall.

CIC members present: Keith Leffel, Duane Stienecker, Brian Jones, Jason This, Larry Kellermeyer, Ryan Miltner, Kort Fledderjohann, Dave Bambauer and Mark Howe


Planning Commission members present: Keith Leffel, Brian Jones, Jeff Henschen, Gregg Weadock, Kent Miller and Justin Parsons

Agenda Item #1: Zoning Ordinance Update (Planning Commission only): Adoption of the Village Council's recommendation changes to the Zoning Ordinance 0-2007-10-03.

- Include in motion: Dirt Racing Track exclusion.
- Existing pools are not grandfathered in – question was asked by Gregg Weadock
- Motion to Accept: Kent Miller
- Second by: Jeff Henschen
- Adoption of updated zoning changes passed unanimously.

Agenda Item #2: Consideration of Chris Leffel's request for a lot split w/dividing wall for his property at 226 & 228 N. Main Street (Planning Commission):

- Jason This started the meeting by reading the current zoning requirements pertaining to lot splits within the Village.
- Jim Brazen (representative from LakeShore Realty) discussed the issue from a seller's perspective.
 - o Chris Leffel will be adding a privacy fence between each side's back patio area.
 - o They currently have (2) buyers; one from Minster and one from Sidney.
- Chris Holland questioned if the properties in question are allowed to have renters. No supporting documentation was presented.
- Dale Niemeyer would support a lot split; but also voiced a concern for the future of lot splits within Westphalia subdivision.
- Lisa Roettger asked how maintenance items like the roof, driveway, exterior and other longer term maintenance issues would be handled.
- Keith Leffel discussed how the condo agreement documents have not been recorded and how this may be causing some confusion with potential buyers and financial institutions. He also asked why this agreement was never filed.
- Brian Jones questioned if a dividing wall agreement can be changed in the future. The answer is "yes" as long as both owners would be in agreement.
- Kent Miller supports the current zoning and appreciates what the zoning has done for the Village.
- There was a discussion that the potential buyers do not have a lot split w/dividing wall agreement in existence. No one presented what the final agreement would contain.
- Kent Miller discussed how the units were built as condos.
- **Motion to move to Executive Session:** Kent Miller
- Second by: Gregg Weadock
- Planning Commission voted and moved into Executive Session
- **Motion to move back to Regular Session:** Jeff Henschen
- Second by: Justin Parsons
- Planning Commission voted and moved back into Regular Session
- Jason This reviewed Village's current Zoning Ordinance and if there is a need for special circumstances.
- **Motion to Deny request:** Justin Parsons

Keith Leffel Mayor mayor@newknoxville.com	Larry Kellermeyer Administrator admin@newknoxville.com	Abby Homan Fiscal Officer fiscal.officer@newknoxville.com	Juanita Williams Utility Clerk utilityclerk@newknoxville.com	American Municipal U 
Doug Cain Supt. of Electric & Public Works	Shane Puckett Supt. of Water	John Dirksen Supt. of Parks & General Services		

Village of New Knoxville

- Second by: Kent Miller
- Denial of Variance Request was unanimous.
- Motion to Adjourn Planning Commission: Gregg Weadock
- Second by: Brian Jones

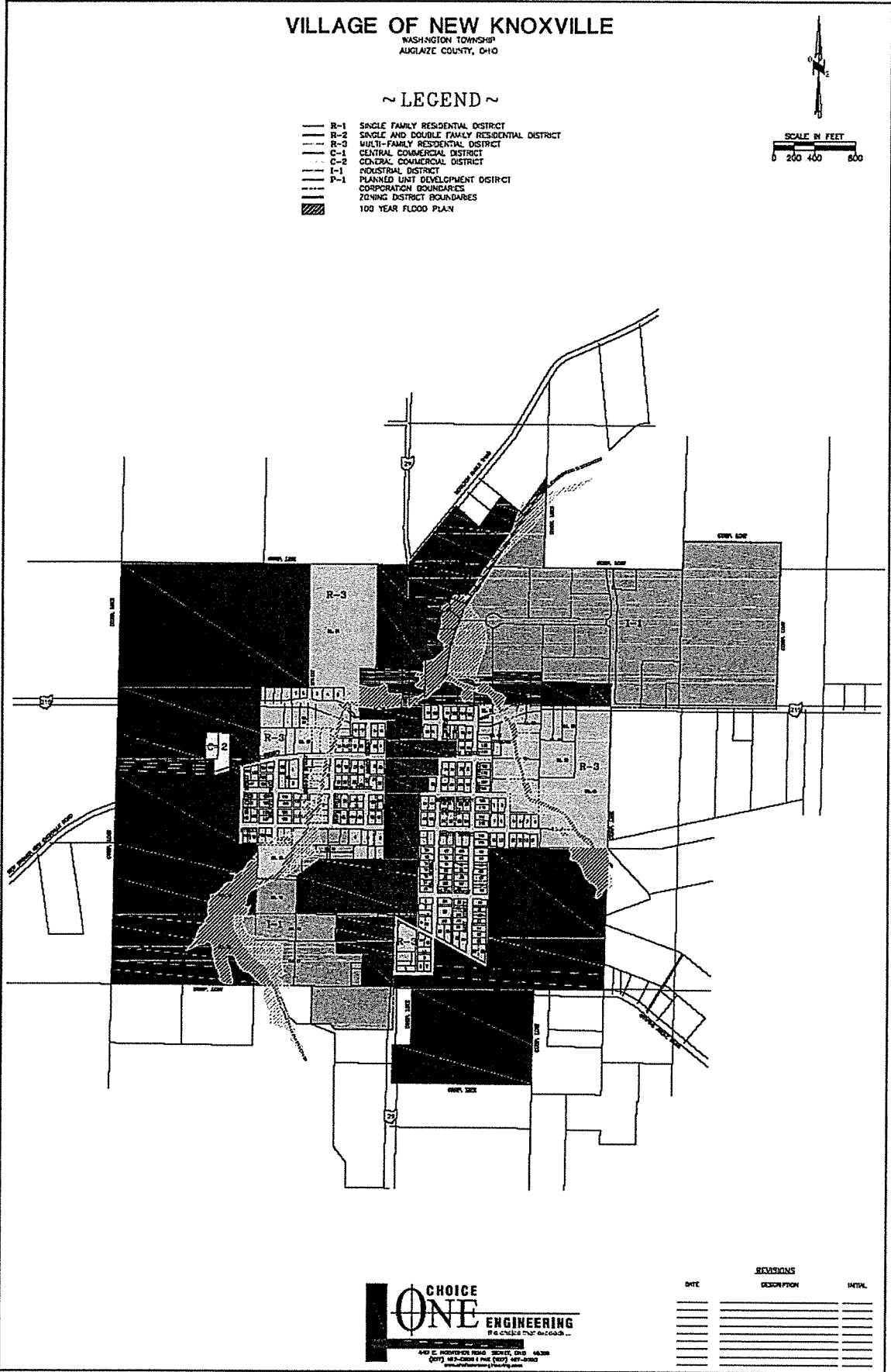
Agenda Item #3: CIC approval of Cris Holland's accessory building request.

- Plans were reviewed.
- Building needs to be built on a permanent foundation.
- Siding to match existing house.
- Roof will be metal and will match existing house.
- **Motion to Approve:** Brian Jones
- Second by: Duane Stienecker
- Approval passed unanimously
- **Motion to Adjourn:** Dave Bambauer
- Second by: Brian Jones



Larry Kellermeyer
Village Administrator

APPENDIX B: Zoning & Floodplain Map



101 South Main Street
PO Box 246
New Knoxville, Ohio 45871-0246
Phone: 419-753-2160
Fax: 419-753-2119

Property Location (street address)			
Auglaize Parcel ID # (if known)			
Name of Property Owner			
Mailing Address			
Phone Number	Home:	Work:	
Existing Property Use (check one)	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial		
Proposed Property Use (check one)	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial If the proposed use is Commercial or Industrial, enclose a detailed description of the nature of the business.		
Lot Size	Width: _____ (front)	Width: _____ (rear)	Depth: _____ Square Feet: _____ (or acreage)
Type of Construction (check all that apply)	<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Remodeling <input type="checkbox"/> Accessory Building <input type="checkbox"/> Fence <input type="checkbox"/> Sign <input type="checkbox"/> Swimming Pool		
Present Building(s) - Dimensions (include all buildings)	Square Feet: _____ (at foundation)	Height: _____	Stories: _____
New Building Construction Dimensions	Square Feet: _____ (at foundation)	Height: _____	Stories: _____
New Building Foundation (check one)	<input type="checkbox"/> Masonry/Concrete Wall <input type="checkbox"/> Concrete Slab <input type="checkbox"/> Wood Skids		
If Residential	Number of Dwelling Units: _____ Living Area per Unit (sq. ft.): _____ Off-Street Parking Spaces: _____		
If Commercial or Industrial	Number of Loading Docks: _____ Off-Street Parking Spaces: _____		
Estimated cost of the project	\$ _____ .00		

N.K. Zoning Administrator